

Issuer:	Riigikogu
Type:	act
In force from:	01.07.2022
In force until:	31.01.2023
Translation published:	27.06.2022

Courts Act

Passed 19.06.2002
RT I 2002, 64, 390
Entry into force 29.07.2002

Amended by the following acts

Passed	Published	Entry into force
29.01.2003	RT I 2003, 21, 121	15.03.2003
18.12.2003	RT I 2003, 90, 601	01.01.2008
07.04.2004	RT I 2004, 27, 176	01.05.2004
19.05.2004	RT I 2004, 46, 329	01.07.2004
28.06.2004	RT I 2004, 56, 403	01.03.2005
22.02.2005	RT I 2005, 15, 85	01.01.2006
15.06.2005	RT I 2005, 39, 308	01.01.2006
15.12.2005	RT I 2005, 71, 549	01.01.2006
26.01.2006	RT I 2006, 7, 42	04.02.2006
15.03.2006	RT I 2006, 15, 118	14.04.2006
11.10.2006	RT I 2006, 48, 357	18.11.2006
23.11.2006	RT I 2006, 55, 411	23.12.2006
06.12.2006	RT I 2006, 61, 456	01.01.2007
25.01.2007	RT I 2007, 16, 77	01.01.2008
21.11.2007	RT I 2007, 67, 413	28.12.2007
20.02.2008	RT I 2008, 13, 85	24.03.2008
20.02.2008	RT I 2008, 13, 85	01.01.2009
20.03.2008	RT I 2008, 17, 118	01.06.2008
08.05.2008	RT I 2008, 20, 139	01.01.2009
19.06.2008	RT I 2008, 29, 189	01.07.2008
10.12.2008	RT I 2008, 59, 330	01.01.2009
18.12.2008	RT I 2009, 4, 27	26.01.2009
20.02.2009	RT I 2009, 15, 93	01.03.2009
18.02.2009	RT I 2009, 15, 94	10.03.2009, applicable to persons in respect to whom a judgment of conviction enters into force after entry into force of the Act.
16.12.2009	RT I 2009, 67, 460	01.01.2010
09.12.2009	RT I 2009, 68, 463	10.01.2010
16.12.2009	RT I 2010, 1, 2	enters into force on the date of commencement of the mandate of the XII composition of the Riigikogu, date of entry into force changed to 01.01.2012; date of entry into force changed in part to 01.01.2013 [RT I, 28.12.2011, 1]; 01.07.2013 [RT I, 29.12.2012, 1]
24.11.2010	RT I, 20.12.2010, 1	01.01.2011
08.12.2010	RT I, 28.12.2010, 6	01.01.2012
27.01.2011	RT I, 23.02.2011, 1	01.09.2011
27.01.2011	RT I, 23.02.2011, 3	01.01.2012
09.02.2011	RT I, 04.03.2011, 1	01.04.2011

07.12.2011	RT I, 28.12.2011, 1	01.01.2012, in part on the 10th day following the date of publication of this Act in the Riigi Teataja.
06.06.2012	RT I, 29.06.2012, 3	01.01.2013, in part 01.07.2012
13.06.2012	RT I, 06.07.2012, 1	01.04.2013
13.06.2012	RT I, 10.07.2012, 3	01.04.2013
12.12.2012	RT I, 29.12.2012, 1	01.01.2013, in part 01.04.2013 and 01.07.2013
12.12.2012	RT I, 29.12.2012, 2	01.01.2013
11.12.2013	RT I, 23.12.2013, 1	01.01.2014, in part 01.01.2015 and 01.01.2020
04.02.2014	RT I, 06.02.2014, 13	04.02.2014 – The judgment of the Supreme Court en banc declares unconstitutional and invalid subsection 2 of § 125 ¹ of the Courts Act and subsection 8 of § 174 of the Code of Civil Procedure to the extent pursuant to which the law clerk may determine the case costs in civil procedure.
11.06.2014	RT I, 21.06.2014, 8	01.01.2015, in part 01.07.2014
12.06.2014	RT I, 21.06.2014, 11	01.07.2014
26.06.2014	RT I, 04.07.2014, 34	26.06.2014 – The judgment of the Supreme Court en banc declares unconstitutional and invalid subsection 2 of § 132.7 of the Courts Act, and declares invalid § 82 of the Courts Act by clause 2 of § 3 of the Payment of Salaries Related to Estonian Average Wages Temporary Organisation Act, Salaries of Higher State Servants Act, and Act on Amendment to Courts Act to the extent these did not allow to recalculate the judges' old-age pensions based on the judges' salaries on 1 July 2013.
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers replaced on the basis of subsection 4 of § 107 ³ of the Government of the Republic Act.
19.11.2014	RT I, 13.12.2014, 1	01.01.2016, date of entry into force changed to 01.07.2016 [RT I, 17.12.2015, 1]
02.12.2014	RT I, 23.12.2014, 1	01.01.2015
09.12.2014	RT I, 22.12.2014, 9	01.01.2015
18.02.2015	RT I, 10.03.2015, 3	01.04.2015
22.10.2015	RT I, 24.10.2015, 1	22.10.2015 – To declare unconstitutional and invalid § 132 ⁵ of the Courts Act to the extent that it does not allow to determine the survivor's pension of family members of judges if the person who received judge's pension died or dies after 30 June 2013.
25.11.2015	RT I, 17.12.2015, 1	20.12.2015, in part 01.07.2016
01.06.2016	RT I, 22.06.2016, 1	01.01.2018
07.06.2016	RT I, 22.06.2016, 21	01.08.2016
07.12.2016	RT I, 21.12.2016, 1	01.03.2018
15.12.2016	RT I, 28.12.2016, 14	07.01.2017, in part 11.01.2017
14.06.2017	RT I, 04.07.2017, 1	01.01.2018
22.11.2017	RT I, 05.12.2017, 1	15.12.2017, in part 01.01.2018
19.12.2017	RT I, 21.12.2017, 46	19.12.2017 – Decision of the Constitutional Review Chamber of the Supreme Court declares unconstitutional and invalid subsection 21 of § 132 ² of the

06.12.2017	RT I, 28.12.2017, 1
09.05.2018	RT I, 31.05.2018, 2
17.10.2018	RT I, 26.10.2018, 1
20.02.2019	RT I, 13.03.2019, 1
23.10.2019	RT I, 06.11.2019, 1
04.12.2019	RT I, 19.12.2019, 1
20.05.2020	RT I, 02.06.2020, 1
10.06.2020	RT I, 20.06.2020, 1
16.12.2020	RT I, 04.01.2021, 4
20.01.2021	RT I, 28.01.2021, 1
16.03.2021	RT I, 17.03.2021, 2
13.10.2021	RT I, 22.10.2021, 2
01.06.2022	RT I, 20.06.2022, 1
23.02.2022	RT I, 28.02.2023, 15

Courts Act to the extent that this rule does not prescribe the right to apply for the judges' old-age pensions pursuant to subsection 2 of § 1322 of the Courts Act which was in force until 1 July 2016, to judges whose 100, 90 or 80% permanent loss of capacity for work which arose before 1 July 2016 was not established due to objective reasons deriving from the state of health of the judge pursuant to the State Pension Insurance Act before 1 July 2016, and does not enable retroactive establishment of the time when the judge permanently lost their capacity for work.

01.01.2018, in part 01.03.2018

10.06.2018, in part 01.01.2021

01.04.2022

01.01.2020, in part 23.03.2019

15.11.2019

01.01.2020

12.06.2020

30.06.2020, in part 01.01.2021

01.02.2021, in part 01.01.2022

08.02.2021

16.03.2021 – The resolution of the Constitutional Review Chamber of the Supreme Court declares invalid § 132.5 of the Courts Act to the extent that precludes the grant and payment of the judges' survivor's pension to the family members of the judges who held the office after 31 December 1991 and before 2 July 2013.

01.04.2022

01.07.2022

23.02.2023 – the decision of the Constitutional Review Chamber of the Supreme Court declares the part of the sentence “except the pension calculated on the basis of the salary of the current year” of subsection 2 of § 132# of the Courts Act to be unconstitutional and invalid.

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application of Act

This Act provides the legal grounds for administration of the courts and court service.

§ 2. Administration of justice and independence of court

(1) Justice is administered solely by the courts.

(2) No one has the right to interfere with the administration of justice.

(3) Acts which are directed at disrupting the administration of justice are prohibited at courts and in the vicinity thereof.

§ 3. Main guarantees for independence of judges

(1) Judges are appointed for life.

(2) Judges may be removed from office only by a judgment.

(3) Criminal charges against a judge of a court of first or second instance may be brought during their term of office only on the proposal of the Supreme Court *en banc*, and with the consent of the President of the Republic.

(4) Criminal charges against a justice of the Supreme Court may be brought during their term of office only on the proposal of the Chancellor of Justice with the consent of the majority of all members of the Riigikogu.

§ 4. Jurisdiction of court

(1) Jurisdiction of a court is provided by law.

(2) A case may be transferred from the jurisdiction of one court to the jurisdiction of another court only on the grounds and in accordance with the rules provided by law.

§ 5. Working language of courts

(1) Judicial proceedings and clerical business in courts are conducted in Estonian.

(2) The use of another language in judicial proceedings is provided by the Acts of procedure.

§ 6. Working hours of court

(1) Judges organise their working hours independently. A judge must perform their duties within reasonable time, having regard to the procedural time limits prescribed by law.

(2) Trials or hearings are held between 9:00 and 18:00 on working days. A trial or hearing may continue after such time where the court finds it justified in the interests of administration of justice.

(3) For adjudication of a criminal case by fast-track procedure, imposing a sentence for a misdemeanour, applying a compliance enforcement measure or granting permission to take an administrative measure, hearings may also be held at another time.

[RT I 2006, 15, 118 – entry into force 14.04.2006]

(4) On-call time is the time during which a judge must be available outside the independently organised working hours in order to perform unforeseen or urgent service duties provided by law.

[RT I, 13.03.2019, 1 – entry into force 01.01.2020]

§ 7. Judicial institution

(1) District Courts, Administrative Courts, Circuit Courts of Appeal and the Supreme Court are judicial institutions.

(2) A judicial institution has its own budget and a seal bearing the small national coat of arms.

(3) Judicial institutions are registered in the state register of agencies of the State and local authorities pursuant to the procedure provided in the statutes of the register.

[RT I 2005, 15, 85 – entry into force 01.01.2006]

§ 8. Court service

(1) Court service is employment in a judicial institution. Judges and court officers are in court service.

(2) The Civil Service Act applies to judges only in the cases provided in this Act.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(3) The Civil Service Act applies to court officers unless otherwise prescribed by this Act.

§ 8¹. Access of judges to state secrets and classified information of foreign states

(1) Judges have the right by virtue of office to access state secrets and classified information of foreign states in order to perform duties assigned to them by the Constitution or Acts of the Republic of Estonia and by legislation issued on the basis thereof.

(2) Where conduct of a security vetting is a mandatory prerequisite for granting the right of access to classified information of foreign states pursuant to an international treaty, the security vetting is conducted also in respect to judges.

(3) To pass the security vetting specified in subsection 2 of this section, a judge completes the form to apply for a security clearance for access to state secrets and signs the consent which permits the authority conducting security vetting to obtain information concerning the person from natural and legal persons and agencies and bodies of the State and local authorities during the conduct of the security vetting, and submits these to the chief judge.

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(4) The chief judge determines the agency conducting the security vetting in respect to the judge to which the chief judge forwards the documents specified in subsection 3 of this section.

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(5) The security authority submits the information collected in respect to the judge in the course of the security vetting within three months after receipt of the documents specified in subsection 3 of this section to the chief judge. The chief judge submits a reasoned request for granting the judge the right of access to classified information of foreign states together with the data collected in the course of the security vetting to the Supreme Court *en banc* to decide whether the judge has passed the security vetting. A Personnel Security Clearance is issued pursuant to the procedure prescribed in the State Secrets and Classified Information of Foreign States Act.

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

§ 8². Registration of procedural documents in court

(1) Any procedural documents received in and sent from court are registered in the court information system and court file. A specified procedure for registration is prescribed in the internal rules of the court office.

(2) Procedural documents received in and sent from court are not registered in the register of documents in case the party to proceedings is provided with access to the procedural documents through a webpage or information system.

[RT I 2009, 68, 463 – entry into force 10.01.2010]

Chapter 2 COURTS OF FIRST INSTANCE

Subchapter 1 District Courts

[RT I 2005, 15, 85 - entry into force 01.01.2006]

§ 9. District Courts

(1) District Courts as the courts of first instance deal with civil, criminal and misdemeanour cases. District Courts perform also other acts placed within their jurisdiction by law.

(2) The following are District Courts:

- 1) Harju District Court;
- 2) Viru District Court;
- 3) Pärnu District Court;
- 4) Tartu District Court.

(2¹) A District Court has one or several courthouses.

(3) Courthouses are located in the judicial district of a District Court. The minister in charge of the policy sector determines the exact location and service areas of courthouses. The location of every courthouse is also the location of the District Court.

(4) The structure of District Courts and the composition of the staff of court officers are determined by the director of court, except to the extent related to the performance of the function of administration of justice. To this extent, the structure of the court and the composition of the staff of court officers are determined by the chief judge. The provisions of § 43 of this Act are taken into consideration in determination of the structure of a court and the composition of the staff of court officers.

[RT I 2005, 15, 85 – entry into force 01.01.2006]

§ 10. Judicial district of District Courts

(1) The judicial districts of District Courts are determined by the minister in charge of the policy sector.

(2) Courts which adjudicate cases of a particular type without considering the judicial district may be provided by law.

[RT I 2005, 15, 85 – entry into force 01.01.2006]

§ 10¹. Location of hearing civil, criminal or misdemeanour cases

[Repealed – RT I, 23.02.2011, 1 – entry into force 01.09.2011]

§ 11. Number of District Court judges

The number of judges in each District Court and their division among courthouses are determined by the minister in charge of the policy sector after having heard the opinions of the chief judge of the District Court and the chief judge of the Circuit Court of Appeal in whose judicial district the court is located.

[RT I 2005, 15, 85 – entry into force 01.01.2006]

§ 11¹. Permanent place of service of a District Court judge

[RT I 2005, 15, 85 – entry into force 01.01.2006]

(1) The permanent place of service of a District Court judge is in the courthouse where they have been appointed by the Supreme Court *en banc* (subsection 3 of § 55), the full court (subsection 1 of § 57) or the chief judge (subsection 2 of § 57).

[RT I 2008, 59, 330 – entry into force 01.01.2009]

(1¹) Where the appointed chief judge of a District Court is a judge who immediately before the appointment served in another court, they are to independently determine the courthouse of their permanent place of service for the duration of the chief judge's term of office.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(2) A judge may not refuse to hear a case in another courthouse of the same District Court.

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(3) If a judge hears a case in a courthouse which is not their permanent place of service, the travel and accommodation expenses, as well as other secondment expenses are reimbursed to the judge on the conditions and pursuant to the procedure established under subsection 5 of § 44 of the Civil Service Act.

[RT I, 20.06.2020, 1 – entry into force 30.06.2020]

§ 12. Chief judges of District Courts

(1) The chief judge of a District Court is appointed from among the judges of courts of first and second instance for a term of seven years. The chief judge of a court is appointed by the minister in charge of the policy sector after having heard the opinion of the full court for which the chief judge is being appointed.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(1¹) Where the appointed chief judge of a District Court is a judge whose permanent place of service was at another court, the number of judges in the District Court may be larger than determined on the basis of § 11 of this Act.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(1²) Where the appointed chief judge of a District Court is a judge of a Circuit Court of Appeal, they continue to receive the salary of the judge of the Circuit Court of Appeal, to which additional remuneration for the performance of the chief judge's duties is added.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(2) The chief judge of a District Court represents and directs the judicial institution within the limits of their competence. The chief judge of a court is responsible for administration of justice in the court pursuant to the established procedure.

(3) The chief judges of District Courts:

- 1) organise activities in the area of administration of justice;
- 2) approve the draft budget of the court prepared by the director of court;
- 3) exercise oversight prescribed by law;
- 4) prepare a draft of the training plan of judges and submit it for approval to the full court, organise and monitor compliance with the plan and present a review on compliance with the plan to the full court at least once a year;

4¹) approve the on-call schedule of judges;
[RT I, 13.03.2019, 1 – entry into force 01.01.2020]
5) perform other duties arising from law and the internal rules of the court.

(4) The minister in charge of the policy sector may release the chief judge of a court prematurely:
1) at the request of the chief judge of the court;
2) where the chief judge of the court has wrongfully failed to perform their duties to a material extent;
3) upon their election or appointment as a judge of the European Court of Human Rights, European Court of Justice or other international court institution (hereinafter, ‘international court institution’) (§ 58¹) or the European Chief Prosecutor, European Prosecutor or European Delegated Prosecutor of the European Public Prosecutor’s Office.
[RT I, 02.06.2020, 1 – entry into force 12.06.2020]

(5) In the event specified in clause 2 of subsection 4 of this section, the minister in charge of the policy sector hears the opinion of the full court and the opinion of the chief judge of the Circuit Court of Appeal in whose judicial district the District Court is located.

(6) In the absence of the chief judge of a court, they are substituted by a judge designated by them. Where the chief judge of a court has not designated an acting chief judge, a judge who is the senior in office substitutes for them, and where there is equal seniority in office, a judge who is senior in age substitutes for them.

(7) Where the chief judge of a court is released from the office of judge, they are also released from the duties of the chief judge of the court.

(8) Upon release of the chief judge of a court from the duties of the chief judge of the court, they retain the powers of a judge.

(9) [Repealed – RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(10) No one may be appointed as chief judge of the same court for two consecutive terms of office.
[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(11) Where the chief judge of a District Court is released from the duties of the chief judge before the expiry of the term of office, the judge returns to the court of their service prior to appointment as the chief judge of the District Court.
[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(12) Where the term of office of the chief judge of a District Court expires due to the expiry of the term of office, the judge may return to the court of their service prior to appointment as the chief judge of the District Court or continue service as a judge in the District Court where they were the chief judge. The chief judge of a District Court submits a respective application in writing to the minister in charge of the policy sector at least three months before the expiry of the term of office.
[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(13) Where subsections 11 and 12 of this section are applied, the number of judges in the District Court may be larger than determined on the basis of § 11 of this Act.
[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

§ 12¹. Deputy chief judge of District Court and manager of courthouse

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(1) The chief judge of a District Court appoints the manager of a courthouse from among the judges serving in each courthouse for a term of seven years after having heard the opinion of the judges serving in the courthouse. The manager of a courthouse is not appointed in the courthouse where the permanent place of service of the chief judge of the court is located.

(2) The chief judge of a District Court whose permanent place of service is in a courthouse where the number of positions of judges is over 30 appoints a deputy chief judge from among the judges serving in this courthouse for a term of seven years after having heard the opinion of the judges serving in the courthouse. Where the number of positions of judges in a courthouse is over 60, the chief judge of a District Court may appoint up to two deputy chief judges.

(3) The manager of a courthouse and a deputy chief judge arrange the communication between the courthouse and the chief judge of the District Court and perform other duties arising from law and the internal rules of the court.

(4) The chief judge of a District Court may release the manager of a courthouse and a deputy chief judge prematurely from the duties of the manager of the courthouse and deputy chief judge:

- 1) at the request of the manager of the courthouse or the deputy chief judge;
- 2) due to failure of co-operation with the chief judge of the District Court.

(5) In the absence of the manager of a courthouse or a deputy chief judge, a judge designated by the chief judge of a District Court may substitute for them.

(6) Where the manager of a courthouse or a deputy chief judge is released from the office of judge, they are also released from the duties of the manager of the courthouse.

(7) Upon release of a judge from the duties of the manager of a courthouse and a deputy chief judge, they retain the powers of a judge.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

§ 13. [Repealed – RT I 2005, 15, 85 – entry into force 01.01.2006]

§ 14. Lay judges

The number of lay judges in each District Court is determined by the minister in charge of the policy sector with the approval of the Council for Administration of Courts after having heard the opinion of the full court of the District Court.

[RT I 2005, 71, 549 – entry into force 01.01.2006]

§ 15. Land registry department

(1) Tartu District Court comprises the land registry department.

[RT I, 20.06.2020, 1 – entry into force 30.06.2020]

(2) The land register and ship register are maintained in the land registry department.

[RT I, 21.12.2016, 1 – entry into force 01.03.2018]

(3) [Repealed – RT I 2005, 15, 85 – entry into force 01.01.2006]

(4) The land registry department is comprised of assistant judges and other court officers. The director of court appoints the head of the land registry department from among the assistant judges of the land registry department.

[RT I, 20.06.2020, 1 – entry into force 30.06.2020]

§ 16. Registration department

(1) Tartu District Court comprises the registration department.

[RT I, 20.06.2020, 1 – entry into force 30.06.2020]

(2) The commercial register, non-profit associations and foundations register and commercial pledge register are maintained in the registration department.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(2¹) In addition to the registers specified in subsection 2 of this section, Tartu District Court registration department maintains the informative state register of agencies of the State and local authorities with the objective of keeping record of the agencies of the State and local authorities within the public sector and making the register data available. The procedure for maintaining the register is established by the minister in charge of the policy sector.

[RT I, 28.12.2016, 14 – entry into force 11.01.2017]

(3) [Repealed – RT I 2005, 15, 85 – entry into force 01.01.2006]

(4) The registration department is comprised of assistant judges and other court officers. The director of court appoints the head of the registration department from among the assistant judges of the registration department.

[RT I, 20.06.2020, 1 – entry into force 30.06.2020]

§ 16¹. Order for payment department

(1) Pärnu District Court comprises the order for payment department.

[RT I 2009, 67, 460 – entry into force 01.01.2010]

(2) The order for payment department deals with petitions for order for payment procedure.

(3) The order for payment department is comprised of assistant judges and other court officers. The director of court appoints the head of the order for payment department from among the assistant judges of the order for payment department.

[RT I, 20.06.2020, 1 – entry into force 30.06.2020]

§ 17. [Repealed – RT I 2008, 17, 118 – entry into force 01.06.2008]

Subchapter 2 Administrative Courts

§ 18. Administrative Courts

(1) Administrative Courts as the courts of first instance deal with administrative cases placed within their jurisdiction. Administrative Courts perform also other acts placed within their jurisdiction by law.

(2) The following are Administrative Courts:

- 1) Tallinn Administrative Court;
- 2) Tartu Administrative Court.

(2¹) An Administrative Court has one or several courthouses.

(3) Courthouses are located in the judicial district of an Administrative Court determined by the minister in charge of the policy sector. The minister in charge of the policy sector determines the exact location and service areas of courthouses. The location of every courthouse is also the location of the Administrative Court.

(4) The structure of Administrative Courts and the composition of the staff of court officers are determined by the director of court, except in the field related to the performance of the function of administration of justice. In such field, the structure of the court and the composition of the staff of court officers are determined by the chief judge of the court. The provisions of § 43 of this Act are taken into consideration in determination of the structure of a court and the composition of the staff of court officers.
[RT I 2005, 15, 85 – entry into force 01.01.2006]

§ 18¹. Location of hearing of administrative cases

[Repealed – RT I, 23.02.2011, 3 – entry into force 01.01.2012]

§ 19. Number of Administrative Court judges

The number of judges in each Administrative Court and their division among courthouses are determined by the minister in charge of the policy sector after having heard the opinions of the chief judge of the Administrative Court and the chief judge of the Circuit Court of Appeal in whose judicial district the court is located.
[RT I 2005, 15, 85 – entry into force 01.01.2006]

§ 19¹. Permanent place of service of Administrative Court judge

(1) The permanent place of service of an Administrative Court judge is in the courthouse where they are appointed by the Supreme Court *en banc* (subsection 3 of § 55) or the full court (§ 57).

(1¹) Where the appointed chief judge of an Administrative Court is a judge who immediately before the appointment as the judge served in another court, they independently determine the courthouse of their permanent place of service for the duration of the chief judge's term of office.
[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(2) A judge may not refuse to hear a case in another courthouse of the same Administrative Court.
[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(3) Where a judge hears a case in a courthouse which is not their permanent place of service, travel and accommodation expenses, as well as other secondment expenses are reimbursed to them on the conditions and pursuant to the procedure established under subsection 5 of § 44 of the Civil Service Act.
[RT I, 20.06.2020, 1 – entry into force 30.06.2020]

§ 20. Chief judges of Administrative Courts

(1) The chief judge of an Administrative Court is appointed from among the judges of courts of first and second instance for a term of seven years. The provisions of § 12 of this Act apply in other aspects to the chief judge of an Administrative Court.
[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(2) [Repealed – RT I, 22.06.2016, 21 – entry into force 01.08.2016]

- (3) [Repealed – RT I, 22.06.2016, 21 – entry into force 01.08.2016]
- (4) [Repealed – RT I, 22.06.2016, 21 – entry into force 01.08.2016]
- (5) [Repealed – RT I, 22.06.2016, 21 – entry into force 01.08.2016]
- (6) [Repealed – RT I, 22.06.2016, 21 – entry into force 01.08.2016]
- (7) [Repealed – RT I, 22.06.2016, 21 – entry into force 01.08.2016]
- (8) [Repealed – RT I, 22.06.2016, 21 – entry into force 01.08.2016]
- (9) [Repealed – RT I, 06.07.2012, 1 – entry into force 01.04.2013]

§ 20¹. Manager of courthouse

(1) The chief judge of an Administrative Court appoints a manager of the courthouse from among the judges serving in the courthouse for a term of seven years after having heard the opinion of the judges serving in the courthouse. A manager of the courthouse is not appointed in the courthouse where the permanent place of service of the chief judge of the court is located.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(2) The manager of the courthouse arranges the communication between the courthouse and the chief judge of the Administrative Court and performs other duties arising from law and the internal rules of the court.

(3) The chief judge of an Administrative Court may release a manager of a courthouse prematurely:

- 1) at the request of the manager of the courthouse;
- 2) due to failure of co-operation with the chief judge of the Administrative Court.

(4) In the absence of the manager of the courthouse, they may be substituted by a judge designated by the chief judge of the Administrative Court.

(5) Where the manager of the courthouse is released from the office of judge, they are also released from the duties of the manager of the courthouse.

(6) Upon release of a judge from the duties of the manager of the courthouse, they retain the powers of a judge.

[RT I 2005, 15, 85 – entry into force 01.01.2006]

§ 21. [Repealed – RT I 2005, 15, 85 – entry into force 01.01.2006]

Chapter 3 COURTS OF SECOND INSTANCE

§ 22. Circuit Courts of Appeal

(1) Circuit Courts of Appeal are the courts of second instance and review the decisions of District and Administrative Courts by way of appeal proceedings.

(2) Court of Appeal for the Circuit of Tallinn and Court of Appeal for the Circuit of Tartu Court are Circuit Courts of Appeal.

[RT I 2008, 13, 85 – entry into force 01.01.2009]

(3) Harju District Court and Pärnu District Court and Tallinn Administrative Court are in the judicial district of Court of Appeal for the Circuit of Tallinn.

(4) Tartu District Court and Viru District Court and Tartu Administrative Court are in the judicial district of Court of Appeal for the Circuit of Tartu.

[RT I 2008, 13, 85 – entry into force 01.01.2009]

(5) [Repealed – RT I 2008, 13, 85 – entry into force 01.01.2009]

(6) Court of Appeal for the Circuit of Tallinn is located in Tallinn and Court of Appeal for the Circuit of Tartu is located in Tartu. The minister in charge of the policy sector determines the exact location of Circuit Courts of Appeal.

[RT I 2008, 13, 85 – entry into force 01.01.2009]

(7) The structure of Circuit Courts of Appeal and the composition of the staff of court officers are determined by the director of court, except in the field related to the performance of the function of administration of justice. In such field, the structure of the court and the composition of the staff of court officers are determined by the

chief judge of the court. The provisions of § 43 of this Act are taken into consideration in determination of the structure of a court and the composition of the staff of court officers.
[RT I 2005, 71, 549 – entry into force 01.01.2006]

§ 23. Number of Circuit Court judges

The minister in charge of the policy sector determines the number of judges in each Circuit Court of Appeal after having heard the opinion of the chief judge of the Circuit Court of Appeal.

§ 24. Chief judges of Circuit Courts of Appeal

(1) The chief judge of a Circuit Court of Appeal is appointed from among the judges of courts of second instance for a term of seven years. The provisions of § 12 of this Act apply in other aspects to the chief judge of a Circuit Court of Appeal.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(2) [Repealed – RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(3) [Repealed – RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(3¹) The chief judge of Court of Appeal for the Circuit of Tallinn grants their consent at the request of the Chief Public Prosecutor for performance of procedural operations specified in subsection 1 of § 382² of the Code of Criminal Procedure with respect to a member of the *Riigikogu* before obtaining consent for preparation of a statement of charges.

[RT I, 22.12.2014, 9 – entry into force 01.01.2015]

(3²) The chief judges of Circuit Courts of Appeal decide on referral of a case to another court for judgment pursuant to the procedure provided in § 45¹ of this Act, and on temporary involvement of a judge of a District Court and Circuit Court of Appeal in the composition of an Administrative Court pursuant to the procedure provided in § 45².

[RT I, 20.06.2020, 1 – entry into force 30.06.2020]

(4) The minister in charge of the policy sector may, with the approval of the Supreme Court *en banc*, release the chief judge of a court from office prematurely:

- 1) at the request of the chief judge of the court;
- 2) if the chief judge of the court has wrongfully failed to perform their duties to a material extent;
- 3) upon their election or appointment as a judge of an international court institution (§ 58¹) or the European Chief Prosecutor, European Prosecutor or European Delegated Prosecutor of the European Public Prosecutor's Office.

[RT I, 02.06.2020, 1 – entry into force 12.06.2020]

(5) In the event provided in clause 2 of subsection 4 of this section, the minister in charge of the policy sector hears the opinion of the full court.

(6) [Repealed – RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(7) [Repealed – RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(8) [Repealed – RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(9) [Repealed – RT I, 06.07.2012, 1 – entry into force 01.04.2013]

Chapter 4 SUPREME COURT

§ 25. Supreme Court

(1) The Supreme Court is the highest court in the state.

(2) The Supreme Court is located in Tartu.

(3) The number of justices in the Supreme Court is 19.

§ 26. Jurisdiction of Supreme Court

(1) The Supreme Court reviews decisions by way of cassation proceedings. In the cases and pursuant to the procedure provided by law, the Supreme Court reviews decisions by way of proceedings for review of judicial dispositions that have entered into effect proceedings for the correction of court errors, and performs other duties arising from law.

(2) Acceptance of cases which fall within the jurisdiction of the Supreme Court is decided by a panel of at least three members of the Supreme Court on the basis provided in the Acts of procedure. A case is accepted if the hearing thereof is demanded by at least one justice of the Supreme Court.

(3) The Supreme Court is also the constitutional review court.

§ 27. Chief Justice of Supreme Court

(1) The Chief Justice of the Supreme Court is appointed to office for nine years by the Riigikogu on the proposal of the President of the Republic.

(2) The Chief Justice of the Supreme Court:

- 1) directs and represents the Supreme Court;
- 2) makes a proposal to the Riigikogu to appoint the justices of the Supreme Court to office;
- 3) exercises oversight prescribed by law;
- 4) performs other duties arising from law and the internal rules of the court.

(3) Once a year, at the spring session of the Riigikogu, the Chief Justice of the Supreme Court presents an overview to the Riigikogu concerning administration of courts, administration of justice and uniform application of law.

(4) In the absence of the Chief Justice of the Supreme Court or upon the termination of their powers as the Chief Justice of the Supreme Court, a justice of the Supreme Court designated by the Chief Justice performs the duties of the Chief Justice of the Supreme Court. Where the Chief Justice of the Supreme Court has not designated an acting Chief Justice, the chair of the Chamber specified in § 28 of this Act who is senior in the office of judge substitutes for them, and where there is equal seniority in office, the chair of a Chamber who is senior in age substitutes for them.

(5) On the proposal of the President of the Republic, the Riigikogu may release the Chief Justice of the Supreme Court prematurely at the request of the Chief Justice of the Supreme Court. The Chief Justice of the Supreme Court notifies the President of the Republic of their resignation from office at least four months in advance.

(5¹) The Riigikogu releases the Chief Justice of the Supreme Court from service on the proposal of the President of the Republic upon their election or appointment as a judge of an international court institution (§ 58¹) or the European Chief Prosecutor, European Prosecutor or European Delegated Prosecutor of the European Public Prosecutor's Office.

[RT I, 02.06.2020, 1 – entry into force 12.06.2020]

(6) Where the Chief Justice of the Supreme Court is unable to perform their duties for six consecutive months due to illness or for any other reason, the President of the Republic submits a reasoned request to the Supreme Court to declare by a judgment that the Justice of the Supreme Court is unable to perform their duties. A judgment of the Supreme Court *en banc* releases the Chief Justice of the Supreme Court from office.

(7) If the Chief Justice of the Supreme Court is released from the office of judge, they are also released from the duties of the Chief Justice of the Supreme Court.

(8) Upon release of the Chief Justice of the Supreme Court from the duties of the Chief Justice of the Court, they retain the powers of a justice of the Supreme Court.

(9) No one is appointed as Chief Justice of the Supreme Court for two consecutive terms.

[RT I 2005, 71, 549 – entry into force 01.01.2006]

§ 28. Civil Chamber, Criminal Chamber and Administrative Chamber of Supreme Court

(1) The Supreme Court comprises the Civil Chamber, Criminal Chamber and Administrative Chamber.

(2) Each justice of the Supreme Court is a member of one Chamber. The Supreme Court *en banc* decides to which Chamber a justice of the Supreme Court belongs, as well as the procedure and terms for rotation between the Chambers.

(3) The Chief Justice of the Supreme Court has the right to involve, pursuant to the procedure prescribed by the internal rules of the Supreme Court, justices from different Chambers in the panel of the Court which hears a case.

(4) The Supreme Court *en banc* appoints the chair of a Chamber from among the members of the Chamber for the term of five years.

[RT I, 23.12.2014, 1 – entry into force 01.01.2015]

(5) The chair of a Chamber performs duties arising from the internal rules of the Supreme Court.

§ 29. Constitutional Review Chamber

(1) The Supreme Court comprises the Constitutional Review Chamber which is comprised of nine justices of the Supreme Court.

(2) The Chief Justice of the Supreme Court is the chair of the Constitutional Review Chamber. Other members of the Chamber are appointed by the Supreme Court *en banc*.

(3) The term of authority of the members of the Constitutional Review Chamber and the procedure for the substitution of members of the Constitutional Review Chamber are provided in the internal rules of the Supreme Court.

§ 30. Supreme Court *en banc*

(1) The Supreme Court comprises the Supreme Court *en banc* which is comprised of all justices of the Supreme Court.

(2) The Supreme Court *en banc*:

- 1) reviews judgments on the grounds provided by law;
- 2) makes a proposal to the President of the Republic to appoint a judge to office or release a judge from office;
- 3) resolves appeals filed against the decisions of the judgeship examination committee;
- 4) resolves appeals filed against the decisions of the Disciplinary Chamber;
- 5) decides on the institution of disciplinary proceedings against the Chief Justice of the Supreme Court, and notifies the Riigikogu thereof;
- 6) performs other duties arising from law and the internal rules of the Supreme Court.

(3) The Supreme Court *en banc* is convened and chaired by the Chief Justice of the Supreme Court. In order to institute disciplinary proceedings against the Chief Justice of the Supreme Court, a justice who is senior in office convenes and chairs the Supreme Court *en banc*, and where there is equal seniority in office, a justice who is senior in age convenes and chairs the Supreme Court *en banc*.

(4) The Supreme Court *en banc* has a quorum if at least 11 justices are present. The judgments of the Supreme Court *en banc* are adopted by the majority vote of the justices of the Supreme Court who are present. Where the votes are divided equally, the Chief Justice of the Supreme Court casts the deciding vote.

(5) The minister in charge of the policy sector has the right to participate in the Supreme Court *en banc*, except in cases where judgments are being reviewed. The minister in charge of the policy sector has the right to speak in the Supreme Court *en banc*. The Chief Justice of the Supreme Court may invite to the Supreme Court *en banc* also other persons to whom the Supreme Court *en banc* may grant the right to speak.

§ 30¹. Director of Supreme Court

(1) The director of the Supreme Court:

- 1) organises the clerical business of the Supreme Court and use of the assets of the Supreme Court;
- 2) is responsible for arrangement of the accounting of the Supreme Court;
- 3) manages and organises the work of the structural units and officers serving the administration of justice;
- 4) appoints and releases court officers who are not appointed to office by the Chief Justice of the Supreme Court pursuant to the internal rules of the Supreme Court;
- 5) performs other duties assigned pursuant to the internal rules of the Supreme Court.

(2) The director of the Supreme Court must have higher education. The director is appointed to office for five years by the Chief Justice of the Supreme Court on the basis of a public competition.

(3) The Chief Justice of the Supreme Court may release the director of the Supreme Court prematurely also due to failure of co-operation with the Chief Justice of the Supreme Court in addition to other grounds provided in the Civil Service Act. Where the director of the Supreme Court is released on the basis specified in this subsection, their basic salary is paid to them as compensation for the months falling short of their term of office, but not for more than six months.

[RT I, 20.06.2020, 1 – entry into force 01.01.2021]

§ 31. Supreme Court law clerk

(1) A Supreme Court law clerk is an official of the Supreme Court who generalises judicial practice and participates in the preparation of cases for proceeding.

(2) Specified duties of a Supreme Court law clerk are determined in the internal rules of the Supreme Court.

(3) A person who complies with the educational requirements set for judges may be appointed as a Supreme Court law clerk.

[RT I 2005, 71, 549 – entry into force 01.01.2006]

(4) A Supreme Court law clerk is appointed to office for a term of three years. By agreement of the parties, the service relationship of a Supreme Court law clerk may be extended.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016 – applies with regard to Supreme Court law clerks appointed to office after 1 August 2016.]

(5) Where the service relationship of a Supreme Court law clerk is extended or they are appointed to the same position consecutively more than twice, excluding the case specified in clause 1 of subsection 2 of § 23 of the Civil Service Act, the Supreme Court law clerk is deemed to be appointed to the position for an unspecified term.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016 – applies with regard to Supreme Court law clerks appointed to office after 1 August 2016.]

(6) Where a Supreme Court law clerk is transferred for a fixed term to an agency located in another local authority, the Supreme Court compensates for their travel and accommodation expenses to the extent and pursuant to the procedure established by the Chief Justice of the Supreme Court.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

§ 32. Remuneration for work performed by officers of Supreme Court

The salaries of the court officers of the Supreme Court, the procedure for payment of additional remuneration, bonuses and benefits are determined by the Chief Justice of the Supreme Court within the limits of the budget of the Supreme Court.

§ 33. Internal rules of Supreme Court

(1) The organisation of work of the Supreme Court is prescribed in the internal rules of the Supreme Court approved by the Supreme Court *en banc*.

(2) The internal rules may not include provisions concerning rules of court procedure.

(3) The internal procedure rules of the Supreme Court are established pursuant to the Civil Service Act.

§ 34. Court information system

(1) Court information system is a state agency database founded by the minister in charge of the policy sector the purpose of which is the organisation of the work of courts, collection of statistics, collection and systematisation of court decisions and making these available to courts and the public.

[RT I 2005, 71, 549 – entry into force 01.01.2006]

(2) The controller of the database is the Ministry of Justice. The processors of the database are the Ministry of Justice and courts of the Republic of Estonia.

[RT I 2005, 71, 549 – entry into force 01.01.2006]

(3) The content of the register data, the procedure for submission of the data and specific procedure for applying for the right of access to the data are established by the minister in charge of the policy sector with the approval of the Council for Administration of Courts.

[RT I 2009, 67, 460 – entry into force 01.01.2010]

(4) The right of access to the data in the court information system is vested in:

1) agencies of the State and local authorities and legal or natural persons for performance of the duties provided by law;

2) foreign authorities and persons if this right is provided in an international treaty.

[RT I 2009, 67, 460 – entry into force 01.01.2010]

(5) The controller of the court information system, the processors and the data recipients specified in subsection 4 of this section are required to maintain the confidentiality of the data which become known to them in the performance of their duties also after the completion of the duties related to the processing of the data or after the expiry of the service relationship. It is prohibited to disclose the received data to any third parties unless it is prescribed by law. Data recipients are required to use data only for the purpose applied for and comply with the conditions provided in this Act and the Personal Data Protection Act and the conditions arising from restrictions

on the use of data established with regard to them when data were transferred to the data recipient, and ensure that the data are not accessible by persons who have no right to process the data.
[RT I 2009, 67, 460 – entry into force 01.01.2010]

(6) Data recipients who use data for performing the duties prescribed by law are required to immediately notify the controller and the processor of any inaccurate, questionable or incomplete data discovered.
[RT I 2009, 67, 460 – entry into force 01.01.2010]

Chapter 5

SELF-GOVERNMENT AND DIVISION OF TASKS OF JUDGES

§ 35. Full court

- (1) Every court comprises a full court which is comprised of all the judges of the court.
- (2) A full court has a quorum if the majority of the judges are present.
- (3) A full court is convened by the chief judge of the court either independently or at the request of at least 2/3 of the judges of the court. The chief judge of the court is the presiding judge of the full court.
- (4) The decisions of the full court are adopted by the majority vote of judges who are present. Where the votes are divided equally, the chief judge of the court has the casting vote.
- (5) The activities of the Supreme Court *en banc* are regulated by § 30 of this Act.
[RT I 2005, 15, 85 – entry into force 01.01.2006]

§ 36. Jurisdiction of full court

A full court:

- 1) approves the task distribution plan of judges;
- 2) provides an opinion to the minister in charge of the policy sector on the appointment to office, and in cases provided by law, also on the release from office of the chief judge of the court;
- 3) makes recommendations to the chief judge of the court concerning issues related to the organisation of work;
- 4) performs other duties arising from law and the internal rules of the court.
[RT I 2005, 71, 549 – entry into force 01.01.2006]

§ 37. Distribution of tasks among judges

(1) The distribution of tasks among judges of courts of first and second instance is prescribed in the task distribution plan.

(1¹) A chief judge of a court may, by a directive, reduce their work load in the administration of justice to the extent necessary for performing the duties of the chief judge.
[RT I, 23.02.2011, 1 – entry into force 01.09.2011]

(1²) Upon the assumption of office by a judge of a court of first instance, their workload in the administration of justice is 90% in the first six months.
[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(2) Tasks are distributed among judges in accordance with the following principles:

- 1) all cases received by the court for hearing are distributed among judges in accordance with the task distribution plan;
- 2) cases are distributed among judges in a random manner on the grounds determined in the task distribution plan;
- 3) in the distribution of cases, as many cases as possible are distributed among the judges serving in the courthouse where the case will be heard.

3¹) the distribution of cases must ensure the specialisation of judges;
[RT I, 05.12.2017, 1 – entry into force 01.01.2018]

4) the distribution of the cases must ensure equal work load of judges within a court;

4¹) the distribution of the cases to a chief judge of a court takes into account the reduced work load in the administration of justice on the basis of subsection 1¹ of this section;
[RT I, 23.02.2011, 1 – entry into force 01.09.2011]

5) [Repealed – RT I, 05.12.2017, 1 – entry into force 01.01.2018]

(3) The task distribution plan prescribes the procedure for formation of court panels and for the substitution of judges.

(4) The task distribution plan is approved for one calendar year. During a working year, the full court may amend the task distribution plan only with good reason.

(4¹) The Council for Administration of Courts establishes the specific grounds for preparing the task distribution plan of judges, including the principles of specialisation of judges. The task distribution plan must ensure specialisation of judges to cases involving minors and cases relating to insolvency. Courts approve the task distribution plans having regard to this Act and the grounds established by the Council for Administration of Courts.

[RT I, 04.01.2021, 4 – entry into force 01.02.2021]

(5) Everyone may access the task distribution plan in the court office.

[RT I 2005, 15, 85 – entry into force 01.01.2006]

§ 37¹. Employment of judges with partial work load

(1) The chief judge of a court provides a judge with an opportunity to work with partial work load due to:

- 1) necessity to raise a child under three years of age;
- 2) partial capacity for work.

(2) The chief judge of a court may permit a judge to work with partial work load for up to one year also in an event not specified in subsection 1 of this section. Said term of one year may be extended for up to one year at a time at the reasoned request of the judge. Before deciding on the reduction of a judge's work load, the chief judge of the court hears the opinion of the full court.

[RT I, 22.10.2021, 2 – entry into force 01.04.2022]

(3) An application for employment with partial work load is submitted to the chief judge of the court at least two weeks before the requested commencement of employment with partial work load. The reason for and time of employment with partial work load are specified in the application. Documents certifying the facts pertaining to the application are enclosed to the application.

(4) Upon employment with partial work load on the grounds specified in this section, a judge's salary is reduced in proportion to the work load.

(5) A judge's employment with partial work load is formalised by a directive of the chief judge of the court. The directive must contain the information on a judge's work load, the period during which a judge is employed with partial work load and the amount of their salary upon employment with partial work load.

[RT I, 23.12.2014, 1 – entry into force 01.01.2015]

§ 38. Court *en banc*

[RT I 2005, 71, 549 – entry into force 01.01.2006]

(1) The Court *en banc* is comprised of all judges of Estonia.

(2) The Court *en banc* is convened every year on the second Friday of February, unless the Chief Justice of the Supreme Court convenes the Court *en banc* with good reason at another time. The extraordinary Court *en banc* may be convened by the minister in charge of the policy sector or the Chief Justice of the Supreme Court.

[RT I, 28.01.2021, 1 – entry into force 08.02.2021]

(2¹) The Court *en banc* may be held also partially or fully by electronic means.

[RT I, 28.01.2021, 1 – entry into force 08.02.2021]

(3) The Court *en banc*:

- 1) hears reports by the Chief Justice of the Supreme Court and the minister in charge of the policy sector concerning the development of the legal and court system;
- 2) discusses problems of administration of justice and other issues concerning courts and the work of judges;
- 3) elects, pursuant to subsection 1 of § 40 of this Act, members and alternate members of the Council for Administration of Courts who are judges;
- 4) elects five circuit court judges and five judges of courts of first instance to participate in the adjudication of disciplinary cases in the Disciplinary Chamber of the Supreme Court;
- 5) elects members of the judgeship examination committee who are judges of courts of first and second instance;

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

6) elects members and alternate members of the assistant judges' competition committee (hereinafter *competition committee*) who are judges;

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

7) elects members and alternate members of the training committee who are judges;
8) elects members and alternate members of the Ethics Tribunal and the Admissions and Aptitude Assessment Committee of the Estonian Bar Association, the Prosecutors' Competition and Disciplinary Committee, the Court of Honour of the Chamber of Notaries and the Methodology Committee of the Chamber of Enforcement Agents and Trustees in Bankruptcy;

[RT I, 20.06.2022, 1 – entry into force 01.07.2022]

9) approves the code of ethics of judges.

(4) The Court *en bancis* chaired by the Chief Justice of the Supreme Court unless the Court *en banc* decides otherwise.

(4¹) Voting and election by the Court *en banc* may take place by ballot papers, by electronic means, in writing or in any other manner provided in the procedure of the Court *en banc*.

[RT I, 28.01.2021, 1 – entry into force 08.02.2021]

(5) The procedure of the Court *en bancis* established by the majority vote of the judges participating in the Court *en banc*.

(6) The Supreme Court organises the clerical support to the Court *en banc*.

(7) [Repealed – RT I 2005, 71, 549 – entry into force 01.01.2006]

(8) Where the term of office of a member of a local government body who is a judge and has been elected by the Court *en banc* ends due to the expiry of the term before the next Court *en bancis* held, their term of office is deemed extended until the election of the new member by the Court *en banc*.

[RT I, 28.01.2021, 1 – entry into force 08.02.2021]

Chapter 6

ADMINISTRATION OF COURTS, TRAINING, AND OVERSIGHT AND REGULATORY ENFORCEMENT

§ 39. Administration of courts

(1) Judicial institutions of first and second instance are administered in co-operation between the Council for Administration of Courts and the Ministry of Justice. Courts perform court administration duties where so provided by law.

(2) The minister in charge of the policy sector may transfer the court administration duties within their competence to a court.

(3) The minister in charge of the policy sector has no right of command or disciplinary power over the judges.

(4) Administration of courts must ensure:

- 1) possibility for independent administration of justice;
- 2) working conditions necessary for administration of justice;
- 3) adequate training of court officers;
- 4) availability of administration of justice.

§ 40. Council for Administration of Courts

(1) The Council for Administration of Courts (hereinafter *Council*) is comprised of the Chief Justice of the Supreme Court, five judges elected for three years by the Court *en banc*, two members of the Riigikogu, an attorney-at-law appointed by the Board of the Bar Association, the Chief Public Prosecutor or a public prosecutor appointed by them, and the Chancellor of Justice or a representative appointed by them. The minister in charge of the policy sector or a representative appointed by them participates in the Council with the right to speak.

(2) Council sessions are convened by the Chief Justice of the Supreme Court or by the minister in charge of the policy sector. The person who convenes a session determines also the agenda thereof. The Council is chaired by the Chief Justice of the Supreme Court.

(3) The Council has a quorum if more than one half of its members are present. Decisions of the Council are adopted by a majority vote of the members present. The Council approves its rules of procedure at the first session. The Ministry of Justice organises the clerical support to the Council.

§ 41. Competence of Council for Administration of Courts

- (1) The Council grants approval for:
- 1) determination of the judicial district of courts (subsection 1 of § 10, subsection 3 of § 18);
 - 2) [repealed – RT I, 22.06.2016, 21 – entry into force 01.08.2016]
 - 3) determination of the exact location of courts and courthouses (subsection 3 of § 9; subsection 3 of § 18; subsection 6 of § 22);
 - 4) determination of the number of judges in courts and judges in permanent service in a courthouse (§ 11; § 19; § 23);
 - 5) appointment to office and premature release of chief judges of courts (subsection 1 and clause 2 of subsection 4 of § 12, § 20, subsection 1 and clause 2 of subsection 4 of § 24); [RT I, 22.06.2016, 21 – entry into force 01.08.2016]
 - 5¹) increase of the maximum age limit of a judge (subsection 2 of § 99¹); [RT I, 22.06.2016, 21 – entry into force 01.08.2016]
 - 6) determination of the number of lay judges (§14);
 - 7) [repealed – RT I, 23.12.2014, 1 – entry into force 01.01.2015]
 - 8) [repealed – RT I, 22.06.2016, 21 – entry into force 01.08.2016]
 - 9) [repealed – RT I 2005, 71, 549 – entry into force 01.01.2006]
 - 10) [repealed – RT I, 21.06.2014, 8 – entry into force 01.07.2014]
 - 11) establishment of the composition of the register data of the court information system and the procedure for submission of the register data (subsection 3 of § 34).
 - 12) [repealed – RT I, 10.07.2012, 3 – entry into force 01.04.2013]
 - 13) determination of the amount of remuneration paid to lay judges and payment procedure (subsection 1 of § 112); [RT I 2006, 55, 411 – entry into force 23.12.2006]
 - 14) determination of the procedure for determining the additional remuneration paid to judges for on-call time and of the number of judges eligible for payment of additional remuneration for on-call time (subsection 8 of § 76). [RT I, 13.03.2019, 1 – entry into force 01.01.2020]

(2) The Council provides a preliminary opinion on the principles of the formation and amendment of annual budgets of courts.

(3) The Council:

- 1) provides an opinion on the candidates for a vacant position of a justice of the Supreme Court (subsection 4 of § 55);
- 2) provides an opinion on the release of a judge (clauses 5–8 of subsection 1 of § 99); [RT I, 22.06.2016, 21 – entry into force 01.08.2016]
- 3) deliberates, in advance, the overview to be presented to the Riigikogu by the Chief Justice of the Supreme Court concerning administration of courts, administration of justice and uniform application of law (subsection 3 of § 27);
- 4) discusses other issues at the initiative of the Chief Justice of the Supreme Court or the minister in charge of the policy sector.

(4) The Council establishes the grounds for preparing the task distribution plan of judges. [RT I, 05.12.2017, 1 – entry into force 01.01.2018]

§ 42. Internal rules of courts

(1) The internal organisation of work of courts of first and second instance is prescribed in the internal rules of the courts. The internal rules of a court are established by the chief judge of the court with the approval of the full court. The internal rules of land registry departments and registration departments of District Courts, and offices of District Courts, Administrative Courts and Circuit Courts of Appeal are established by the minister in charge of the policy sector. [RT I 2008, 17, 118 – entry into force 01.06.2008]

(2) The duties of the chief judge of the court and other judges arising from the organisation of work of the court and the duties of court officers subordinate to the chief judge of the court are prescribed in the internal rules of the court.

(2¹) The duties of court officers, the clerical business rules of the court and other issues concerning the organisation of work of the court are prescribed in the internal rules of the court office.

(3) The internal rules may not include provisions concerning rules of court procedure.

(4) The internal procedure rules and job descriptions of judicial institutions are established pursuant to the Civil Service Act. [RT I 2005, 15, 85 – entry into force 01.01.2006]

§ 43. Budget of court

(1) The minister in charge of the policy sector approves the budgets of courts of first and second instance within two months after the state budget enters into force as an Act, considering the opinion formulated by the Council for Administration of Courts (subsection 2 of § 41).

(2) The budget of a District Court sets out the expenditure for the performance of the function of administration of justice separately from the expenditure of the land registry department and registration department.
[RT I 2008, 17, 118 – entry into force 01.06.2008]

(3) During a budgetary year, the minister in charge of the policy sector may amend the budget expenditure of a court only with good reason after having heard the opinion of the chief judge of the court and the director of the court and pursuant to the principles formulated by the Council for Administration of Courts.
[RT I 2005, 71, 549 – entry into force 01.01.2006]

(4) The budget of the Supreme Court is passed pursuant to the procedure provided in the State Budget Act.

§ 44. Training of judges

(1) The Training Council is responsible for the training of judges. The term of authority of members of the Training Council is three years. The Training Council is comprised of two judges of a court of first instance, two judges of a court of second instance, two justices of the Supreme Court, and a representative of the Prosecutor's Office, a representative of the minister in charge of the policy sector and a representative of the University of Tartu. The Training Council approves its rules of procedure and elects the chair. Support services to the Training Council are provided by the Supreme Court.

(2) Training of judges is based on the strategies for training of judges, annual training programs and the program for judgeship examination. The strategies for the training of judges, training programs and the program for judgeship examination are prepared by the Supreme Court and approved by the Training Council. The Supreme Court submits the training program for the next year to the Training Council not later than by 15 August. Taking into consideration the training needs of judges and the state budget funds allocated for the training of judges, the Training Council approves the training program not later than by 1 October. The instructional and methodological materials necessary for the training of judges are prepared and the agreements with the trainers are entered into by the Supreme Court.

(3) The strategy for the training of judges and the training programs are prepared based on the training needs of judges and the analysis of the training results. The training needs of judges are determined and the training results are analysed by the Supreme Court. The methodology for determining the training needs of judges and analysing the training results is developed by the Supreme Court and approved by the Training Council. The Training Council provides an assessment of the training results of judges on the basis of the annual overview submitted by the Supreme Court.

(4) The Supreme Court may, by an administrative contract, authorise another person or agency to partially or completely fulfil the duties imposed on the Supreme Court in this section if the Training Council has previously approved it.

(5) The Training Council annually determines a part of the training program, the completion of which is mandatory for judges.

(6) Judges participate in training on the basis of an annual training plan. The full court of a court approves the training plan for the court. Records of participation in training are kept concerning each judge in a court pursuant to the internal rules of the court. The chief judge of a court monitors compliance with the training plan.

(7) The necessary funds for the specific purpose of preparation of the training program of judges and organisation of training are allocated in the budget of the Supreme Court.
[RT I 2008, 20, 139 – entry into force 01.01.2009]

§ 45. Oversight and regulatory enforcement

(1) Oversight over the administration of justice pursuant to the requirements, over the performance of duties by judges and over the forwarding of the data of the court information system pursuant to the established procedure is exercised by the chief judge of the court. Oversight over a judge who hears a case referred to another court for judgment pursuant to the procedure provided in § 45¹ of this Act, who has been temporarily involved in the composition of an Administrative Court pursuant to the procedure provided in § 45², or who is on procedural secondment pursuant to the procedure provided in § 58³ is exercised by the chief judge of the court where the judge is in permanent service. The chief judge of the court has the right to demand explanations from judges, inspect compliance with the clerical business rules and collect other necessary information. The manager of

courthouse may, on the order of the chief judge of a court of first instance or on their own initiative, demand explanations from judges of the courthouse and collect other necessary information to ensure the administration of justice pursuant to the requirements. The chief judges of a Circuit Court of Appeal also exercise oversight over judges of the courts of first instance.

[RT I, 20.06.2020, 1 – entry into force 30.06.2020]

(1¹) Where a judge fails to perform a necessary procedural operation without good reason, among other things fails to schedule a trial or hearing in due time to ensure the conduct of judicial proceedings within a reasonable period of time, or where it is evident that the time planned by the judge for performing the procedural operation or other organisation of proceedings does not ensure the conduct of proceedings within a reasonable period of time, the chief judge of the court decides on the implementation of such measure to organise the administration of justice, which will presumably enable to finalise the proceedings within a reasonable period of time. The chief judge of the court may, among other things:

- 1) establish a reasonable time limit for the judge to perform the procedural operation or finalise the proceedings depending on the circumstances;
- 2) provide the judge with other organisational guidelines for conducting the proceedings and organising the work and working time;
- 3) redistribute the court cases among the judges taking account of the task distribution plan;
- 4) in an exceptional case, also deviate from the task distribution plan in the distribution of work, primarily taking into account the peculiarities of the case, the specialisation of the judge and different work load of the judges.

[RT I, 23.02.2011, 1 – entry into force 01.09.2011]

(2) The minister in charge of the policy sector exercises regulatory enforcement over the performance of the duties by the chief judges of courts of first and second instance. The minister in charge of the policy sector may demand explanations from the chief judge of a court concerning the administration of justice in the court pursuant to the requirements.

(3) Internal oversight in the area of activity of land registry departments and registration departments is exercised by the directors of court and regulatory enforcement is exercised by the minister in charge of the policy sector. The minister in charge of the policy sector exercises regulatory enforcement over directors of court. The minister in charge of the policy sector has the right to demand explanations from the employees of the departments mentioned above and from the directors of court, to inspect compliance with the clerical business rules and the budget and to collect other necessary information. The minister in charge of the policy sector establishes the procedure for regulatory enforcement.

[RT I 2008, 17, 118 – entry into force 01.06.2008]

§ 45¹. Referral of case to another court for judgment without changing jurisdiction

(1) At the request of the chief judge of a District Court or Administrative Court, the chief judges of Circuit Courts of Appeal may, by their joint decision, refer a case which can be determined on the basis of general elements to another court of the same instance for judgment where this is required for administration of justice pursuant to the requirements, in particular where it is evident that it is not possible to ensure administration of justice pursuant to the requirements in the court the chief judge of which filed the request, by the measures provided in subsection 1¹ of § 45 of this Act. Referral of a case from a District Court is allowed only to another District Court and from an Administrative Court only to another Administrative Court. The distribution of cases referred to another court for judgment takes place in accordance with the task distribution plan of the other court, on a random basis.

(2) The jurisdiction of a case or the location of hearing a case does not change upon referral of the case to another court for judgment. Where a judge of the other court hears a case referred to such other court for judgment in the name of the court that has jurisdiction outside the judicial district of the court which is the judge's permanent place of service, travel and accommodation expenses, as well as other secondment expenses are reimbursed to them on the conditions and pursuant to the procedure established under subsection 5 of § 44 of the Civil Service Act.

(3) The Council for Administration of Courts may establish specified principles for referral of cases to another court for judgment.

[RT I, 20.06.2020, 1 – entry into force 30.06.2020]

§ 45². Temporary involvement of judge of District Court and Circuit Court of Appeal in composition of Administrative Court

(1) On the basis of information received pursuant to subsection 4 of § 15⁴ of the Obligation to Leave and Prohibition on Entry Act or subsection 4 of § 36⁶ of the Act on Granting International Protection to Aliens, the chief judges of Circuit Courts of Appeal may, by their joint decision, temporarily send a judge of a District Court or Circuit Court of Appeal without their consent to an Administrative Court for review of the applications for detention of aliens where this is required for administration of justice pursuant to the requirements.

(2) Where a judge who has been temporarily involved in the composition of an Administrative Court hears a case outside the judicial district of the court which is their permanent place of service, travel and

accommodation expenses, as well as other secondment expenses are reimbursed to them on the conditions and pursuant to the procedure established under subsection 5 of § 44 of the Civil Service Act.

(3) The Council for Administration of Courts may establish specified principles for temporary involvement of a judge of a District Court and Circuit Court of Appeal in the composition of an Administrative Court.
[RT I, 20.06.2020, 1 – entry into force 30.06.2020]

§ 46. Reporting of courts

Courts of first and second instance submit a statistical report on cases to the minister in charge of the policy sector. The minister in charge of the policy sector approves the standard form for the report and the due date for submission thereof.

Chapter 7 APPOINTMENT OF JUDGES

§ 47. Requirements for judges

(1) A citizen of the Republic of Estonia may be appointed a judge if they:

- 1) have acquired at least an officially certified Master's degree, a corresponding qualification for the purposes of subsection 2² of § 28 of the Republic of Estonia Education Act or a corresponding foreign qualification, in the field of law;
[RT I 2008, 29, 189 – entry into force 01.07.2008]
- 2) has proficiency in the Estonian language at the level C1 provided in the Language Act or a corresponding level;
[RT I 2009, 4, 27 – entry into force 26.01.2009]
- 3) is of high moral character;
- 4) has the abilities and personal characteristics necessary for working as a judge.
[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(1¹) [Repealed – RT I 2008, 29, 189 – entered into force 01.07.2008]

(2) The following may not be appointed as a judge:

- 1) persons who have been convicted of a criminal offence;
- 2) persons who have been removed from the office of judge, notary or enforcement agent;
[RT I, 23.12.2013, 1 – entry into force 01.01.2014]
- 3) persons who have been disbarred;
- 4) persons who have been released from the civil service due to a disciplinary offence;
- 5) persons who are bankrupt;
- 6) persons whose professional practice as an auditor has been terminated except termination on the basis of the application of an auditor;
- 7) persons who have been deprived of the profession of a patent attorney, except deprivation of profession on the basis of the application of a patent attorney.
- 8) who have been deprived of the profession of a sworn translator on the basis of clause 3 of subsection 3 of § 28 of the Sworn Translators Act.
[RT I, 23.12.2013, 1 – entry into force 01.01.2014]

§ 48. Judge's age

The maximum age limit of a judge is 67 years, unless otherwise provided in this Act.
[RT I, 29.06.2012, 3 – entry into force 01.07.2012]

§ 49. Restrictions on holding office of judge

(1) Judges may not be employed elsewhere than in the office of judge, except in teaching or research. A judge may perform also other duties set out in the Courts Act. A judge must notify the chief judge of the court about their employment elsewhere than in the office of judge. Employment elsewhere than in the office of judge may not harm the performance of official duties of a judge or the independence of a judge upon administration of justice.
[RT I, 06.11.2019, 1 – entry into force 15.11.2019]

(2) A judge may not be:

- 1) a member of the Riigikogu or member of a rural municipality or city council;
- 2) a member of a political party;
- 3) a founder, managing partner, member of the management board or supervisory board of a company, or director of a branch of a foreign company;

- 4) a trustee in bankruptcy, member of a bankruptcy committee or compulsory administrator of immovable;
 - 5) an arbitrator chosen by the parties to a dispute.
- [RT I 2006, 48, 357 – entry into force 18.11.2006]

§ 50. Judge of court of first instance

(1) The following person may be appointed a judge of a District or Administrative Court (District Court judge or Administrative Court judge):

- 1) who has, after having acquired the qualification specified in clause 1 of subsection 1 of § 47 of this Act, at least five years of law work experience or who has worked as a Supreme Court law clerk or law clerk for at least three years, and

[RT I, 13.03.2019, 1 – entry into force 23.03.2019]

- 2) who has passed the judgeship examination or who has been exempted therefrom.

(2) The compliance of a judicial candidate with the requirements specified in subsection 1 of this section is evaluated by the judgeship examination committee.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

§ 51. Judge of Circuit Court of Appeal

(1) The following person may be appointed a judge of a Circuit Court of Appeal (Circuit Court judge):

- 1) who is an experienced and recognised lawyer, and

- 2) who has passed a judgeship examination or who has been exempted therefrom.

(2) The compliance of the judicial candidate with the requirements specified in subsection 1 of this section is evaluated by the judgeship examination committee.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

§ 52. Justice of Supreme Court

A person who is an experienced and recognised lawyer may be appointed a justice of the Supreme Court (Supreme Court justice).

§ 53. Public competition

(1) Judges are appointed to office on the basis of a public competition.

(2) The minister in charge of the policy sector announces a public competition for a vacant position of judge of a District Court, Administrative Court and Circuit Court of Appeal. The Chief Justice of the Supreme Court announces a public competition for a vacant position of justice of the Supreme Court.

(3) A competition for a vacant position of judge is announced in the official publication *Ametlikud Teadaanded*. An application is submitted to the Chief Justice of the Supreme Court within one month after the publication of the notice concerning the competition.

(4) Where the vacant position of judge is filled pursuant to the procedure provided in § 57 or § 58 of this Act, a competition is not announced.

[RT I 2005, 71, 549 – entry into force 01.01.2006]

§ 54. Assessment of suitability of personal characteristics of judicial candidates

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(1) The suitability of the personal characteristics of a judicial candidate is evaluated by the judgeship examination committee. In the evaluation of the personal characteristics of a judicial candidate, the judgeship examination committee takes into account the information which is important for the performance of the duties of a judge, and may make inquiries.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(1¹) The forms and procedure for the evaluation of the personal characteristics are provided in the rules of procedure of the judgeship examination committee.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(2) A judicial candidate has to pass a security vetting before being appointed as judge, unless they hold a valid security clearance for access to state secrets classified as ‘top secret’ or unless at the time of becoming a candidate they hold a position which provides the right of access to any level of state secret by virtue of office.

[RT I 2007, 16, 77 – entry into force 01.01.2008]

(3) To pass the security vetting, a judicial candidate completes the form to apply for a security clearance to state secrets and signs the consent which permits the agency which performs security vettings to obtain information concerning the person from natural and legal persons and agencies and bodies of the State and

of local authorities during the performance of the security vetting, and submits these through the judgeship examination committee to the Estonian Internal Security Service.
[RT I 2007, 16, 77 – entry into force 01.01.2008]

(4) The Estonian Internal Security Service performs the security vetting of a judicial candidate pursuant to the procedure prescribed in the Security Authorities Act.
[RT I 2007, 16, 77 – entry into force 01.01.2008]

(5) The Estonian Internal Security Service presents, within three months after receipt of the documents specified in subsection 3 of this section, the data collected as a result of the security vetting to the judgeship examination committee and provides an opinion on whether a person who submitted the application meets the conditions for the issue of a personnel security clearance.
[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(6) Relying on the data collected in the course of the security vetting, a judicial candidate may be appointed a judge within three years after the time when the Estonian Internal Security Service forwarded the data collected in the course of the security vetting to the judgeship examination committee. A person may be appointed a judge later than the above term after passing a new security vetting.
[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(6¹) The examination committee may apply for:
1) specification and modification of the data collected in the course of the security vetting;
2) verification of the existence of individual circumstances specified in § 32 of the State Secrets and Classified Information of Foreign States Act within the term specified in subsection 6 of this section.
[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(6²) To specify and modify the information specified in subsection 6¹ of this section and verify the existence of circumstances specified in § 32 of the State Secrets and Classified Information of Foreign States Act, a judicial candidate signs the consent specified in subsection 3 of this section.
[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(7) The judgeship examination committee forwards its decision and the documents specified in subsections 3 and 5 of this section to the Supreme Court *en banc* and notifies the examinee about the decision.
[RT I 2007, 16, 77 – entry into force 01.01.2008]

§ 54¹. Security vetting of candidate for Chief Justice of Supreme Court

(1) A candidate for the Chief Justice of the Supreme Court must pass a security vetting before being appointed the Chief Justice of the Supreme Court, unless they hold a valid security clearance for access to state secrets classified as 'top secret' or unless at the time of becoming a candidate they occupy a position which provides the right of access to any level of state secret by virtue of office.
[RT I 2007, 16, 77 – entry into force 01.01.2008]

(2) A person acquires the status of the candidate for the Chief Justice of the Supreme Court after the President of the Republic has proposed to the person to apply for the office and the person agrees to it in writing.

(3) The Estonian Internal Security Service performs the security vetting of a candidate for the Chief Justice of the Supreme Court pursuant to the procedure prescribed in the Security Authorities Act.
[RT I 2007, 16, 77 – entry into force 01.01.2008]

(4) In order to pass the security vetting, the candidate for the Chief Justice of the Supreme Court submits a completed form by an applicant for a security clearance to state secrets to the Estonian Internal Security Service through the Office of the President of the Republic, and also written consent which permits the agency which performs security vettings to obtain information concerning the person from natural and legal persons, and agencies and bodies of the State and of local authorities during the performance of the security vetting.
[RT I 2007, 16, 77 – entry into force 01.01.2008]

(5) The Estonian Internal Security Service presents, within three months after receipt of the documents specified in subsection 4 of this section, the data collected as a result of the security vetting to the President of the Republic and provides an opinion concerning the compliance of the candidate for the Chief Justice of the Supreme Court with the conditions for the issue of a personnel security clearance.

(6) In the cases where the term of authority of the Chief Justice of Supreme Court has terminated prematurely, the security vetting of the candidate for Chief Justice of Supreme Court is to be performed within one month after receipt of the documents specified in subsection 4 of this section. With the permission of the Security Committee of the Government of Republic, the term for performing the security vetting may be extended by one month if the circumstances specified in clause 1 or 2 of subsection 4 of § 33 of the State Secrets and

Classified Information of Foreign States Act arise or if it is possible that circumstances specified in clause 3 or 4 of subsection 4 of § 33 of the State Secrets and Classified Information of Foreign States Act may arise within one month.

[RT I 2007, 16, 77 – entry into force 01.01.2008]

(7) Relying on the data collected in the course of the security vetting, a candidate for the Chief Justice of the Supreme Court may be appointed to office within nine months after the time when the agency which performed the security vetting forwarded the information collected in the course of the security vetting to President of the Republic. A candidate for the Chief Justice of the Supreme Court may be appointed to office later than the above term after passing a new security vetting.

[RT I 2007, 16, 77 – entry into force 01.01.2008]

§ 55. Appointment of judge

(1) Judges of courts of first and second instance are appointed by the President of the Republic on the proposal of the Supreme Court *en banc*. The Supreme Court *en banc* first hears the opinion of the full court of the court to which the person stands as a candidate.

(2) Where several persons stand as candidates for a vacant position of judge, the Supreme Court *en banc* decides on who to propose to the President of the Republic to be appointed to the office of judge. The judgment of the Supreme Court *en banc* is communicated to the candidate.

(3) Judges of courts of first and second instance appointed to office by the President of the Republic are appointed to court service by the Supreme Court *en banc*. Upon appointing a judge of a court of first instance to service the Supreme Court *en banc* determines also the courthouse which will be the permanent place of service of the judge.

(3¹) A judge in the service of a court of first instance is transferred to the position of a judge of a court of second instance by a resolution of the Supreme Court *en banc*. The term of authority of a judge in a court of second instance commences from the date specified in a resolution of the Supreme Court *en banc*.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(4) Justices of the Supreme Court are appointed to office by the Riigikogu on the proposal of the Chief Justice of the Supreme Court. The Chief Justice of the Supreme Court first hears the opinion of the Supreme Court *en banc* and the Council for Administration of Courts concerning a candidate.

[RT I 2005, 71, 549 – entry into force 01.01.2006]

(5) Upon the appointment of a judge of a court of first instance as a judge of a court of second instance, they are paid no compensation for unexpired unused annual holiday, and the calculation of the holiday continues in the court of second instance.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

§ 56. Judge's oath of office

(1) Upon appointment to office, a judge takes the following oath:

“I swear to remain faithful to the Republic of Estonia and its constitutional order. I swear to administer justice according to my conscience and in conformity with the Constitution and the laws of the Republic of Estonia.”

(2) The justices of the Supreme Court take the oath before the Riigikogu, and other judges take the oath before the President of the Republic.

(3) The text of the judge's oath of office is maintained in the personal file of the judge at the Supreme Court.

[RT I 2005, 71, 549 – entry into force 01.01.2006]

§ 57. Transfer of judges

(1) The Supreme Court *en banc* may appoint a judge to office to another court of the same or a lower instance with the consent of the judge and on the proposal of the minister in charge of the policy sector. The Supreme Court *en banc* may appoint a judge of a court of first instance with their consent to permanent service in another courthouse of the same court.

[RT I 2008, 59, 330 – entry into force 01.01.2009]

(1¹) Where a vacant position of the chief judge of a court is filled pursuant to the procedure provided in §§ 12, 20 and 24 of this Act, subsection 1 of this section does not apply. The transfer of a judge is documented by a decree of the minister in charge of the policy sector.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(2) Within the same settlement, a chief judge of a court may, in the interests of the organisation of administration of justice, appoint a judge to permanent office without their consent to another courthouse of the same court. The chief judge of the court first hears the opinion of the full court.

[RT I 2008, 59, 330 – entry into force 01.01.2009]

(3) Upon the transfer of a judge to another court of the same or a lower instance, except the transfer of a justice of the Supreme Court to a court of a lower instance, they are paid no compensation for unexpired unused annual holiday, and the calculation of the holiday continues in the court where the judge is transferred.
[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

§ 58. Employment of judges in state service and universities in public law and appointment of Chief Public Prosecutor

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(1) A judge may be transferred, without a competition, to the state service, including the service of the Supreme Court or the Ministry of Justice, as well as to the position of a member of the teaching staff at a university in public law, at their request and with the consent of the chief judge of the court. A judge may be appointed the Chief Public Prosecutor or the head of the insolvency division of the Competition Authority at their request. During the period of employment in the state service and at a university in public law, and upon appointment as the Chief Public Prosecutor or head of the insolvency division of the Competition Authority, the powers of a judge are suspended, but they retain other guarantees of a judge.

[RT I, 04.01.2021, 4 – entry into force 01.01.2022]

(1¹) Upon the transfer of a judge to a position specified in subsection 1 of this section, the judge's salary is retained. Where the salary payable for the position specified in subsection 1 of this section is higher than the judge's salary, the judge is paid the higher salary.

(2) A judge may return to a vacant position of judge in the same court by giving at least one month's advance notice thereof to the chief judge of the corresponding court.

(3) The Supreme Court *en banc* may appoint a judge who leaves the state service, a university in public law or the position of the Chief Public Prosecutor or head of the insolvency division of the Competition Authority as a judge to another court of the same or a lower instance with their consent. If the salary paid to the judge would be lower in comparison with the salary which the judge would have received on returning to a vacant position of judge in the same court, they continue to receive higher salary for six months.

[RT I, 04.01.2021, 4 – entry into force 01.01.2022]

(4) Where after leaving the state service, a university in public law or the position of the Chief Public Prosecutor or head of the insolvency division of the Competition Authority, a judge does not have the opportunity to return to a vacant position of judge in the same court and they do not desire to be transferred to another court, the judge is released from office and receives compensation in an amount equal to their six months' salary. Compensation is calculated from the salary valid at the time of grant of the compensation in the position of judge in which the judge was last employed as a judge before being transferred to state service or a university in public law.

[RT I, 04.01.2021, 4 – entry into force 01.01.2022]

§ 58¹. Employment of judges in international court institutions or European Public Prosecutor's Office and participation as experts in international civilian missions

[RT I, 02.06.2020, 1 – entry into force 12.06.2020]

(1) Upon election or appointment of a judge to the position of a judge of an international court institution or to the position of the European Chief Prosecutor or European Delegated Prosecutor or an equivalent position, as well as upon the judge's participation as expert in an international civilian mission, the powers and service relationship of the judge are suspended.

[RT I, 02.06.2020, 1 – entry into force 12.06.2020]

(1¹) Participation of a judge as expert in an international civilian mission must be coordinated with the chief judge of the court and in case of judges of the courts of first and second instance also with the minister in charge of the policy sector. In case of participation of a judge in an international civilian mission, the Participation in International Civilian Missions Act is applied unless otherwise prescribed by this Act.

(2) A judge may return to a vacant position of judge in the same court. A judge gives notice of their intention of returning to the chief judge of the corresponding court in writing:

1) not later than one month before the regular termination of the judge's service in an international court institution or the European Public Prosecutor's Office or returning from an international civilian mission;

[RT I, 02.06.2020, 1 – entry into force 12.06.2020]

2) not later than one month after the early termination of the judge's service in an international court institution or the European Public Prosecutor's Office or returning from an international civilian mission;

[RT I, 02.06.2020, 1 – entry into force 12.06.2020]

(2¹) Upon failure to notify of their intention of returning specified in subsection (2) of this section in due time it is considered that the judge does not intend to return to the same court.
[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(3) If after leaving the service in an international court institution or the European Public Prosecutor's Office or returning from an international civilian mission, a judge does not have the opportunity to return to a vacant position of judge in the same court, the Supreme Court *en banc* may appoint the judge to a vacant position of judge in another court of the same or lower instance with their consent. If the salary paid to the judge would be lower in comparison with the salary which the judge would have received on returning to a vacant position of judge in the same court, they continue to receive higher salary for six months.
[RT I, 02.06.2020, 1 – entry into force 12.06.2020]

(4) If after leaving the service in an international court institution or the European Public Prosecutor's Office or returning from an international civilian mission, a judge does not have the opportunity to return to their former position of judge in the same court, and they do not desire to be transferred to another court, the judge is released from office pursuant to clause 6 of subsection 1 of § 99 and receives compensation in an amount equal to their six months' salary. Compensation is calculated on the basis of the salary valid at the time of grant thereof in the position of judge in which the judge was last employed prior to assuming office in the international court institution or the European Public Prosecutor's Office or taking part in the international civilian mission.
[RT I, 02.06.2020, 1 – entry into force 12.06.2020]

(5) The period of service in an international court institution or the European Public Prosecutor's Office or as an expert in an international civilian mission is included in the period of employment as a judge.
[RT I, 02.06.2020, 1 – entry into force 12.06.2020]

§ 58². Secondment of judge

Upon secondment of a judge, § 44 of the Civil Service Act applies insofar as this is not regulated by the provisions of this Act.
[RT I, 29.12.2012, 1 – entry into force 01.04.2013]

§ 58³. Procedural secondment of judge

(1) The chief judge of a court may send a judge, subject to their consent and at the request of the chief judge of another court, to hear a case in another court of the same or lower instance if this is required for administration of justice pursuant to the requirements. The judge retains their powers of administration of justice during the secondment also in the court in which judicial district is their permanent place of service.

(2) Where a judge hears a case in a court in which judicial district is not their permanent place of service, travel and accommodation expenses, as well as other secondment expenses are reimbursed to them on the conditions and pursuant to the procedure established under subsection 5 of § 44 of the Civil Service Act.
[RT I, 20.06.2020, 1 – entry into force 30.06.2020]

§ 59. Service record of judge

(1) A service record is maintained with regard to a judge which sets out:
1) the name and personal identification code of the judge;
2) their date and place of birth;
3) [repealed – RT I, 06.07.2012, 1 – entry into force 01.04.2013]
4) [repealed – RT I, 06.07.2012, 1 – entry into force 01.04.2013]
5) information concerning their education in law and academic degree;
6) the date on which they took the oath of office;
7) their career;
8) [repealed – RT I 2005, 71, 549 – entry into force 01.01.2006]
9) decisions of the Disciplinary Chamber and date of deletion of a sanction.
[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(2) The Chief Justice of the Supreme Court organises the maintenance of service records of judges.

(3) [repealed – RT I 2005, 71, 549 – entry into force 01.01.2006]

(4) A copy of their service record is given to a judge who is leaving the service, at their request.
[RT I 2005, 71, 549 – entry into force 01.01.2006]

§ 60. Personal file of judge

[RT I 2005, 71, 549 – entry into force 01.01.2006]

(1) A personal file is maintained with regard to a judge which contains:
1) a copy of the document certifying education in law and an academic degree;

- 2) the decision of the judgeship examination committee;
- 3) a copy of the identity card;
- 4) the decision on appointment as a judge;
- 5) decisions of the Disciplinary Chamber;
- 6) the decision on the release or removal of judge from office.

(2) Other documents which reflect the professional activity of the judge may be added to the personal file.

(3) The Chief Justice of the Supreme Court organises the maintenance of the personal files of judges.

(4) [Repealed – RT I 2005, 71, 549 – entry into force 01.01.2006]

Chapter 8

JUDGESHIP EXAMINATION

[RT I, 22.06.2016, 21 - entry into force 01.08.2016]

§ 61.–§ 65.[Repealed – RT I, 22.06.2016, 21 – entry into force 01.08.2016]

§ 66. Judgeship examination

(1) The judgeship examination evaluates the legal knowledge of a judicial candidate and the ability to use it.

(2) The judgeship examination consists of a written and oral part.

(3) The judgeship examination is organised as necessary but at least once a year. The judgeship examination committee determines the time and place of the judgeship examination.

(4) More specific organisation of the judgeship examination is stipulated in the rules of procedure of the judgeship examination committee.

(5) If a person is not appointed a judge within five years after passing the judgeship examination, they have to repass the examination in order to stand as a judicial candidate.

(6) A person who has worked for at least three years as an attorney-at-law or prosecutor, excluding an assistant prosecutor, and stands as a judicial candidate within three years after the end of their practice of an attorney-at-law or prosecutor is exempted from passing a judgeship examination. The judgeship examination committee may exempt from the judgeship examination also a person who has worked in another office or position, if the complexity and responsibility of the office or position correspond to the complexity and responsibility of judicial office.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

§ 67. Re-examination

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(1) If a judicial candidate does not pass a judgeship examination, they may retake the examination after six months have passed since the judgeship examination that was failed.

(2) A judgeship examination may be taken for a third time or more after three years have passed since the last judgeship examination that was failed.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

§ 68. Assessment of examination results

[Repealed – RT I, 22.06.2016, 21 – entry into force 01.08.2016]

§ 69. Judgeship examination committee

(1) The judgeship examination committee has 16 members and is formed for three years.

[RT I, 23.12.2014, 1 – entry into force 01.01.2015]

(2) The judgeship examination committee is comprised of four judges of a court of first instance and four judges of a court of second instance elected by the Court *en banc*, four justices of the Supreme Court elected by the Supreme Court *en banc*, a jurist designated by the council of the Law Faculty of the University of Tartu, a representative of the Ministry of Justice designated by the minister in charge of the policy sector, an attorney-at-law designated by the Board of the Bar Association and the State Prosecutor designated by the Chief Public

Prosecutor. The judgeship examination committee elects the chair of the judgeship examination committee from among its members.

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(3) In order to resolve issues within the competence of the judgeship examination committee, the chair of the committee forms committee panels comprising at least five members, and at least three of the members must be judges. The principles of formation of the panels are established in the rules of procedure of the judgeship examination committee.

[RT I, 23.12.2014, 1 – entry into force 01.01.2015]

(3¹) A person affected by a decision of the judgeship examination committee may file an appeal against the decision with the Supreme Court *en banc* within 14 days after the day when they received the decision.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(4) The judgeship examination committee approves the rules of procedure of the judgeship examination committee.

(5) The Supreme Court organises the clerical support to the judgeship examination committee.

Chapter 9

DUTIES OF JUDGES

§ 70. General duties

(1) A judge must perform their official duties in an impartial manner and without self-interest and comply with the interests of the service also outside the service.

(2) A judge must behave impeccably in the service and outside the service and refrain from acts which may harm the reputation of court.

(3) Judges must follow §§ 55 and 56, subsection 1 of § 58 and § 59 of the Civil Service Act in the performance of their service duties.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

§ 71. Duty of confidentiality

(1) A judge may not disclose information which becomes known to them at a trial or hearing declared closed to the public.

(2) A judge may disclose facts to which the duty of confidentiality applies in judicial proceedings or pre-trial proceedings in criminal cases only with the permission of the Supreme Court *en banc*.

(3) In order to obtain the permission specified in subsection 2 of this section, the court or investigative body conducting the proceedings or a judge bound by the duty of confidentiality may address the Supreme Court *en banc*.

(4) The duty of confidentiality applies for an unspecified term and remains in force also after termination of the service relationship.

§ 72. Duty of confidentiality of deliberations

(1) A judge may not disclose discussions which take place at the time the decision is made.

(2) The duty of confidentiality of deliberations applies for an unspecified term and remains in force also after termination of the service relationship.

§ 73. Duty to supervise

(1) A judge must supervise judges of courts of first instance with less than three years' length of service and persons completing the preparatory service plan of an assistant judge. The chief judge of a court appoints a judge's supervisor for one year upon assumption of office by the judge. A judge may not have more than two supervised judges at the same time.

(2) A judge supervising a judge with less than three years' length of service submits a report regarding the supervised judge, assessing their suitability for the office of judge and development of their skills of managing procedures, and, where necessary, provides other information to the chief judge of the court once a quarter until the expiry of the term of supervision.

(3) The judgeship examination committee establishes the form of the report specified in subsection 2 of this section.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

§ 74. Professional development

(1) A judge is required to develop their professional knowledge and skills on a regular basis, and participate in training.

(2) A judge of a court of first or second instance who assumes office is required to undergo the professional skills training program approved by the Training Council at the time determined by the Training Council.
[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

Chapter 10 SOCIAL GUARANTEES FOR JUDGES

§ 75. Judge's salary

(1) A judge's salary is provided by the Salaries of Higher State Servants Act.

(2) The salary of a judge of a court of first instance with less than three years' length of service during the first six months after the assumption of the office is 90% of the salary determined by the Salaries of Higher State Servants Act.
[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(3) The salary and additional remuneration of a judge, the chair of a Chamber, the manager of a courthouse and the deputy chief judge of a court are paid on the basis of a directive of the chief judge of a court. The salary and additional remuneration of the chief judge of a court are paid on the basis of a decree of the minister in charge of the policy sector or an official authorised by the minister in charge of the policy sector.
[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

§ 76. Additional remuneration of judges

(1) The chief judge of a court of first instance or court of second instance receives additional remuneration for the performance of the duties of chief judge of the court in the amount of:

- 1) 15% of their salary where the number of judges in the court is up to 14;
 - 2) 25% of their salary where the number of judges in the court is at least 15;
 - 3) 35% of their salary where the number of judges in the court is at least 30;
 - 4) 45% of their salary where the number of judges in the court is at least 45.
- [RT I, 23.12.2014, 1 – entry into force 01.01.2015]
[RT I, 23.12.2014, 1 – entry into force 01.01.2015]

(1¹) The chief judge of Viru District Court is paid additional remuneration at double rate provided in subsection 1 of this section.
[RT I, 28.12.2016, 14 – entry into force 11.01.2017]

(2) The chair of a chamber of the Supreme Court or a Circuit Court of Appeal receives additional remuneration for the performance of the duties of chair of the chamber in the amount of 15% of their salary.

(3) The chief judge of a court determines additional remuneration for the manager of a courthouse in the amount of:

- 1) 5% of the salary of a judge where there are up to 10 judges in permanent service in the courthouse;
 - 2) 10% of the salary of a judge where there are 11–14 judges in permanent service in the courthouse;
 - 3) 15% of the salary of a judge where there are more than 14 judges in permanent service in the courthouse.
- [RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(3¹) The chief judge of a court determines additional remuneration for the deputy chief judge of a court in the amount of 15% of their salary.
[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(4) Judges supervising judges and persons completing the preparatory service plan of an assistant judge receive additional remuneration equal to 5% of the salary for each supervised judge during supervision. No additional remuneration is paid to the supervisor during the time when the completion of the preparatory service plan of an assistant judge is suspended.
[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(5) Additional remuneration is paid to a judge who performs the duties related to Estonian presidency of the Council of the European Union during the period of Estonian presidency of the Council of the European Union. [RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(6) A judge who performs official duties at an international institution or who participates as an expert in an international program of co-operation or in any other form of international co-operation is entitled to receive remuneration therefor. [RT I, 06.11.2019, 1 – entry into force 15.11.2019]

(7) A judge of a court of first instance is paid additional remuneration for on-call time during public holidays and weekends. The on-call time is deemed to cover the entire length of the on-call time in hours. The amount of the additional remuneration for one hour of the on-call time is 10% of the remuneration for one working hour of the judge. [RT I, 13.03.2019, 1 – entry into force 01.01.2020]

(8) The procedure for determination of the additional remuneration payable for on-call time and the number of judges eligible for payment of the additional remuneration for on-call time are established by a regulation of the minister in charge of the policy sector with the approval of the Council for Administration of Courts. [RT I, 13.03.2019, 1 – entry into force 01.01.2020]

§ 76¹. Representation expenses of Chief Justice of Supreme Court

The Chief Justice of the Supreme Court is paid 20% of their salary on a monthly basis for representation expenses. [RT I, 23.12.2014, 1 – entry into force 01.01.2015]

§ 77.–§ 81.[Repealed – RT I, 29.12.2012, 1 – entry into force 01.07.2013]

§ 82. Change in amount of pension

(1) A judge's pension is recalculated upon a change in the amount of the salary payable for the position according to which the judge's pension has been calculated.

(2) In the event specified in subsection 1 of this section, a pension is recalculated from the date on which the amount of the salary of a judge changes. [RT I, 04.07.2014, 34 – entry into force 26.06.2014 – 26.06.2014 – The judgment of the Supreme Court en banc declares unconstitutional and invalid subsection 2 of § 132.7 of the Courts Act, and declares invalid § 82 of the Courts Act by clause 2 of § 3 of the Payment of Salaries Related to Estonian Average Wages Temporary Organisation Act, Salaries of Higher State Servants Act, and Act on Amendment to Courts Act to the extent these did not allow to recalculate the judges' old-age pensions based on the judges' salaries on 1 July 2013.]

§ 83. Compensation upon death and decrease in capacity for work of judge

[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]
If a judge is killed or dies or a judge's capacity for work decreases in connection with the performance of the judge's duties, the state pays a benefit on the basis and pursuant to the procedure of § 49 of the Civil Service Act. [RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

§ 84. Judge's holiday

(1) Judges have the right to receive an annual holiday.

(2) A judge's annual holiday is 35 calendar days. A judge is granted an additional holiday up to seven calendar days in total for the time of their service as a judge as follows:

- 1) two calendar days when their length of service as a judge has lasted five years;
- 2) four calendar days when their length of service as a judge has lasted 10 years;
- 3) seven calendar days when their length of service as a judge has lasted 15 years;

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(2¹) The provisions of §§ 68–71 of the Employment Contracts Act concerning annual holidays apply with regard to an additional holiday provided in subsection 2 of this section. [RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(3) [Repealed – RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(4) The chief judge of a court approves the holiday schedule of judges.

(5) An extraordinary holiday for up to one year without pay may be granted to a judge by the Chief Justice of the Supreme Court with the consent of the full court of the court where the judge is employed. [RT I 2005, 71, 549 – entry into force 01.01.2006]

(6) Subsections 1, 3 and 4 of § 43 and § 48 of the Civil Service Act apply insofar as this is not regulated by this section.

[RT I, 29.12.2012, 1 – entry into force 01.04.2013]

§ 85. Official attire of judge

- (1) Judges wear judicial robes as official attire at trials or hearings.
- (2) The state provides the judicial robes to judges without charge.
- (3) The minister in charge of the policy sector approves the description of the judicial robes.

§ 86. Other social guarantees

(1) A judge who is released from office due to liquidation of a court or closure of a courthouse or reduction of the number of judges is paid compensation in the amount of six months' salary of their last position.

(2) Compensation is not paid to the chief judge of a court who after being released from the position of the chief judge of the court resumes work as a judge and the manager of courthouse who after being released from the duties of the manager of the courthouse resumes work as a judge.

(3) Where a judge of a higher court is appointed, due to liquidation of the court or reduction of the number of judges, as a judge of a lower court with their consent, they retain the salary of the previous position together with additional remuneration during one year.

(4) [Repealed – RT I, 10.07.2012, 3 – entry into force 01.04.2013]

Chapter 11 DISCIPLINARY LIABILITY OF JUDGES

§ 87. Grounds for imposing disciplinary sanctions

- (1) A disciplinary sanction may be imposed on a judge for a disciplinary offence.
- (2) A disciplinary offence is a wrongful act of a judge which consists in failure to perform or inappropriate performance of official duties. An indecent act of a judge is also a disciplinary offence.

§ 88. Disciplinary penalties

(1) The following are disciplinary penalties:

- 1) a reprimand;
- 2) a fine in an amount of up to one month's salary;
- 3) a reduction in salary;
- 4) removal from office.

(2) Where a retired judge does not comply with the duty of confidentiality or the duty of confidentiality of deliberations, their judge's pension may be reduced by up to 25% as a disciplinary sanction. The pension may not be reduced for longer than one year.

(3) Only one disciplinary sanction may be imposed on a judge for one and the same offence. A criminal sanction or a sanction for a misdemeanour imposed for the same act does not preclude the imposition of a disciplinary sanction.

(4) Upon imposition of a disciplinary sanction, the nature, gravity and consequences of the disciplinary offence, also the personal characteristics of the judge and other circumstances related to the offence must be considered.
[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(5) A disciplinary sanction imposed on a judge is entered in their service record.

(6) A disciplinary sanction expires if the judge does not commit a new disciplinary offence within one year after the entry into force of the decision of the Disciplinary Chamber. The Disciplinary Chamber may also cancel a disciplinary sanction before the prescribed time.

§ 89. Reduction of salary

As a disciplinary sanction, a judge's salary may be reduced by up to 30%. The salary may not be reduced for longer than one year.

§ 90. Expiry of disciplinary offence

(1) Disciplinary proceedings are not commenced in case two years have passed from the commission of the disciplinary offence or six months have passed from the discovery thereof.

(2) The term provided in subsection 1 of this section is suspended:

- 1) until the termination of criminal proceedings commenced against an act of a judge;
- 2) during the time that the judge is temporarily incapacitated for work and during the holiday of the judge.

§ 91. Institution of disciplinary proceedings

(1) Disciplinary proceedings are instituted when elements of a disciplinary offence become evident. Disciplinary proceedings are instituted by preparation of disciplinary charges.

(2) The following have the right to institute disciplinary proceedings:

- 1) the Chief Justice of the Supreme Court, against all judges;
- 2) the Chancellor of Justice, against all judges;
- 3) the chief judge of a Circuit Court of Appeal, against judges of courts of first instance, in their judicial district.
- 4) the chief judge of a court, against the judges of the same court;
- 5) the Supreme Court *en banc* against the Chief Justice of the Supreme Court.

(3) A person instituting disciplinary proceedings may collect evidence and demand explanations which are necessary to adjudicate the disciplinary case.

§ 92. Disciplinary charges

(1) Disciplinary charges means a written document which sets out:

- 1) the name and position of the accused;
- 2) the description and time of commission of the offence;
- 3) the evidence proving commission of the offence;
- 4) the name of the person instituting the disciplinary proceedings, and the date and place of the preparation of the charges.

(2) The person instituting disciplinary proceedings forwards the disciplinary charges and the related material to the Disciplinary Chamber which immediately notifies the judge against whom the disciplinary proceedings are commenced thereof.

(3) A judge against whom disciplinary proceedings are commenced is served the disciplinary charges at least 10 days before the hearing of the Disciplinary Chamber. The judge or their representative has the right to examine the materials of the disciplinary case.

§ 93. Disciplinary Chamber

(1) For the adjudication of disciplinary cases of judges, the Supreme Court comprises the Disciplinary Chamber which is comprised of five justices of the Supreme Court, five Circuit Court judges and five judges of courts of first instance.

(2) The Supreme Court *en banc* appoints, for the term of three years, the chair of the Disciplinary Chamber and other members of the Disciplinary Chamber who are justices of the Supreme Court.

(3) The internal rules of the Supreme Court prescribe the procedure for the substitution of members of the Disciplinary Chamber who are justices of the Supreme Court.

(4) Pursuant to the internal rules, the Supreme Court involves judges of courts of first and second instance elected on the basis of clause 4 of subsection 3 of § 38 of this Act in the adjudication of disciplinary cases.

(5) For the adjudication of a disciplinary case of a judge, the chair of the Disciplinary Chamber forms a five-member panel consisting of three members of the Disciplinary Chamber who are justices of the Supreme Court, one Circuit Court judge and one judge of a court of first instance.

§ 94. Hearing of disciplinary case

(1) The Disciplinary Chamber of the Supreme Court hears cases of disciplinary offences of judges and imposes disciplinary sanctions on judges.

(2) A five-member panel of the Disciplinary Chamber hears a disciplinary case at a hearing.

(3) Upon hearing of a disciplinary case, the chair of the Disciplinary Chamber is the presiding judge. In case the chair of the Disciplinary Chamber does not participate in the hearing of a case, they appoint a member of the Chamber as the presiding judge.

§ 95. Temporary removal from service

(1) The Disciplinary Chamber may remove a judge from service for the duration of hearing of a disciplinary case by an order of which the Chamber immediately notifies the judge and the chief judge of the court. Upon deciding the removal from service, the Chamber considers the nature and gravity of the disciplinary offence of which a judge is accused.

(2) Where circumstances related to a judge exist which significantly harm the reputation of the court, the Disciplinary Chamber may temporarily remove the judge from service until the institution of disciplinary proceedings is decided. Where it appears that no grounds exist for the institution of disciplinary proceedings against the judge, the judge may resume service on the decision of the Disciplinary Chamber.

(3) The Disciplinary Chamber may decide on the removal of a judge from service without holding a hearing.

(4) Where the Disciplinary Chamber removes a judge from service for the duration of hearing of a disciplinary case, the Chamber may reduce the judge's salary for the same period. The salary may not be reduced by more than a half.

(5) The chief judge of a court may assign duties other than the administration of justice to a judge who is temporarily removed from service.

(6) A judge may file an appeal to the Supreme Court *en banc* against an order by which the judge is temporarily removed from service or their salary is reduced within 10 days after the judge becomes aware of the order. [RT I 2005, 71, 549 – entry into force 01.01.2006]

§ 96. Hearing of Disciplinary Chamber

(1) The judge whose disciplinary offence is being heard is summoned to the hearing of the Disciplinary Chamber. The judge may have a representative. Where necessary, witnesses and other persons may be summoned to the hearing.

(2) At the hearing of the Disciplinary Chamber, the presiding judge makes a report on the case in which they introduce the disciplinary charges.

(3) The judge, against whom the disciplinary charges are brought, gives statements with regard to the case, and the statements from witnesses and other persons present at the hearing are heard. Members of the Disciplinary Chamber may question the judge against whom the charges are brought, the witnesses and other persons summoned to the hearing.

(4) After examination of the evidence, the judge whose disciplinary case is heard has the right to express their opinion with regard to the case.

(5) Minutes are taken of hearings of the Disciplinary Chamber.

§ 97. Decisions of Disciplinary Chamber

(1) Where the culpability of a judge is proved, the Disciplinary Chamber makes a decision whereby the judge is convicted of the commission of the disciplinary offence and a disciplinary sanction is imposed on the judge.

(2) Where the judge has not committed the disciplinary offence, the Disciplinary Chamber makes a decision by which the judge is acquitted of the disciplinary charges.

(3) A judge on whom a disciplinary sanction is imposed may file an appeal to the Supreme Court *en banc* within 30 days after the decision is pronounced.

(3¹) The Supreme Court *en banc* may perform the following with regard to a decision of the Disciplinary Chamber:

- 1) refuse amendment;
- 2) amend and convict the judge of the commission of a less serious disciplinary offence and mitigate the disciplinary sanction imposed;
- 3) refuse to make substantive amendments and mitigate the disciplinary sanction imposed;
- 4) annul the decision and acquit the judge.

(4) Where the judge has not filed an appeal to the Supreme Court *en banc*, the decision of the Disciplinary Chamber enters into force after the expiry of the term specified in subsection 3 of this section. A decision of the Disciplinary Chamber appealed to the Supreme Court *en banc* enters into force as a judgment of the Supreme Court *en banc* upon pronouncement thereof.
[RT I 2005, 71, 549 – entry into force 01.01.2006]

§ 98. Reimbursement of reduced portion of salary

(1) Where a judge is acquitted of disciplinary charges, the reduced portion of salary related to the temporary removal from service and the interest provided by law are paid to the judge.

(2) Where the Disciplinary Chamber convicts a judge of the commission of a disciplinary offence which is considerably less serious than the act against which charges were brought against the judge and for which they were temporarily removed from service, the Chamber may decide that the reduced portion of salary is to be reimbursed to the judge in part or in full.

(3) On the grounds specified in subsections 1 and 2 of this section, the reduced portion of salary is paid to the judge within one month after termination of the disciplinary proceedings or entry into force of the decision of the Disciplinary Chamber.

Chapter 12

RELEASE AND REMOVAL OF JUDGES FROM OFFICE

§ 99. Release of judges from office

(1) A judge is released from office:

1) at the request of the judge;

2) due to age;

[RT I, 29.06.2012, 3 – entry into force 01.07.2012]

3) due to unsuitability for office – within three years after appointment to office;

4) due to health reasons which hinder work as a judge;

5) upon liquidation of a court or closure of a courthouse or reduction of the number of judges;

6) where after leaving the service in the Supreme Court, the Ministry of Justice, an international court institution, the position of a European Prosecutor or European Delegated Prosecutor, or after returning from an international civilian mission, a judge does not have the opportunity to return to a vacant position of judge in the same court, and they do not desire to be transferred to another court.

[RT I, 02.06.2020, 1 – entry into force 12.06.2020]

7) where a judge is appointed or elected to a position or office which is not in compliance with the restrictions on services of judges;

8) where facts become evident which pursuant to law preclude the appointment of the person as a judge.

(1¹) A judge is not released from office on the basis of clauses 1 and 3 of subsection 1 of this section during the conduct of disciplinary proceedings against them.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(1²) The service relationship of a judge terminates upon their death.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(1³) For the release from office on the basis specified in clause 1 of subsection 1 of this section, a judge submits an application at least nine months prior to the desired date of the release. Based on a judge's application and with good reason, the Chief Justice of the Supreme Court may make a proposal to the President of the Republic or the Supreme Court *en banc* to release the judge from office earlier than nine months after the submission of the request.

[RT I, 20.06.2020, 1 – entry into force 30.06.2020]

(2) Judges of courts of first and second instance are released from office by the President of the Republic on the proposal of the Chief Justice of the Supreme Court.

(3) The Chief Justice of the Supreme Court is released from office by the Riigikogu on the proposal of the President of the Republic except in the case provided in subsection 6 of § 27 of this Act. The other justices of the Supreme Court are released from office by the Riigikogu on the proposal of the Chief Justice of the Supreme Court except in the cases provided in clauses 1 and 2 of subsection 1 of this section where the justices of the Supreme Court are released from office by the Supreme Court *en banc* on the proposal of the Chief Justice of the Supreme Court.

[RT I, 13.03.2019, 1 – entry into force 01.01.2020]

§ 99¹. Release from office due to age

(1) A judge is released from office when the judge attains 68 years of age, unless the maximum age limit of the judge is increased pursuant to the procedure provided in subsections 2 and 3 of this section.

(2) The Supreme Court *en banc* may in exceptional cases, on the consent of the Council for Administration of Courts and the judge and on the proposal of the chief judge of the court, increase the maximum age limit of the judge by up to two years, but not more than four years in total. The judgment of the Supreme Court *en banc* is adopted by secret ballot by the two-thirds majority vote of the justices of the Supreme Court who are present.
[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(3) The maximum age limit of the judge may be increased in case of substantial public interest from the point of view of administration of justice.

(4) The increase of the maximum age limit applies exclusively to the judge whose maximum age limit was increased.

(5) In case of increasing the maximum age limit of a judge, the judge is released from office after the judge has attained the increased maximum age limit.
[RT I, 29.06.2012, 3 – entry into force 01.07.2012]

(6) The Supreme Court *en banc* may, on the consent of the judge and on the proposal of the chief judge of the court, extend the term of authority of the judge who has been released from office at their own request or due to their age, if this is required for finalising the hearing of the cases distributed to the judge. In such case the judge does not lose the right to receive the judge's pension provided in § 132² or § 132³ of this Act, and is paid, in addition, 25% of the salary of the judge. The term of authority is determined by the Supreme Court *en banc* on the proposal of the chief judge of the court. The term of authority of a judge may be extended up to the attainment of the last maximum age limit of the judge specified in subsection 2 of this section. Where the term of authority of the judge is extended pursuant to the procedure specified in this subsection, the number of judges in the court may be greater than the number determined on the basis of §§ 11, 19 and 23 of this Act.
[RT I, 20.06.2020, 1 – entry into force 30.06.2020]

§ 100. Release from office due to unsuitability

(1) A person may be released from the office of judge due to unsuitability for office only within three years after appointment to office if the judge has been declared unsuitable for office by a judgment of the Supreme Court *en banc*.

(2) Once a year, the chief judge of a court submits their opinion and the report specified in subsection 2 of § 73 of this Act concerning a judge with less than three years' length of service employed in the court to the judgeship examination committee. The standard form for submission of an opinion is established by the judgeship examination committee.
[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(3) Upon assessment of suitability for the office of judge, the Supreme Court *en banc* considers the proposal of a person or body entitled to commence disciplinary proceedings, the opinion of the judgeship examination committee and other information characterising the work of the judge.

(4) The judgeship examination committee holds a hearing where the judge whose suitability is assessed is heard.

(5) At least 10 days before the suitability of a judge is discussed at a hearing of the Supreme Court *en banc*, a reasoned proposal of a person or body entitled to institute disciplinary proceedings to release the judge from office and the opinion of the judgeship examination committee are presented to the judge whose suitability for office is assessed, and they are allowed to examine the gathered materials.

§ 101. Removal of judges from office

A judge in respect of whom a conviction by a court for a criminal offence or a decision of the Disciplinary Chamber of the Supreme Court to remove the judge from office has entered into force, is deemed to be removed from office from the date on which the conviction or decision enters into force.

Chapter 13

LAY JUDGES

§ 102. Participation of lay judges in administration of justice

(1) Lay judges participate in the administration of justice in District Courts on the grounds and pursuant to the procedure provided by the Acts of procedure.

(2) In administration of justice, a lay judge has equal rights with a judge.
[RT I 2005, 15, 85 – entry into force 01.01.2006]

§ 103. Requirements for lay judges

(1) An Estonian citizen with active legal capacity from 25 to 70 years of age who resides in Estonia, has proficiency in the Estonian language at the level C1 provided by the Language Act or a corresponding level, and is of suitable moral character for the activity of a lay judge may be appointed a lay judge.
[RT I 2009, 4, 27 – entry into force 26.01.2009]

(2) The following persons are not appointed a lay judge:

- 1) a person who has been convicted of a criminal offence;
- 2) a bankrupt;
- 3) a person who is not suited due to their state of health;
- 4) a person who has permanent residence, that is the residence the address details of which have been entered in the population register, of less than one year within the territory of the local authority which nominates the person as a candidate for lay judge;
- 5) a person who is in service in a court, prosecutor's office or the police;
- 6) a person who is in mandatory service in the defence forces;
- 7) an attorney, a notary or an enforcement agent;
- 8) a member of the Government of the Republic;
- 9) a member of a rural municipality or city government;
- 10) the President of the Republic;
- 11) a member of the Riigikogu;
- 12) [repealed – RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(3) A person who is accused of a criminal offence may not be appointed a lay judge during the criminal proceedings.

§ 104. Term of authority of lay judge

(1) Lay judges are appointed for four years.

(2) A person may not be appointed a lay judge for more than two consecutive terms.

(3) The chief judge of a District Court notifies the municipal council of the termination of the term of the authority of a lay judge at least four months in advance before the termination of the term of authority.

(4) Where the term of authority of a lay judge terminates during a judicial proceeding, they continue performing their duties until the adjudication of the case in such court.
[RT I 2005, 15, 85 – entry into force 01.01.2006]

§ 105. Premature termination of term of authority of lay judge

(1) The term of authority of a lay judge is terminated when a fact specified in subsection 2 of § 103 of this Act becomes evident. The term of authority of a lay judge may be terminated on the basis of their request with good reason.

(2) The committee specified in § 108 of this Act decides on the premature termination of the term of authority of a lay judge on the proposal of the chief judge of a District Court.
[RT I 2005, 71, 549 – entry into force 01.01.2006]

§ 106. Procedure for election of candidate for lay judge

(1) Each member of a municipal council may present candidates for lay judge.

(2) A municipal council elects the candidates for lay judge.

(3) The chief judge of a District Court determines the number of candidates for lay judge presented by each municipal council within the judicial district of the court. The number of candidates for lay judge must be proportional to the ratio of the number of residents in the territory of the local government and the number of residents in the judicial district of the court.
[RT I 2005, 15, 85 – entry into force 01.01.2006]

§ 107. List of candidates for lay judge

(1) A municipal council submits a list of candidates for lay judges to a District Court at least two months before the termination of the term of authority of lay judges. The list sets out the name, personal identification code, address, place of employment and position or area of activity of a candidate for lay judge.
[RT I 2005, 15, 85 – entry into force 01.01.2006]

(2) The list of candidates for lay judges is published in the official publication *Ametlikud Teadaanded* at least two months before the termination of the term of authority of lay judges appointed earlier. A municipal council submits the list for publication.

(3) The name, personal identification code, place of employment, and position or area of activity of a candidate for lay judge must be published.
[RT I, 06.11.2019, 1 – entry into force 15.11.2019]

(4) Everyone has the right to contest the appointment of a candidate for lay judge as a lay judge in the committee for appointment of lay judges of a District Court.
[RT I 2005, 15, 85 – entry into force 01.01.2006]

(5) A notice concerning the right and procedure for contestation is published together with the list of candidates for lay judges in the official publication *Ametlikud Teadaanded*.
[RT I 2005, 15, 85 – entry into force 01.01.2006]

§ 108. Appointment of lay judges

(1) Lay judges are appointed to office from among candidates for lay judges by the committee comprised in a court for appointment of candidates for lay judge, the members of which are approved by the chief judge of the court.

(2) The committee for appointment of lay judges comprises the chief judge of the District Court, a judge elected by the full court and the manager of each courthouse of the judicial district of the District Court or a representative appointed by the manager of the courthouse from among the judges of the same courthouse. The chief judge of the court chairs the committee.
[RT I 2006, 55, 411 – entry into force 23.12.2006]

(3) The committee has a quorum if over one half of the committee members are present, including the chair of the committee. The committee adopts decisions by the majority vote of the members who are present. The chair of the committee has the casting vote upon an equal division of votes.
[RT I 2006, 55, 411 – entry into force 23.12.2006]

(4) The committee appoints a specified number of persons determined for such court from among the candidates for lay judges as lay judges.

(5) Upon appointment of lay judges, the committee considers the suitability of a candidate, the reasoned objections filed against a candidate, and follows the principle that lay judges are persons of different sex and age, from different social groups and operating in different areas of activity.

§ 109. Lay judge's oath of office

A lay judge takes the following oath before the full court:
“I swear to remain faithful to the Republic of Estonia and its constitutional order. I swear to administer justice according to my conscience and in conformity with the Constitution and other laws of the Republic of Estonia.”

§ 110. Participation of lay judges in administration of justice

(1) Lay judges are involved in courts to participate in the administration of justice on the understanding that lay judges participate in the administration of justice equally to the extent possible.

(2) In case a lay judge cannot participate in a trial, another lay judge is involved in the trial.

§ 111. Duties of lay judges

(1) A lay judge involved in the administration of justice is required to appear at a trial.

(2) Where a lay judge cannot participate in a trial with good reason, they must immediately notify the court thereof.

(3) The duties listed in §§ 70–72 of this Act apply to lay judges.

(4) Criminal charges may be brought against a lay judge during their term of office only with the consent of the chief judge of the District Court of their judicial district.
[RT I 2005, 15, 85 – entry into force 01.01.2006]

§ 112. Payment of remuneration to lay judges

(1) The amount of remuneration paid to lay judges and payment procedure are established by a regulation of the minister in charge of the policy sector. The minister in charge of the policy sector may not reduce the amount of remuneration of lay judges established by the regulation.
[RT I 2006, 55, 411 – entry into force 23.12.2006]

(2) The expenses related to participation in the administration of justice are reimbursed to lay judges.

(3) An employer must exempt a lay judge from work for the time of their participation in the administration of justice.

(4) [Repealed – RT I 2006, 55, 411 – entry into force 23.12.2006]

§ 113. Pension of lay judges

(1) [Repealed – RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed –RT I, 17.12.2015, 1)]

(2) If a person is killed in the performance of the duties of a lay judge as a result of a criminal attack against them, the state survivor's pension paid to each family member who is incapacitated for work and was maintained by the lay judge is increased by 20%.

(3) The portion of a lay judge's pension which exceeds state pension or is not covered by state pension is paid from additional state budget funds.

Chapter 14 ASSISTANT JUDGES

§ 114. Legal status of assistant judges

(1) An assistant judge is a court official who performs the duties specified by law.

(2) Upon performance of their duties, an assistant judge is independent but must comply with the instructions of a judge to the extent prescribed by law.

(3) [Repealed – RT I, 21.06.2014, 8 – entry into force 01.01.2015]

§ 115. Requirements for assistant judges

(1) The following persons may be appointed an assistant judge:

- 1) who comply with the requirements established in clauses 1–3 of subsection 1 of § 47 of this Act and
- 2) who have completed the preparatory service plan of an assistant judge, unless the competition committee has exempted the person from the completion of the preparatory service plan of an assistant judge.

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(2) A person who has passed the judgeship examination may also be appointed an assistant judge.
[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(3) The person specified in subsection 2 of § 47 of this Act and the person released from the judge's office on the basis of clause 3 of subsection 1 of § 99 of this Act may not be appointed an assistant judge.
[RT I 2007, 67, 413 – entry into force 28.12.2007]

§ 116. Restrictions on services of assistant judges

The restrictions on services of judges apply to assistant judges.

§ 116¹. Competition for persons completing preparatory service plan of assistant judge

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(1) The minister in charge of the policy sector announces a public competition for finding a person completing the preparatory service plan of an assistant judge in the official publication *Ametlikud Teadaanded*.

(2) A participant in the competition for persons completing the preparatory service plan of an assistant judge must comply with the requirements established in clauses 1–3 of subsection 1 of § 47 and subsection 3 of § 115 of this Act.

(3) The number of persons completing the preparatory service plan of an assistant judge is determined by a regulation of the minister in charge of the policy sector.

(4) The procedure for and conditions of the competition for persons completing the preparatory service plan of an assistant judge are established by a regulation of the minister in charge of the policy sector.

(5) The rules of procedure of the competition committee are established by a regulation of the minister in charge of the policy sector.

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

§ 117. Preparatory service plan of assistant judge

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(1) The person completing the preparatory service plan of an assistant judge receives training for the office of assistant judge.

(2) The preparatory service plan of an assistant judge is prepared by the competition committee, taking into account the previous work experience of a person completing the preparatory service plan. The competition committee determines the court of first instance where the preparatory service plan of an assistant judge is to be completed. The supervisor of a person completing the preparatory service plan of an assistant judge is appointed by the director of court from among assistant judges. For the period when the completion of the preparatory service plan of an assistant judge takes place in the legal service of a court, the judge supervisor of a person completing the preparatory service plan of an assistant judge is appointed by the chief judge of the court.

(3) During the time of the completion of the preparatory service plan, the person completing the plan is governed by §§ 50, 51, 54–56 and 58 of the Civil Service Act and subsections 1–3 of § 3 and §§ 4–7, 11, 17–19 and 21 of the Anti-corruption Act.

(4) The compensation for harm caused by a person completing the preparatory service plan of an assistant judge is governed by the provisions of the Civil Service Act concerning the proprietary liability of officials and the provisions of the State Liability Act concerning the right of recourse. Upon compensation for harm, the basic salary of a person completing the preparatory service plan of an assistant judge is considered to be the assistant judge's salary.

(5) The term for the completion of the preparatory service plan of an assistant judge is determined by the competition committee. The competition committee may extend the determined term in justified cases at the request of the person completing the preparatory service plan of an assistant judge.

(6) The preparatory service plan of an assistant judge is deemed completed by a resolution of the competition committee based on the report of the person completing the preparatory service plan of an assistant judge. Unless a person is appointed as an assistant judge within five years after the preparatory service plan is deemed completed, they are required to complete the preparatory service plan again for standing as a candidate for an assistant judge.

(7) The preparatory service plan of an assistant judge is not deemed completed by a resolution of the competition committee in case:

- 1) the person completing the preparatory service plan of an assistant judge has failed to complete the preparatory service plan of an assistant judge within the term determined by the competition committee;
- 2) the person completing the preparatory service plan of an assistant judge commits an indecent act;
- 3) the person completing the preparatory service plan of an assistant judge has not requested the competition committee to extend the term for completion of the preparatory service plan of an assistant judge; or
- 4) the competition committee has not extended the term for completion of the preparatory service plan.

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

§ 117¹. Verification of reliability of candidates for person completing preparatory service plan of assistant judge

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(1) A candidate for person completing the preparatory service plan of an assistant judge provides the competition committee with their data, the content of which is established by the minister in charge of the policy sector.

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(2) In order to verify the correctness of the data submitted by a candidate for person completing the preparatory service plan of an assistant judge, the minister in charge of the policy sector has the right, through officials authorised by them, to:

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

1) address agencies of the State and local authorities, officials of agencies of the State and local authorities, legal persons and natural persons with inquiries concerning the personal data of a candidate for person completing the preparatory service plan of an assistant judge;

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

2) interview the person indicated in the form concerning personal data, and with employers, representatives of educational institutions and other persons in order to ascertain the moral character and other personal characteristics of the person and where necessary, obtain a written explanation from the interviewed person with their permission;

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(3) The agency or person that has received an inquiry specified in clause 1 of subsection 2 of this section are to respond to the inquiry immediately.

(4) A candidate for person completing the preparatory service plan of an assistant judge is notified of the verification with respect of them and provided an opportunity to examine the materials gathered in the process of the verification.

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(5) Where a candidate for person completing the preparatory service plan of an assistant judge intentionally submits incorrect data to the competition committee or conceals material information, they are excluded from the competition by a resolution of the competition committee.

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

§ 117². Exemption from completion of preparatory service plan of assistant judge

The competition committee may exempt a person who has worked for at least two years in an office or position which requires legal knowledge and with regard to whom the competition committee finds that their earlier experience allows the person to assume the office of an assistant judge without completing the preparatory service plan of an assistant judge, from the completion of the preparatory service plan of an assistant judge.

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

§ 117³. Suspension of completion of preparatory service plan of assistant judge

(1) The competition committee suspends, by a resolution, the completion of the preparatory service plan of an assistant judge:

1) for the period of maternity leave and paternity leave and for the period when a person completing the preparatory service plan of an assistant judge has the right to be on parental leave, but not for longer than until the child attains three years of age;

[RT I, 26.10.2018, 1 – entry into force 01.04.2022]

1¹) for the period of adoptive parent leave;

[RT I, 26.10.2018, 1 – entry into force 01.04.2022]

2) for the period of conscription or alternative service;

3) when criminal charges are brought against a person completing the preparatory service plan of an assistant judge, from the date on which the charges are brought until the proceedings are terminated or the person completing the preparatory service plan of an assistant judge is acquitted.

(2) Based on clauses 1 and 2 of subsection 1 of this section, the completion of the preparatory service plan of an assistant judge is suspended on the basis of the request of the person completing the preparatory service plan of an assistant judge.

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

§ 117⁴. Termination of completion of preparatory service plan of assistant judge

The competition committee terminates, by a resolution, the completion of the preparatory service plan of an assistant judge:

1) due to unsatisfactory results;

2) if the person completing the preparatory service plan of an assistant judge commits an indecent act;

3) if a judgment of conviction in a criminal case has entered into force with respect to the person completing the preparatory service plan of an assistant judge.

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

§ 118. Report on completion of preparatory service plan of assistant judge

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(1) A person completing the preparatory service plan of an assistant judge submits to the competition committee a written report with regard to the completion of the preparatory service plan of an assistant judge.

(2) The supervisor of a person completing the preparatory service plan of an assistant judge submits a written opinion regarding the results of the completion of the preparatory service plan of an assistant judge to the competition committee at the end of the completion of the preparatory service plan of an assistant judge.
[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

§ 119. Competition committee

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(1) The competition committee, comprising seven members, is formed for a term of five years. The competition committee is comprised of:

- 1) two judges of a court of first instance and one alternate member elected by the Court *en banc*;
- 2) a judge of a Circuit Court of Appeal and their alternate member elected by the Court *en banc*;
- 3) two assistant judges and one alternate member appointed by the minister in charge of the policy sector;
- 4) a representative of the Ministry of Justice and their alternate member appointed by the minister in charge of the policy sector;
- 5) a notary and their alternate member designated by the Chamber of Notaries.

(2) The minister in charge of the policy sector appoints the chair of the competition committee from among the committee members.

(3) The competition committee:

- 1) conducts the competition for assistant judges and persons completing the preparatory service plan of an assistant judge;
- 2) decides on persons completing the preparatory service plan and their division between the courts;
- 3) determines the term for completion of the preparatory service plan of an assistant judge and, in justified cases, extends this term;
- 4) decides on whether to deem the preparatory service plan of an assistant judge completed.

(4) The competition committee has a quorum if at least four members are present. The competition committee adopts decisions by a majority of votes in favour. Upon an equal division of votes, the chair of the committee has the casting vote.

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

§ 120. Standing as candidate for position of assistant judge

(1) Assistant judges are appointed to office by way of a public competition.

(2) The minister in charge of the policy sector announces a public competition for a vacant position of assistant judge in the official publication *Ametlikud Teadaanded*.

(3) Persons who comply with the requirements established for assistant judges may stand as candidates for the position of assistant judge.

(4) Assistant judges are appointed to office by the minister in charge of the policy sector on the proposal of the competition committee.

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(5) A probationary period with the duration of six months is applied upon appointment to office of assistant judge. The director of court appoints the supervisor to an assistant judge for the probationary period.

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

§ 121. Assistant judge's oath of office

Upon assuming office, an assistant judge takes the following oath before the minister in charge of the policy sector:

“I swear to remain faithful to the Republic of Estonia and its constitutional order. I swear to perform my functions according to my conscience and in conformity with the Constitution and other laws of the Republic of Estonia.”

§ 122. Assistant judge's salary and additional remuneration

(1) The amount of the salary of an assistant judge is one half of the salary of a judge of a court of first instance.

(2) During a probationary period, the salary of an assistant judge is 90% of the salary of an assistant judge.

(3) An assistant judge supervising a person completing the preparatory service plan of an assistant judge is paid an additional remuneration equal to 5% of the salary of the assistant judge during the supervision.

(3¹) The head of the land registry department, registration department and order for payment department of a District Court are paid additional remuneration equal to 35% of the salary of an assistant judge for the performance of the duties related to heading.
[RT I, 20.06.2020, 1 – entry into force 30.06.2020]

§ 123. Social guarantees for assistant judges

[Repealed – RT I, 21.06.2014, 8 – entry into force 01.07.2014]

§ 124. Employment of assistant judges in Ministry of Justice and institutions of higher education

An assistant judge may be transferred to the service of the Ministry of Justice or be employed as lecturer of an institution of professional higher education which provides professional education for assistant judges at the request of the assistant judge and with the consent of the chief judge of the court. The provisions of § 58 of this Act apply otherwise.

Chapter 15 COURT OFFICERS

§ 125. Director of court

(1) The director of court:

- 1) organises the clerical business of a judicial institution;
- 2) organises the use of the assets of a judicial institution;
- 3) prepares, with the approval of the chief judge of a court, the draft budget of the judicial institution and submits the draft budget to the minister in charge of the policy sector;
- 4) controls the budgetary funds of a judicial institution;
- 5) is responsible for organising the accounting of a judicial institution;
- 6) appoints court officers to office and releases them from office;
- 7) performs other duties assigned to them by the internal rules of the court and the court office.

(2) The minister in charge of the policy sector may issue decrees to organise issues within the area of activity of directors of court.

(3) A director of court must have completed higher education. Directors of court of courts of first and second instance are appointed to office for five years by the minister in charge of the policy sector. A director of court is appointed to office on the basis of a public competition, and § 117¹ of this Act applies upon verification of the reliability of applicants.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(4) The minister in charge of the policy sector may decide that several judicial institutions have one director of court.

[RT I 2005, 71, 549 – entry into force 01.01.2006]

(4¹) The District Court with its structural unit being a department specified in this Act may also have the director of court responsible exclusively for the area of activity of the respective department.

[RT I, 20.06.2020, 1 – entry into force 30.06.2020]

(5) The basic salary and variable salary of directors of court of courts of first and second instance are determined in the salary guide established by the minister in charge of the policy sector on the basis of subsection 2 of § 63 of the Civil Service Act.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

§ 125¹. Law clerk

(1) A law clerk is a court official who participates in the preparation for proceeding and in proceedings of cases to the extent prescribed in an Act of procedure either independently or under the supervision of a judge.

(2) A law clerk is also competent to perform the acts and make the dispositions which an assistant judge or another court official is competent to perform or make pursuant to an Act of procedure.

[RT I, 06.02.2014, 13 – entry into force 04.02.2014 – The judgment of the Supreme Court en banc declares unconstitutional and invalid subsection 2 of § 125¹ of the Courts Act and subsection 8 of § 174 of the Code of Civil Procedure to the extent pursuant to which the law clerk may determine the case costs in civil procedure.]

(3) A law clerk is independent upon performance of their duties but must comply with the instructions of a judge to the extent prescribed by law.

(4) A person who complies with the requirements set out in clauses 1–3 of subsection 1 of § 47 of this Act may be appointed as a law clerk. A person who, pursuant to the Civil Service Act, cannot be employed in the service as an official may not be appointed as a law clerk.

(5) A vacant position of law clerk is filled by way of public competition. The competition is organised and a law clerk is appointed to office and released from office by the chief judge of the court. A probationary period with the duration of six months is applied upon appointment to office of a law clerk.

(5¹) The announcement of public competition may be waived and internal competition may be carried out for the law clerks if there is good reason to believe that it is reasonable to fill the vacant position by announcing the competition within one or more judicial institutions.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(6) The salary of a law clerk may not exceed the salary of a judge of a court of first instance and following the probationary period it may not be smaller than one half of the salary of a judge of a court of first instance.

[RT I, 29.12.2012, 2 – entry into force 01.01.2013]

(7) A person who has worked for at least three years as a law clerk and passed the judgeship examination is appointed a senior law clerk.

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

§ 126. Bailiffs

(1) A bailiff is a court official whose duty is to maintain order in the court, serve reports and summons on persons and perform other duties related to the functions of a bailiff specified in the internal rules of the court. Bailiffs have the same rights as assistant police officers pursuant to § 12 and Subchapter 2 of Chapter 4 of the Assistant Police Officer Act and the police or another law enforcement agency pursuant to §§ 28 and 30, subsections 1–3 of § 32, § 34, subsections 1 and 2 of § 38, § 46, clauses 1, 2 and 4 of subsection 1 of § 47, and § 52 of the Law Enforcement Act.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(1¹) The minister in charge of the policy sector may establish, by a regulation, the procedure for issue of special equipment and weapons to bailiffs, return of weapons and special equipment and carrying of weapons.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(2) Additional remuneration is paid to bailiffs for serving summons and reports. The minister in charge of the policy sector establishes the rates of additional remuneration.

(3) Bailiffs are reimbursed for expenses incurred for the use of public transportation related to the performance of duties.

(4) On the basis of an administrative contract, the performance of the duties specified in subsection 1 of this section may be transferred to a company.

§ 127. Other court officers

The duties of court officials and court employees not specified in this Chapter are specified in the internal rules of a court and internal rules of the court office.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

§ 127¹. Official attire of court officer

The minister in charge of the policy sector may establish the description of and the procedure for wearing the attire of court officers. Where wearing the attire is obligatory, the attire is given to the court officer free of charge.

[RT I 2005, 71, 549 – entry into force 01.01.2006]

Chapter 16 IMPLEMENTING PROVISIONS

§ 128. Entry into force of Act

(1) This Act enters into force on the 10th day after its publication in the *Riigi Teataja*.

(2) Subsection 5 of § 61, subsections 1 and 5 of § 76, and §§ 122, 134 and 146 of this Act are implemented from 1 July 2002.

§ 129. Formation of Constitutional Review Chamber of Supreme Court

Pursuant to this Act, the Constitutional Review Chamber of the Supreme Court is formed by 1 January 2003.

§ 129¹. Term of authority of chairs of Chambers of Supreme Court

The term of authority of the chairs of the Chambers of the Supreme Court appointed before 1 January 2015 is calculated from 1 January 2015.

[RT I, 23.12.2014, 1 – entry into force 01.01.2015]

§ 129². Appointment of Supreme Court law clerks to office

Subsections 4 and 5 of § 31 of this Act apply with regard to Supreme Court law clerks appointed to office after 1 August 2016.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

§ 130. Formation of Disciplinary Chamber

(1) For the formation of the Disciplinary Chamber, the Court *en bancelects* two judges of a Circuit Court of Appeal and two judges of a court of first instance for a term of two years, and three judges of a Circuit Court of Appeal and three judges of a court of first instance for a term of three years.

(2) Until the formation of the Disciplinary Chamber pursuant to this Act, the functions of the Disciplinary Chamber are performed by the current Disciplinary Committee. The Disciplinary Chamber is formed pursuant to this Act not later than by 1 January 2003.

§ 131. Term of authority of chief judges of courts and directors of court

(1) The term of authority of the chief judges of courts in office at the time of entry into force of this Act commences as of the date of entry into force of this Act.

(2) Directors of court are appointed to office by way of a public competition not later than by 1 January 2003. Until the appointment of a director of court by way of a public competition, the duties of the director of court provided in subsection 4 of § 15, subsection 4 of § 16, subsection 4 of § 17 and subsection 1 of § 125 of this Act are performed by the chief judge of the court.

[RT I 2005, 15, 85 – entry into force 01.01.2006]

§ 131¹. Special rules for requirements for assistant judges

(1) A person who has acquired the professional education of assistant judge at an institution of professional higher education may also be appointed as an assistant judge.

(2) The preparatory service plan of an assistant judge is deemed completed upon graduation from an institution of professional higher education which provides professional education for assistant judges.

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

§ 131². Appointment of court official to position of law clerk

A consultant or another court official may be appointed to the position of law clerk only pursuant to the procedure specified in subsection 5 of § 125¹ of this Act and provided that they comply with the requirements established in subsection 4 of § 125¹ of this Act.

[RT I, 29.12.2012, 2 – entry into force 01.01.2013]

§ 131³. Redundancy pay for assistant judges

An assistant judge appointed to office before 1 January 2015 who is released from service due to redundancy of the position and who has worked for at least a year as an assistant judge before the release from service due to redundancy is paid the six months' salary of the assistant judge as compensation.

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

§ 132. Formation of judgeship examination committee

(1) The judgeship examination committee is formed pursuant to this Act not later than by 1 January 2003.

(1¹) Subsections 1–3 of § 69 of this Act are implemented from the election of members of the judgeship examination committee in 2015.

[RT I, 23.12.2014, 1 – entry into force 01.01.2015]

(2) Until the formation of the judgeship examination committee pursuant to this Act, the functions of the committee are performed by the current judgeship examination committee.

(3) The service of persons who are in preparatory service at the time of the entry into force of this Act continues pursuant to the current plan until it is brought into conformity with this Act. The period of the service of the persons who are in preparatory service at the time of the entry into force of this Act may be reduced, but not for more than by one year.

§ 132¹. Judge's pension

The following are judge's pensions:

- 1) judge's old-age pension;
- 2) judge's superannuated pension;
- 3) judge's pension for incapacity for work;
- 4) survivor's pension for judge's family members.

[RT I, 29.12.2012, 1 – entry into force 01.07.2013]

§ 132². Right to receive judge's old-age pension

(1) The right to receive a judge's old-age pension is held by a person of pensionable age, who:

- 1) has held the office of judge after 31 December 1991 and who by 1 July 2013 has worked as a judge for at least 15 years;
- 2) holds the office of judge as at 1 July 2013 and who by the time of retirement has completed the length of service qualifying for the grant of the old-age pension provided in clause 1 of subsection 1 of this section;
- 3) has held the office of judge after 31 December 1991 and who by 1 July 2013 has worked as a judge for at least 10 years and who has been established to have no work ability on the basis of the Work Ability Allowance Act;

[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

- 4) holds the office of judge as at 1 July 2013 and who by the time of retirement has completed the length of service qualifying for the grant of the old-age pension provided in clause 3 of subsection 1 of this section and who has been established to have no work ability on the basis of the Work Ability Allowance Act.

[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

(2) [Repealed – RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

(2¹) A judge who has been established to have a 100, 90 or 80% permanent loss of capacity for work on the basis of the State Pension Insurance Act, is entitled to apply for a judge's old-age pension on the basis of subsection 2 of § 132² of the Courts Act in force until 1 July 2016.

[RT I, 17.12.2015, 1 – entry into force 01.07.2016]

[RT I, 21.12.2017, 46 – entry into force 19.12.2017 – 19.12.2017 – Resolution of the Constitutional Review Chamber of the Supreme Court declares unconstitutional and invalid subsection 2¹ of § 132² of the Courts Act to the extent that this rule does not prescribe the right to apply for the judges' old-age pensions pursuant to subsection 2 of § 132² of the Courts Act which was in force until 1 July 2016, to judges whose 100, 90 or 80% permanent loss of capacity for work which arose before 1 July 2016 was not established due to objective reasons deriving from the state of health of the judge pursuant to the State Pension Insurance Act before 1 July 2016, and does not enable retroactive establishment of the time when the judge permanently lost their capacity for work.]

(3) The right to receive a judge's old-age pension is held by a person of pensionable age, who:

- 1) has been the Chief Justice of the Supreme Court after 31 December 1991 and before 1 July 2013, or
- 2) is the Chief Justice of the Supreme Court as at 1 July 2013, or
- 3) holds the office of judge as at 1 July 2013 and who is appointed the Chief Justice of the Supreme Court after 1 July 2013.

[RT I, 29.12.2012, 1 – entry into force 01.07.2013]

§ 132³. Right to receive judge's superannuated pension

The right to receive a judge's superannuated pension, irrespective of the age, is held by a person, who:

- 1) has held the office of judge after 31 December 1991 and who by 1 July 2013 has worked as a judge for at least 30 years;
- 2) holds the office of judge as at 1 July 2013 and who by the time of retirement has completed the length of service qualifying for the grant of the superannuated pension provided in clause 1 of this section.

[RT I, 29.12.2012, 1 – entry into force 01.07.2013]

§ 132⁴. Right to receive judge's pension for incapacity for work

(1) A judge who has been established to have a permanent loss of capacity for work on the basis of the State Pension Insurance Act before 1 July 2016, is entitled to apply for a pension for incapacity for work, which is determined on the basis of the wording of the Courts Act in force until 1 July 2016.

[RT I, 17.12.2015, 1 – entry into force 01.07.2016]

(2) A judge who receives a pension for incapacity for work on the basis of the wording of the Courts Act in force until 1 July 2016 continues, after the expiry of the duration of permanent incapacity for work determined by an examination for establishing permanent incapacity for work, to receive the pension for incapacity for work in the former amount without assessment of the capacity for work.

[RT I, 17.12.2015, 1 – entry into force 01.07.2016]

(3) When a person receiving a judge's pension for incapacity for work attains the pensionable age provided in § 7 of the State Pension Insurance Act, payment of the old-age pension continues, at their request, in the amount of the previous pension for incapacity for work.

[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

§ 132⁵. Right to receive survivor's pension for judge's family members

A judge's family member whose right to receive a judge's survivor's pension has arisen before 1 July 2016 is granted and paid the pension based on the wording of this Act in force until 1 July 2016.

[RT I, 17.12.2015, 1 – entry into force 01.07.2016]

[RT I, 17.03.2021, 2 – entry into force 16.03.2021 – The resolution of the Constitutional Review Chamber of the Supreme Court declares invalid § 132.5 of the Courts Act to the extent that precludes the grant and payment of the judges' survivor's pension to the family members of the judges who held the office after 31 December 1991 and before 2 July 2013.]

§ 132⁶. Amount of judge's pension

(1) The amount of a judge's old-age pension and superannuated pension is 75% of the salary of their most recent position, which was in force on the day from which the pension is granted.

(2) The amount of the old-age pension of the Chief Justice of the Supreme Court or a person who has been the Chief Justice of the Supreme Court is 75% of the salary of the Chief Justice of the Supreme Court, which was in force on the day from which the pension is granted, if they have worked as the Chief Justice of the Supreme Court for at least five years, and 50% if they have worked as the Chief Justice of the Supreme Court for less than five years.

(3) [Repealed – RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

(3¹) A judge who receives a judge's old-age pension on the basis of clause 3 or 4 of subsection 1 of § 132² of this Act continues:

1) to receive the old-age pension after the expiry of the duration of permanent incapacity for work determined by an examination for establishing permanent incapacity for work in the former amount without assessment of the capacity for work;

2) to receive the old-age pension after the expiry of the duration of no work ability established by the Unemployment Insurance Fund in the former amount without new assessment of the capacity for work.

[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

(3²) A judge who receives a judge's old-age pension on the basis of subsection 2 of § 132² of the Courts Act in force until 1 July 2016 continues, after the expiry of the duration of permanent incapacity for work determined by an examination for establishing permanent incapacity for work, to receive the judge's old-age pension in the former amount without assessment of the capacity for work.

[RT I, 17.12.2015, 1 – entry into force 01.07.2016]

(4) [Repealed – RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

§ 132⁷. Grant and payment of judge's pension

(1) The provisions of the State Pension Insurance Act apply to a judge's pension, taking account of the special rules provided in this Act.

[RT I, 22.06.2016, 1 – entry into force 01.01.2018]

(2) A judge's pension, except the pension calculated on the basis of the salary of the current year, is indexed by 1 April of each current year by the highest salary rate index specified in § 2¹ of the Salaries of Higher State Servants Act.

[RT I, 28.12.2017, 1 – entry into force 01.03.2018]

[RT I, 04.07.2014, 34 – entry into force 26.06.2014 – 26.06.2014 – The judgment of the Supreme Court en banc declares unconstitutional and invalid subsection 2 of § 132.7 of the Courts Act, and declares invalid § 82 of the Courts Act by clause 2 of § 3 of the Payment of Salaries Related to Estonian Average Wages Temporary Organisation Act, Salaries of Higher State Servants Act, and Act on Amendment to Courts Act to the extent these did not allow to recalculate the judges' old-age pensions based on the judges' salaries on 1 July 2013.]
[RT I, 28.02.2023, 15 – entry into force 23.02.2023 – the decision of the Constitutional Review Chamber of the Supreme Court declares the part of the sentence “except the pension calculated on the basis of the salary of the current year” of subsection 2 of § 132⁷ of the Courts Act to be unconstitutional and invalid.]

(3) The part of a judge's old-age pension, superannuated pension and survivor's pension which exceeds the pension calculated on the basis of the State Pension Insurance Act and a pension for incapacity for work is paid from the state budget.

[RT I, 19.12.2019, 1 – entry into force 01.01.2020]

(4) A judge's pension is not increased on the grounds provided in the Civil Service Act. Where a person has the right to receive several classes of state pension, one pension is granted to the person at their choice.

(5) A judge's pension is not paid during their work as a judge. When a retired judge is employed elsewhere, they receive the judge's pension in full regardless of the amount of the earnings.

(6) A judge's pension is not granted to a person who has been removed from office for a disciplinary offence or who has been convicted of an intentionally committed criminal offence. Such pension is withdrawn from a person who is convicted of a criminal offence directed against the administration of justice.

(7) A person convicted for an offence provided in Chapter 15 or Subchapter 2 of Chapter 17 of the Penal Code, for which the Penal Code prescribes at least up to five years' imprisonment, loses the right to judge's old-age pension and judge's superannuated pension.

(8) Where a person was paid a judge's old-age pension or a judge's superannuated pension provided in this Act, the payment of the pension is terminated from the month following the month of entry into force of the judgment. In case of losing the right to the pension provided in this Act, the person retains the right to apply for a pension pursuant to general principles.

(9) The court must notify the Social Insurance Board in writing within 10 working days as of the entry into force of a judgment, about the fact in connection with which the person loses the right to judge's old-age pension and judge's superannuated pension provided in this Act.

(10) The provisions of subsection 7 of this section apply to persons in respect of whom a judgment of conviction entered into force after 10 March 2009.

[RT I, 29.12.2012, 1 – entry into force 01.07.2013]

§ 132⁸. Judge with permanent incapacity for work

The condition of no work ability provided in subsection 1 of § 132² of this Act is considered met in case of a judge who has been established to have a 100, 90 or 80% permanent loss of capacity for work on the basis of the State Pension Insurance Act.

[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

§ 133. Payment of judge's pension

(1) The length of service as a judge before entry into force of this Act is also included in the length of service required to receive a judge's old-age pension.

(2) For judges who are appointed to office until the entry into force of this Act, employment in the position of lecturer of law with a research degree of an Estonian institution of higher education, attorney-at-law, prosecutor, the Chancellor of Justice or in any other position which requires high qualification in law is also included in the length of pensionable service as judge. The provisions of this subsection do not extend to the calculation of the length of service qualifying for the grant of the superannuated pension (§ 132²).

[RT I, 29.12.2012, 1 – entry into force 01.07.2013]

(3) Within one year after the entry into force of this Act, the judgeship examination committee decides on the determination of the length of pensionable service of all judges, taking into consideration the provisions of this section.

(4) Sections 132¹–132⁶ of this Act also apply to persons who do not work as judges at the time of the entry into force of this Act but have held the office of judge after 31 December 1991.

[RT I, 29.12.2012, 1 – entry into force 01.07.2013]

(5) Within five years after the entry into force of this Act, the right to receive judge's old-age pension also arises for a person after their service as a judge for five years if the person has held the office of judge after 31 December 1991, attained the pensionable age, and has worked for at least 10 years in a position which the judgeship examination committee has deemed equal to holding the office of judge.

(6) Judges who attain the pensionable age within five years after the entry into force of this Act and who have not completed five years of pensionable service as a judge, have the right to remain in the office of judge until completion of the years of pensionable service on the condition that they, on the date of entry into force of this Act, held the office of judge and have worked for at least ten years in positions which the judgeship examination committee has deemed equal to holding the office of judge.

(7) A judge who is at least 55 years of age and who at least during the last 10 years has worked as a judge has the right to receive the judge's old age pension after they leave the office of judge. The decision to leave office in order to use such right is to be made by 1 January 2003. In case the judge continues work in civil service, the amount of their pension plus their remuneration received in civil service may not exceed the salary received by them in the position of a judge.

(8) A judge who as at 1 July 2013 has been transferred to the service of the Supreme Court or the Ministry of Justice (subsection 1 of § 58), elected or appointed as judge of an international court institution or who participates as an expert in an international civilian mission (subsections 1 and 5 of § 58¹), retains the right to the pension provided in §§ 132¹–132⁶.

[RT I, 29.12.2012, 1 – entry into force 01.07.2013]

§ 134. [Repealed – RT I 2009, 15, 93 – entry into force 01.03.2009]

§ 135. Competence of lay assessors

Lay assessors elected before the entry into force of this Act have the powers of lay judges until the end of their term of authority.

§ 136. Term of authority of assistant judge's examination committee

(1) [Repealed – RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(2) [Repealed – RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(3) Until the formation of the competition committee, the functions of the committee are performed by the current assistant judge's examination committee.

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

§ 137. Transitional provisions concerning organisation of judges' training

(1) Until the year 2004, the judges' training program includes also follow-up training.

(2) The Ministry of Justice provides the information and contracts necessary for the preparation of the judges' training program to a foundation pursuant to the procedure approved by the minister, and the foundation begins the preparation of the judges' training program for the year 2003 not later than on 1 September 2002.

(3) Until the formation of the Training Council pursuant to this Act, the functions of the Training Council are performed by the current Training Council.

§ 137¹. Employment in international court institutions

Section 58¹ of this Act applies also to judges of international court institutions elected or appointed before the entry into force of the specified provision.

[RT I 2005, 71, 549 – entry into force 01.01.2006]

§ 137². Special rule for application of subsection 2 of § 50 of this Act

For the purposes of subsection 2 of § 50 of this Act, employment as an assistant prosecutor [*prokuröri abi*] before 1 April 2015 is deemed equal to employment as an assistant prosecutor [*abiprokurör*].

[RT I, 10.03.2015, 3 – entry into force 01.04.2015]

§ 137³. Organisation of competitions for judges

Competitions for filling vacant positions of judges announced before 1 August 2016 are organised on the basis of the Act in force until 31 July 2016.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

§ 137⁴. Appointment of chief judges of courts of first and second instance

The term of office of a chief judge of a court of first instance or a court of second instance who holds the office on 1 August 2016 expires upon the end of the term provided in the Act in force at the time of their appointment and the restriction provided in subsection 10 of § 12 of this Act does not apply to them on one occasion upon appointment as the chief judge of a court for the next period.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

§ 138. Merger of courts

(1) Kohtla-Järve City Court and Ida-Viru District Court are merged not later than by 1 January 2003. Until such date, Kohtla-Järve City Court operates as a separate judicial institution.

(2) Hiiu District Court and Lääne District Court are merged not later than by 1 January 2003. Until such date, Hiiu District Court operates as a separate judicial institution. After the merger of the courts, at least one judge of Lääne District Court stays in Hiiumaa to resume permanent employment as judge.

§ 138¹. Term of authority of chief judge of court and director of court

(1) The Minister of Justice appoints the chief judge of a District Court and Administrative Court not later than by 1 May 2006. The Minister of Justice may temporarily assign the duties of chief judge to a judge of a District Court or Administrative Court with the consent of the judge until the appointment of a chief judge of the court. The temporary acting chief judge of a court is paid additional remuneration provided in subsection 2 of § 76 of this Act.

(2) The Minister of Justice appoints the director of court to office on the basis of a public competition not later than by 1 March 2006. Until the appointment of a director of a court, the chief judge of the court or the judge specified in subsection 1 of this section performs the functions of the director of a court provided in subsection 4 of § 15, subsection 4 of § 16, subsection 4 of § 17 and subsection 1 of § 125 of this Act.

[RT I 2005, 15, 85 – entry into force 01.01.2006]

(3) Directors of court appointed to service before 1 April 2013 are automatically considered participants in the competition for the position of the director of the court where they serve, unless they submit a written notice of not participating in the competition. The notice of not participating in the competition is to be submitted not later than before the end of the term indicated in the notice concerning the competition.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(4) The Minister of Justice may appoint to office the director of court responsible for the area of activity of the land registry department and registration department of Tartu District Court in 2014. The director of court responsible for the area of activity of the land registry department and registration department may be appointed to office without a public competition from among the current directors of court.

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

(5) The court officers comprising the land registry departments and registration departments of District Courts are considered the court officers of the land registry department and registration department of Tartu District Court as of 1 January 2015, and they continue service at Tartu District Court.

[RT I, 21.06.2014, 8 – entry into force 01.07.2014]

§ 138². Termination of term of authority of chief judge of District Court, City Court and Administrative Court

(1) The term of authority of chief judges of District, City and Administrative Courts appointed before 1 January 2006 terminates upon the entry into force of this Act.

(2) The judges specified in subsection 1 of this section are paid additional remuneration in the amount of 15% of their salary until 31 December 2006 if they were chief judges of a District Court, City Court or Administrative Court where up to 14 judges were employed, or in the amount of 25% of their salary if they were chief judges of a District Court, City Court or Administrative Court where at least 15 judges were employed. No additional remuneration is paid if the judge specified in subsection 1 is appointed chief judge of a District Court or Administrative Court pursuant to the provisions of subsection 1 of § 138¹ of this Act.

[RT I 2005, 15, 85 – entry into force 01.01.2006]

§ 138³. Determination of exact location and service areas of courthouses and the number and distribution of judges

The Minister of Justice determines the exact location of courthouses and the service areas of District Courts and Administrative Courts (subsection 3 of § 9 and subsection 3 of § 18) and the number of district and

Administrative Court judges and their distribution among courthouses (§§ 11 and 19) not later than by 1 October 2005.

[RT I 2005, 15, 85 – entry into force 01.01.2006]

§ 138⁴. Service of District, City and Administrative Court judges

(1) On 1 January 2006, the District, City and Administrative Court judges who are in office are deemed to be appointed to office as follows:

- 1) the judges of Tallinn City Court and Harju District Court are deemed to be judges of Harju District Court;
- 2) the judges of Ida-Viru District Court, Narva City Court and Lääne-Viru District Court are deemed to be judges of Viru District Court;
- 3) the judges of Pärnu District Court, Saare District Court, Lääne District Court, Järva District Court and Rapla District Court are deemed to be judges of Pärnu District Court;
- 4) the judges of Tartu District Court, Jõgeva District Court, Viljandi District Court, Valga District Court, Põlva District Court and Võru District Court are deemed to be judges of Tartu District Court;
- 5) the judges of Tallinn Administrative Court and Pärnu Administrative Court are deemed to be judges of Tallinn Administrative Court;
- 6) the judges of Tartu Administrative Court and Jõhvi Administrative Court are deemed to be judges of Tartu Administrative Court;

(2) On 1 January 2006, the courthouse which is located in the settlement of the location of the District, City or Administrative Court where the District or Administrative Court judge was employed as a judge before the entry into force of this Act is deemed to be their permanent place of service.

[RT I 2005, 15, 85 – entry into force 01.01.2006]

§ 138⁵. Validity of task distribution plan

After the entry into force of the Act on Amendment to Courts Act for the merger of judicial districts of courts, the division of tasks between judges is determined for courthouses on the basis of the task distribution plans which were in force immediately before the entry into force of said Act, until approval of the new task distribution plan. The full court approves the new task distribution plan not later than by 1 March 2006.

[RT I 2005, 39, 308 – entry into force 01.01.2006]

§ 138⁶. Term of authority of lay judges

(1) The lay judges appointed to office before 1 January 2006 whose term of authority has not terminated are deemed to be appointed to office in the following courts:

- 1) the lay judges of Tallinn City Court and Harju District Court are deemed to be lay judges of Harju District Court;
- 2) the lay judges of Ida-Viru District Court, Narva City Court and Lääne-Viru District Court are deemed to be lay judges of Viru District Court;
- 3) the lay judges of Pärnu District Court, Saare District Court, Lääne District Court, Järva District Court and Rapla District Court are deemed to be lay judges of Pärnu District Court;
- 4) the lay judges of Tartu District Court, Jõgeva District Court, Viljandi District Court, Valga District Court, Põlva District Court and Võru District Court are deemed to be lay judges of Tartu District Court;

(2) The term of authority of lay judges appointed before 1 January 2006 terminates upon expiry of the term specified in subsection 1 or subsection 4 of § 104 of this Act.

[RT I 2005, 71, 549 – entry into force 01.01.2006]

§ 138⁷. Liquidation of Viru Circuit Court of Appeal

(1) From 1 October 2008, any appeals received by Viru Circuit Court of Appeal are referred for judgment to Tartu Circuit Court of Appeal. Any interim appeals received by Viru Circuit Court of Appeal are adjudicated until the closing of the court in Viru Circuit Court of Appeal. On 31 December 2008, any court cases pending before Viru Circuit Court of Appeal are referred for judgment to Tartu Circuit Court of Appeal.

(2) A judge of Viru Circuit Court of Appeal who upon the liquidation of the court is released from office on the basis of clause 5 of subsection 1 of § 99 of this Act and who by the time has at least 20 years of pensionable service of judge together with the length of service specified in subsection 2 of § 133 of this Act has the right to receive the judge's old-age pension. In case the judge continues work in civil service, their pension together with the remuneration received in civil service may not exceed the amount received by them in the position of a judge.

(3) Judges of Viru Circuit Court of Appeal must notify the Ministry of Justice not later than by 1 April 2008 of their desire to use the right arising from subsection 2 of this section to receive judge's old-age pension or their desire to commence work from 1 January 2009 either in Viru District Court of Appeal or Tartu District Court of Appeal or their consent to their release from office on the basis of clause 5 of subsection 1 of § 99 of this Act. Non-submission of the notice is considered the desire of a judge of Viru Circuit Court of Appeal to commence work in Tartu Circuit Court of Appeal.

(4) Where a judge of Viru Circuit Court of Appeal commences work on the basis of subsection 3 of this section as a judge of Viru District Court from 1 January 2009, their old-age pension is calculated on the basis of the judge's salary in the circuit court of appeal valid at the time of grant of the pension taking into account the provisions of subsections 1 and 2 of § 132² and subsection 1 of § 132⁶ of this Act, unless they are entitled to receive a more favourable judge's old-age pension.
[RT I, 29.12.2012, 1 – entry into force 01.07.2013]

(5) A judge of Viru Circuit Court of Appeal who uses the right arising from subsection 2 of this section to receive judge's old-age pension is not paid the compensation arising from subsection 1 of § 86 of this Act.
[RT I 2008, 13, 85 – entry into force 24.03.2008]

§ 138⁸. Termination of payment of additional remuneration to judges for years of service

Upon termination of the payment of the additional remuneration to judges for years of service as specified in this Act, the judge's salary may not decrease. Where the judge's salary following the entry into force of this Act is smaller than the judge's former salary, the judge is paid the former salary until the judge's salary pursuant to this Act and the Salaries of Higher State Servants Act exceeds the former salary.
[RT I 2010, 1, 2 – entry into force 01.07.2013 (entry into force amended RT I, 29.12.2012, 1)]

§ 138⁹. Term of office of directors of court of courts of first and second instance

The term of authority of directors of court of courts of first and second instance who hold office as at the entry into force of subsection 3 of § 125 of this Act, remains in effect for five years after the entry into force of the Act.
[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

§ 138¹⁰. Special rule for application of subsection 2 of § 84 of this Act

The holiday of 49 calendar days for judges of courts of first and second instance and of 56 calendar days for justices of the Supreme Court is preserved for two years from 1 April 2013 in case they serve as judges as at 1 April 2013.
[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

§ 138¹¹. Lay judge's pension for incapacity for work

(1) A lay judge who has been established to have a permanent loss of capacity for work on the basis of the State Pension Insurance Act is entitled to an increase of the lay judge's pension for incapacity for work pursuant to the wording of § 113 of this Act in force until 1 July 2016.
[RT I, 17.12.2015, 1 – entry into force 01.07.2016]

(2) A lay judge who has been declared permanently incapacitated for work for a period of at least two years on the basis of the State Pension Insurance Act by the latest examination for establishing permanent incapacity for work and who submits an application for assessment of work ability not later than on the date of re-examination set out in the results of the examination for establishment of permanent incapacity for work and who is established to have partial or no work ability is paid a work ability allowance in an amount equal to the total amount of the pension for incapacity for work last paid to them on the basis of the State Pension Insurance Act and this Act, if this is larger than the work ability allowance granted to them on the basis of the Work Ability Allowance Act. The provisions of the Work Ability Allowance Act concerning a work ability allowance, including subsections 4 and 5 of § 27 of the Work Ability Allowance Act, apply upon payment of a pension for incapacity for work to a lay judge on the basis of this subsection.
[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force changed – RT I, 17.12.2015, 1)]

§ 139.–§ 151.[Omitted from this text.]