

**On approval of the Rules for attestation of persons, applying for legal practice and amending the Order of the Minister of Justice of the Republic of Kazakhstan dated January 27, 2015 No. 56 "On approval of the Rules for attestation of persons who have completed an internship and applying for legal practice and the right to engage in notarial activities"**

*Invalidated Unofficial translation*

Order of the Minister of Justice of the Republic of Kazakhstan dated September 28, 2018 No. 1466. Registered with the Ministry of Justice of the Republic of Kazakhstan on October 11, 2018 No. 17529.

Unofficial translation

**Footnote. It became invalid by order of the acting Minister of justice of the Republic of Kazakhstan No. 61 dated 28.05.2020 (entered into force ten calendar days after the date of its first official publication).**

In accordance with paragraph 1 of Article 40 of the Law of the Republic of Kazakhstan dated July 5, 2018 "On advocacy and legal assistance", **I HEREBY ORDER:**

1. To approve the attached Rules for attestation of the persons, applying for legal practice.

2. The order of the Minister of Justice of the Republic of Kazakhstan dated January 27, 2015 No. 56 "On approval of the Rules for attestation of persons who have completed an internship and applying for legal practice and the right to engage in notarial activities" (registered in the Register of the state registration of regulatory legal acts No. 10269, published on March 5, 2015 in the Information Legal System "Adilet") shall be amended as follows:

the name of the order shall be stated as follows:

"On approval of the Rules for attestation of the persons who have completed an internship and applying for the right to engage in notarial activities"

the preamble shall be read as follows:

"In accordance with Article 7-2 of the Law of the Republic of Kazakhstan dated July 14, 1997 "On the notary", I HEREBY ORDER:"

in the Rules for attestation of the persons who have completed an internship and applying for the right to engage in notarial activities, approved by this order:

the title of Chapter 1 shall be read as follows:

"Chapter 1. General provisions";

the title of Chapter 2 shall be read as follows:

"Chapter 2. Procedure for acceptance of documents for attestation"

the title of Chapter 3 shall be read as follows:

"Chapter 3. Procedure and conditions for attestation";

Paragraph 10 shall be read as follows:

"10. The list of questions to be included in the tests shall be formed by the Ministry of Justice of the Republic of Kazakhstan. Questions to assess the knowledge of applicants must comply with the subject of legal disciplines (Civil Law of the Republic of Kazakhstan, Housing Law of the Republic of Kazakhstan, Land Law of the Republic of Kazakhstan, the Code of the Republic of Kazakhstan "On Marriage (matrimony) and family", the Laws of the Republic of Kazakhstan "On countering corruption", "On state registration of rights to real estate" and "On the notary") the knowledge of which is needed for notarial activities and shall have at least three answers with the correct one.

Testing shall be carried out using computer technology. The time given for testing shall be ninety minutes.

Tests shall be confidential information and shall not be subject to free distribution.

Before the attestation, the Commission shall inform the applicant about the procedure for attestation, duration and content of the procedure for the selection of applicants";

Paragraph 17 shall be read as follows:

"17. In accordance with the results of testing and / or answers to exam questions, the Commission shall make a reasoned decision on attestation of persons, applying for the right to engage in notarial activities according to Annex 1 or the decision on failure to pass the attestation by the persons, applying for the right to engage in notarial activities in the form, in accordance with Annex 2 to these Rules. The results of the attestation shall be announced on the day the applicant passes the attestation after its completion.

The decision of the Commission may be appealed in court.

The Commission's decision on attestation shall be valid for three years from the date of its adoption, in accordance with paragraph 9 of Article 7-2 of the Law.

An applicant who has not passed the attestation shall be allowed to pass re-attestation not earlier than one year later".

3. The Department of registration service and organization of legal services of the Ministry of Justice of the Republic of Kazakhstan, in accordance with the procedure, established by the legislation, to ensure:

1) the state registration of this order;

2) within ten calendar days from the date of the state registration of this order, to send it in the Kazakh and Russian languages to the Republican state enterprise on the basis of the right of economic management "Republican Center for Legal Information"

for official publication and inclusion in the Reference Control Bank of regulatory legal acts of the Republic of Kazakhstan.

4. Control over the implementation of this order shall be entrusted to the supervising deputy minister of justice of the Republic of Kazakhstan.

5. This order shall enter into force upon expiry of ten calendar days after the day of its first official publication.

*Minister of Justice of the  
Republic of Kazakhstan*

*M. Beketayev*

Approved  
by the order of the  
Minister of Justice of the  
Republic of Kazakhstan  
dated September 28, 2018,  
№ 1466

## **The Rules for attestation of the persons, applying for the legal practice of law**

### **Chapter 1. General provisions**

1. These Rules for attestation of persons, applying for legal practice (hereinafter - the Rules) shall be developed in accordance with Article 40 of the Law of the Republic of Kazakhstan dated July 5, 2018 "On advocacy and legal assistance" (hereinafter - the Law) and shall determine the procedure and conditions for attestation of persons, applying for legal practice.

2. Persons applying for legal practice and successfully completing internships in bar associations shall be certified by the attestation commission for persons, applying for legal practice (hereinafter referred to as the Commission), established at the territorial body of justice of regions, cities of republican significance and the capital ( hereinafter - territorial bodies of justice).

The working body of the Commission shall be a territorial body of justice.

The Commission shall consist of seven members, including three lawyers, whose candidacies are determined by the general meeting (conference) of members of the bar associations of regions, cities of republican significance, the capital, two representatives of the bodies of justice, an academic lawyer and a maslikhat deputy.

Candidacy of an academic lawyer shall be recommended by higher education institutions that implement educational curricula for higher education in the territory of the respective administrative-territorial unit.

Candidacy of a maslikhat deputy shall be recommended by maslikhats of regions, cities of republican significance and the capital.

In case of withdrawal of one of the members from the Commission, the new member shall be included in the composition not later than one month from the date of withdrawal.

The chairman of the Commission shall be the deputy head of the territorial body of justice, who oversees the questions of the attestation commission.

To organize the work of the Commission, the territorial body of justice from among the employees of the territorial body of justice of regions, cities of republican significance, the capital, shall appoint the secretary of the Commission.

The secretary of the Commission shall form the agenda of the meeting of the Commission and shall draw up the minutes of the meetings. The secretary shall not be a member of the Commission. The personal composition of the Commission on the representation of the territorial bodies of justice shall be approved by the order of the Minister of Justice of the Republic of Kazakhstan.

3. The following shall be exempted from passing the attestation:

1) persons who have passed the qualification examination in the Qualification Commission under the Supreme Judicial Council of the Republic of Kazakhstan, have successfully completed an internship in court and received a positive review of the plenary session of the regional or equivalent court;

2) persons who have terminated the powers of a judge on the grounds provided for in subparagraphs 1), 2), 3), 9), 10) and 12) paragraph 1 of Article 34 of the Constitutional Law of the Republic of Kazakhstan "On the judicial system and the status of judges of the Republic of Kazakhstan";

3) persons who have been dismissed from the prosecution and investigation agencies, if they have worked for the position of prosecutor or investigator for at least ten years, except for those dismissed on negative grounds.

4. Representatives of the media, the Republican Bar Association and members of the Bar Association shall have the right to attend a meeting of the committee for attestation of persons, applying for legal practice. The media shall be informed by the territorial body of justice about the date of the meeting.

In order to ensure openness and publicity at the meetings of the commission for attestation of persons, applying for legal practice, audio and (or) video recordings or transcribing of proper quality shall be carried out. The transcript, audio and (or) video recordings received during the meeting, shall be attached to the meeting minutes and shall be stored together with the materials of the commission for attestation of persons, applying for legal practice.

## **Chapter 2. Procedure for acceptance of documents for attestation**

5. After successful completion of internship, a person, applying for legal practice, shall send the following to the Commission via the web portal of "electronic government" or a unified legal assistance information system :

1) an application in the form of an electronic document signed by an EDS through the web portal of "electronic government" in the form according to Annex 1 to these Rules;

2) an electronic copy of certificates from narcological and psychiatric dispensaries, issued not earlier than one month before their submission to the judicial authorities.

6. When applying, a person, applying for legal practice, shall have the right to select the place, date and language (Kazakh or Russian) of attestation.

7. In cases of improper documentation or submission of an incomplete package of documents, the application, together with the documents submitted, shall be returned by the territorial bodies of justice of regions, cities of republican significance, the capital, to the applicant without consideration within two working days from the date they were received on the e-government web portal with the notification of the reason for the return.

8. The applicant's application for admission to attestation shall be considered by the commission within fifteen calendar days. According to the results of consideration, the commission for attestation of persons, applying for legal practice, shall make a reasoned decision on admission or on refusal to admit the applicant to attestation.

When applying through the unified legal assistance information system, the compliance of all data with the requirements of the lawyer shall be automatically checked using the integrated database resources.

The admission to attestation shall be refused if the applicant does not meet the requirements, established by the Law of the Republic of Kazakhstan "On advocacy and legal assistance".

The decision on refusal of admission to attestation shall be sent to the applicant by the territorial bodies of justice of regions, cities of republican significance, the capital, not later than fifteen calendar days from the date of receipt of the application.

### **Chapter 3. Procedure and conditions for attestation**

9. The applicant admitted to the attestation shall be notified by the territorial bodies of justice of the regions, cities of republican significance, the capital about the place, date, time, and procedure for attestation not later than ten calendar days before its conduct.

When applying through the unified legal assistance information system and the applicant's compliance with the requirements of the lawyer, the unified legal assistance information system shall automatically generate a list of applicants for attestation and shall confirm its place, date, time and language (Kazakh or Russian).

Lists of applicants admitted to the attestation, not later than ten working days before its conduct, shall be posted on the Internet resources of the territorial body of justice of regions, cities of republican significance, the capital.

When attending a meeting of the Commission, the applicant must have an ID with him.

10. Attestation shall consist of two stages:

1) comprehensive computer testing of knowledge of the legislation of the Republic of Kazakhstan and psychological readiness for legal practice;

2) practical task of analyzing the circumstances of the case using the necessary sources.

11. Before the attestation, the Commission shall inform the applicant about the procedure for attestation, the duration and content of the selection procedure for applicants.

The total time given for the psychological test shall be 20 minutes, the law test - 90 minutes (100 questions).

Calculation of the correct answers of testing shall be performed using the computer program automatically. Test results shall be printed out in two copies and shall be given to the applicant for familiarization by putting a personal signature immediately upon completion.

One copy of the test results sheet shall be given to the applicant, the second one - to the Commission.

12. The list of questions to be included in the tests shall be formed by the Ministry of Justice of the Republic of Kazakhstan. Questions to assess the knowledge of applicants must comply with the subject of legal disciplines (Civil Code of the Republic of Kazakhstan, Civil Procedure Code of the Republic of Kazakhstan, Criminal Code of the Republic of Kazakhstan, Criminal Procedure Code of the Republic of Kazakhstan, the Code of the Republic of Kazakhstan "On administrative offenses", the Law of the Republic of Kazakhstan "On countering corruption", the knowledge of which is necessary for legal practice, and shall contain at least three answers with the correct one.

Tests shall be the confidential information and shall not be subject to free distribution.

13. Comprehensive computer testing of the tasks of a unified legal test shall be carried out using computer technology.

In case of application of the unified legal assistance information system for testing, the content of a comprehensive computer test shall be automatically created from the tasks of a unified legal test.

Formation of tasks of a unified legal test shall be carried out by the Ministry of Justice of the Republic of Kazakhstan with the involvement of independent experts on

a competitive basis in the manner prescribed by the legislation of the Republic of Kazakhstan.

14. The applicant shall be considered to have passed the test if the number of correct answers is 70 or more from the total number of proposed questions, and is allowed to the second stage.

Applicants shall undergo a psychological test before passing a test of knowledge of the legislation of the Republic of Kazakhstan.

At the end of the time, allotted for passing the tests, the program shall automatically close and go to the test for knowledge of the legislation of the Republic of Kazakhstan.

15. In the second stage, the applicant shall be given 10 minutes to prepare for the practical task. The correctness of the applicant's answers to the practical task shall be assessed by the members of the Commission on a five-point system.

Each member of the Commission shall assess the answers for each question on a five-point system, independently from others.

At the end of the second stage, the chairperson shall calculate the results of the members of the Commission and announce the total average score. The average score shall be calculated by dividing the total score of the applicant into the number of Commission's members present. The final score of the applicant in the calculation of 3.3 shall be estimated as 3.3, in the calculation of 4.2 shall be estimated at 4.2 and etc.

Assessments of the members of the Commission, as well as the overall average score gained by the applicant in the practical task, shall be reflected in the minutes.

The applicant shall be considered to have passed the attestation, if the overall average score is four points and more.

16. The content of the practical task for the second stage of attestation shall be formed independently by the Republican Bar Association.

Representatives of the Republican Bar Association shall present the options of practical tasks in an amount that exceeds the number of applicants. Questions of the practical task shall be confidential information and shall not be subject to disclosure and dissemination.

17. At the meeting of the Commission, a minutes shall be drawn up (hereinafter - the minutes), which reflects: the date, time and place of the meeting, last name, first name, patronymic (if any) of the attested person, test result, number and content of the examination card, answers of the person being attested (if available), points given by the members of the Commission, and an overall average score for the questions of the examination card, as well as the decision of the Commission.

The minutes shall be signed by all members of the Commission who took part in the attestation.

18. When conducting an attestation, the applicant shall not be allowed to use reference, special and other literature, communication devices, or any records, except for the second stage of the attestation, where the use of paper texts of laws shall be allowed.

In case of violation of these requirements, the applicant shall be removed by the commission from the current attestation.

An applicant who is removed from the attestation shall have the right to re-submit an application for admission to attestation after three months from the date of the decision made.

19. According to the results of the second stage, the Commission shall make a reasoned decision on the attestation or on the non-attestation of the applicant in the form, according to the annex to these Rules.

The decision of the commission for attestation of persons, applying for legal practice can be appealed to the authorized body or court.

The decision of the Commission for attestation shall be valid for six years from the date of its adoption.

20. An applicant who fails to appear for attestation for a valid reason (inability to be present for health reasons, due to being on a business trip, due to force majeure, other circumstances documented) shall be invited for the next meeting of the Commission in accordance with paragraph 5 of these Rules.

In the case of a repeated absence of the applicant, his application shall be left without consideration.

Annex 1  
to the Rules for attestation of  
persons, applying for legal practice  
To the Chairman of the  
commission for attestation of  
persons, applying to engage in  
legal practice from

\_\_\_\_\_  
(Full name)  
(if available)  
Address of residence:

\_\_\_\_\_  
(zip code, region, city, district,  
\_\_\_\_\_  
settlement, street name, house /  
building number)

## **Application for admission to attestation**

I ask you to allow me to pass the attestation for legal practice.

\_\_\_\_\_

\_\_\_\_\_



surname, name, patronymic (if available) of an individual, individual identification number)

1) Information about the diploma:

1. name of higher education institution \_\_\_\_\_

1. specialty code \_\_\_\_\_

2. diploma number \_\_\_\_\_

4. Date of issuance of the diploma \_\_\_\_\_

5. document, confirming the passage of the procedure of nostrification or recognition in accordance with the Law of the Republic of Kazakhstan "On Education" :  
:

1. series and number \_\_\_\_\_

2. reason: date and number \_\_\_\_\_

3. registration number and date \_\_\_\_\_

2) The conclusion of the internship:

1. date of approval of the conclusion of the internship \_\_\_\_\_

2. Bar association \_\_\_\_\_ of the region/city

3. internship leader \_\_\_\_\_

4. Length of work of the internship leader in legal practice \_\_\_\_\_

5. start date of internship \_\_\_\_\_

6. date of completion of the internship \_\_\_\_\_

This is to confirm that:

for the provision of reliable information I bear personal responsibility;

all specified data are the official contacts and any information may be sent to them on the issues of admission or refusal to pass attestation;

the applicant is not prohibited by the court to engage in a licensed type and / or subtype of activity;

all attached documents are true and are valid;  
the applicant agrees with the use of personal data of restricted access, constituting legally protected secrets, contained in information systems when a license and (or) application to the license is issued. An individual

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(signature) (surname, name, patronymic (if any))

Date

Annex 2  
to the Rules for  
attestation of persons, applying for  
legal practice

### **Decision on attestation / non-attestation of the applicant**

city \_\_\_\_\_ " \_\_\_\_\_ " \_\_\_\_\_ 20\_\_\_\_\_

According to the results of attestation for legal practice

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scored:

(Full name (if any))

for testing \_\_\_\_\_ points, for practical task \_\_\_\_\_ points

The Commission consisting of:

The Chairman:

Members:

Decided:

To consider that \_\_\_\_\_ have passed/have not  
passed the attestation.

(Full name (if any) (Underline whatever applicable))

Chairman of the Commission

Secretary of the Commission