



A case initiated with respect to a norm that prohibits from setting up gaming halls within some territories of the historical centre of Riga

On 9 August 2018, the 1st Panel of the Constitutional Court initiated the case “On Compliance of Para 459 of the Binding Regulation of the Riga City Council of 7 February 2006 No. 38 “Regulation on the Use of and Construction in the Territory of the Historical Centre of Riga and the Protective Zone Thereof” with the First, the Second and the Third Sentence of Article 105 of the *Satversme* of the Republic of Latvia”.

The Contested Norm

It establishes the prohibition to set up gaming halls in the historical centre of Riga and the territories of its protection zones JC, JC1, JC2, JC3 and JC4, except for four and five star hotels.

The Norm of Higher Legal Force

The first, the second and the third sentence of Article 105 of the *Satversme*: “Everyone has the right to own property. Property shall not be used contrary to the interests of the public. Property rights may be restricted only in accordance with law.”

The Facts of the Case

The case was initiated on the basis of an application by an administrative district court. The administrative district court is examining a case that has been initiated on the basis on an application by a private person regarding revocation of a decision by the Riga City Council. The Riga City Council, by this decision, on the basis of, *inter alia*, the contested norm, has revoked an administrative act issued to a person – a permission to open a gaming hall.

The administrative district court holds that the contested norm envisages a disproportional restriction on a private person's right to property. I. e., the restriction on fundamental rights could be reached by measures that restrict a person's rights to a lesser extent. Thus, it is alleged that the contested norm is incompatible with the first, the second and the third sentence of Article 105 of the *Satversme*.

Legal Proceedings

The Constitutional Court has requested the Riga City Council to provide a reply on the facts of the case and legal substantiation by 9 October 2018.

The term for preparing the case is 19 January 2019. The Court shall decide upon the procedure and the date for hearing the case after the case has been prepared.

The press release was prepared with the aim to facilitate understanding of cases heard by the Constitutional Court. It shall not be regarded as part of the judgement and is not binding to the Constitutional Court. The judgements, decisions and other information regarding the Constitutional Court are available at the homepage of the Constitutional Court www.satv.tiesa.gov.lv.

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