

**On approval of the Rules for the payment for state-guaranteed legal assistance provided by a lawyer, legal advisor, and reimbursement of expenses related to legal advice, advocacy and representation, as well as the conduct of conciliation procedures**

*Unofficial translation*

Order of the Minister of Justice of the Republic of Kazakhstan dated September 28, 2018 No. 1462. Registered with the Ministry of Justice of the Republic of Kazakhstan on October 16, 2018 No. 17561.

*Unofficial translation*

**Footnote. The heading - as amended by the Order of the Minister of Justice of the Republic of Kazakhstan dated September 2, 2022 No. 750 (shall be enforced ten calendar days after the day of its first official publication).**

In accordance with subparagraph 13) of Article 23 of the Law of the Republic of Kazakhstan "On Advocacy and Legal Assistance" **I HEREBY THE ORDER:**

**Footnote. Preamble - as amended by the Order of the Minister of Justice of the Republic of Kazakhstan dated September 2, 2022 No. 750 (shall be enforced ten calendar days after the day of its first official publication).**

1. To approve the attached Rules for the payment for state-guaranteed legal assistance provided by a lawyer, legal advisor, and reimbursement of expenses related to legal advice, advocacy and representation, as well as the conduct of conciliation procedures.

**Footnote. Paragraph 1 - as amended by the Order of the Minister of Justice of the Republic of Kazakhstan dated September 2, 2022 No. 750 (shall be enforced ten calendar days after the day of its first official publication).**

2. In accordance with the procedure established by the legislation of the Republic of Kazakhstan, the Department of Registration Service and Provision of Legal Services shall:

1) ensure state registration of this resolution;

2) within ten calendar days of the state registration of this order, send it in Kazakh and Russian to the Republican State Enterprise with the Right of Economic Management “Republican Center of Legal Information” for its official publication and inclusion into the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

3) place this order on the official website of the Ministry of Justice of the Republic of Kazakhstan.

3. Control over execution of this order shall be entrusted to the supervising Deputy Minister of the Republic of Kazakhstan.

4. This order shall take effect ten calendar days after its first official publication.

“AGREED”

General Prosecutor’s Office  
of the Republic of Kazakhstan

“ \_\_\_ ” \_\_\_\_\_ 2018

“AGREED”

Supreme Court  
of the Republic of Kazakhstan

“ \_\_\_ ” \_\_\_\_\_ 2018

“AGREED”

Ministry of Finance  
of the Republic of Kazakhstan

“ \_\_\_ ” \_\_\_\_\_ 2018

“AGREED”

Civil Service and Anti-Corruption Agency  
of the Republic of Kazakhstan

“ \_\_\_ ” \_\_\_\_\_ 2018

“AGREED”

National Security Committee  
of the Republic of Kazakhstan

“ \_\_\_ ” \_\_\_\_\_ 2018

“AGREED”

Ministry of Internal Affairs  
of the Republic of Kazakhstan

“ \_\_\_ ” \_\_\_\_\_ 2018

Approved  
by Order № 1462 of the  
Minister of Justice of the  
Republic of Kazakhstan as of  
September 28, 2018

**The Rules for the payment for state-guaranteed legal assistance provided by a lawyer, legal advisor, and reimbursement of expenses related to legal advice, advocacy and representation, as well as the conduct of conciliation procedures**

**Footnote. Rules - as amended by the Order of the Minister of Justice of the Republic of Kazakhstan dated September 2, 2022 No. 750 (shall be enforced ten calendar days after the day of its first official publication).**

## **Chapter 1. General Provisions**

1. These Rules for the payment of state-guaranteed legal assistance provided by a lawyer, legal advisor, and reimbursement of expenses related to legal advice, advocacy and

representation, as well as the conduct of conciliation procedures (hereinafter referred to as the Rules), have been developed in accordance with subparagraph 13) of Article 23 of the Law of the Republic of Kazakhstan “On Advocacy and Legal Assistance” (hereinafter referred to as the Law), and shall determine the procedure for payment of state-guaranteed legal assistance provided by a lawyer, legal advisor, and reimbursement of expenses related to legal advice, advocacy and representation, as well as the conduct of conciliation procedures.

2. The following types of legal assistance provided by a lawyer are subject to payment from budgetary funds:

1) legal advice to individuals in cases provided for in paragraph 2 of Article 26 of the Law ;

2) advocacy and representation of individuals in the cases provided for in part three of Article 67, parts three, four, five and six of Article 68, part two of Article 76, part two of Article 174, part four of Article 428, part six of Article 478, Article 495 Criminal Procedure Code of the Republic of Kazakhstan;

3) advocacy of individuals in cases provided for in Article 749 and parts two, three, and four of Article 750 of the Code of the Republic of Kazakhstan "On Administrative Offences";

4) representation of individuals in cases provided for by Articles 112 and 325 of the Civil Procedure Code of the Republic of Kazakhstan;

5) representation of the interests of individuals in cases provided for by paragraph 2 of Article 26 of the Administrative Procedural and Process-Related of the Republic of Kazakhstan (hereinafter referred to as APPRC), as well as in cases provided for by subparagraph 2) of paragraph 3 of Article 26 of the Law;

6) representation of citizens in the framework of constitutional proceedings, provided for in paragraph 5 of Article 41 of the Constitutional Law "On the Constitutional Court of the Republic of Kazakhstan".

**Footnote. Paragraph 2 - as amended by the Order of the Minister of Justice of the Republic of Kazakhstan dated 02.06.2023 No. 361 (shall be enforced ten calendar days after the day of its first official publication).**

3. The following types of legal assistance provided by a legal advisor are subject to payment from budgetary funds:

1) legal advice to individuals in cases provided for in paragraph 2 of Article 26 of the Law ;

2) representation of individuals in cases provided for in Article 112 of the Civil Procedure Code of the Republic of Kazakhstan.

3) representation of the interests of individuals in cases provided for by paragraph 2 of Article 26 of the APPRC, as well as in cases provided for by subparagraph 2) of paragraph 3 of Article 26 of the Law;

4) representation of citizens in the framework of constitutional proceedings, provided for in paragraph 5 of Article 41 of the Constitutional Law "On the Constitutional Court of the Republic of Kazakhstan".

**Footnote. Paragraph 3 - as amended by the Order of the Minister of Justice of the Republic of Kazakhstan dated 02.06.2023 No. 361 (shall be enforced ten calendar days after the day of its first official publication).**

## **Chapter 2. The procedure for paying for state-guaranteed legal assistance provided by a lawyer and reimbursement of expenses related to legal advice, advocacy and representation, as well as the conduct of conciliation procedures**

4. The territorial body of justice shall pay state-guaranteed legal assistance and reimburse the expenses related to legal advice, advocacy and representation, as well as the conduct of conciliation procedures, to lawyers who have concluded agreements on the provision of state-guaranteed legal assistance through a unified information system of legal assistance, based on lawyer's application on payment for state-guaranteed legal assistance provided by a lawyer and reimbursement of expenses related to legal advice, advocacy and representation, as well as the conduct of conciliation procedures, at the expense of budgetary funds in the form, in accordance with Appendix 1 to these Rules (hereinafter referred to as the Application ).

5. Lawyer's application for payment of state-guaranteed legal assistance provided by a lawyer and reimbursement of expenses related to legal advice, advocacy and representation, as well as the conduct of conciliation procedures, at the expense of budgetary funds, shall be drawn up in electronic format in a unified information system of legal assistance, and in cases related to technical failures in the system, with access to the Internet or inability to send through the system - in paper format, with the following documents attached:

1) acts on the legal consulting work performed by the lawyer, drawn up based on the register of state-guaranteed legal assistance in the form of legal advice provided by the lawyer (hereinafter referred to as the Register), which shall indicate:

surname, name and patronymic (if any) of the lawyer;

surname, first name and patronymic (if any), as well as data of an identity document, number, series (if any), by whom and when issued, validity period or data confirming (identifying) the identity of the client obtained through the service of digital documents of the physical a person who has received free legal assistance;

the number of oral or written legal advice related to advocacy and representation, as well as the conduct of conciliation procedures;

the number of written documents of a legal nature;

the total number of hours, minutes of legal assistance;

signature;

signature of an individual who has received free legal assistance;

2) decisions of the bodies conducting criminal proceedings, courts and bodies (officials) authorized to consider cases of administrative offences, decisions of courts in civil or administrative cases, as well as decisions in the framework of constitutional proceedings on the appointment of a lawyer;

3) resolutions of the bodies conducting criminal proceedings, courts and bodies (officials) authorized to consider cases of administrative offences, as well as rulings of courts authorized to consider civil cases on the release of a person in need of legal assistance from its payment and reimbursement of expenses related to advocacy and representation, as well as the conduct of conciliation procedures and the assignment of the amounts payable at the expense of budgetary funds, which shall indicate:

position, surname, name and patronymic (if any) of the person who issued the decision;  
name of the case, date of the decision;

data on the identity of a person exempted from payment of legal assistance and reimbursement of expenses related to advocacy and representation, as well as the conduct of conciliation procedures;

an article of the Criminal Code of the Republic of Kazakhstan and the category of a criminal offence of which a person is suspected or accused, or an article of the Code of the Republic of Kazakhstan "On Administrative Offences", which provides for bringing a person to administrative responsibility;

measure in a criminal case or a measure to ensure proceedings in a case of an administrative offence (delivery to the place of drawing up a protocol on an administrative offence, or administrative detention or compulsory attendance);

the date of reclassification of the actions of the suspect, the accused, the defendant, and the offender;

grounds for exemption from payment of legal assistance and reimbursement of expenses related to advocacy and representation, as well as the conduct of conciliation procedures;

surname, name and patronymic (if any) of the lawyer, number and date of the written notification of the advocacy (representation) of the lawyer, certifying his/her authority for advocacy (representation);

place, date, time of the beginning and end of the proceedings in which the lawyer took part;

the duration of the waiting time for the beginning of the procedural action, appointed with the participation of a lawyer, or the continuation of the procedural action in case of its postponement (if there are facts), indicating the date, time;

the duration of the waiting time for the beginning of the court session or the continuation of the court session in case of its postponement (if there are facts);

the duration of the lawyer's familiarization with the case materials;

the duration of familiarization at any stage of the process with the materials of a criminal, civil, or administrative case, including the protocol of detention of a person brought to

criminal or administrative responsibility, a decision on the application of a preventive measure, protocols of procedural actions carried out with the participation of a defence lawyer and his/her client, with documents that were presented or should have been presented to his/her client, as well as with the minutes of court sessions;

the length of time the defendant's lawyer advises on the development of a line of advocacy and issues that arose during the proceedings;

the length of time for discussing the issue of concluding a procedural agreement, drawing up statements, petitions, procedural agreements, agreements on achieving reconciliation through mediation, complaints about actions (inaction) and decisions of the inquirer, investigator, prosecutor and court, private appeals, cassation and other complaints, objections to an appeal, cassation and other complaints, settlement agreements, agreements on the settlement of a dispute (conflict) in the manner of mediation or an agreement on the settlement of a dispute in the manner of a participatory procedure, withdrawal (objection) to a civil claim (statement of claim) in advocacy and the interests of the client, as well as comments on the minutes of the court session;

the number of working days of a business trip associated with the departure of a lawyer to another locality to provide legal assistance;

surname, name, patronymic (if any) of the lawyer and details of his/her bank account;

4) rulings of judges or courts in civil or administrative cases, as well as rulings in the framework of constitutional proceedings on the release of a person in need of legal assistance from its payment and reimbursement of expenses associated with advocacy or representation, as well as the conduct of conciliation procedures and the assignment of payable amounts at the expense of budgetary funds, which indicate:

name of the court, surname, name and patronymic (if any) of the judge who issued the ruling;

name, place and date of consideration of the case;

surname, name, patronymic (if any) of a person exempted from paying for legal assistance and reimbursement of expenses related to advocacy and representation, as well as conducting conciliation procedures;

grounds for exemption from payment for legal assistance and reimbursement of expenses related to advocacy and representation, as well as the conduct of conciliation procedures;

surname, name and patronymic (if any) of the lawyer, number and date of the written notification of the advocacy (representation) of the lawyer, certifying his/her authority for advocacy (representation);

date, time of beginning and end of the proceedings in which the lawyer took part;

duration of familiarization of the lawyer with the case materials;

the date and duration of the court hearings in which the lawyer took part;

the duration of the waiting time for the beginning of the court session or the continuation of the court session in case of its postponement (if there are facts);

the length of time for the lawyer to draw up statements, petitions, withdrawal (objections) to the statement of claim, private, appeal, cassation and other complaints, objections to appeal, cassation and other complaints, settlement agreements, agreements on the settlement of a dispute (conflict) in the manner of mediation or an agreement on the settlement of the dispute in the manner of a participatory procedure in the interests of the principal, as well as comments on the minutes of the court session;

the number of working days of a business trip associated with the departure of a lawyer to another locality to provide legal assistance;

surname, name, patronymic (if any) of the lawyer and details of his/her bank account;

5) certificate of pre-trial detention centers, temporary detention centers or special receivers of the internal affairs bodies, which shall indicate:

the length of employment of a lawyer when meeting with a suspect or accused in custody, or with a person subjected to administrative detention, bringing, delivery to the internal affairs body (police).

**Footnote. Paragraph 5 as amended by the Order of the Minister of Justice of the Republic of Kazakhstan dated 02.06.2023 No. 361 (shall be enforced ten calendar days after the day of its first official publication).**

6. Reimbursement at the expense of budgetary funds is subject to travel expenses of a lawyer related to advocacy and representation, as well as the conduct of conciliation procedures, in the cases specified in subparagraphs 2), 3), 4), 5), 6) of paragraph 2 of these Rules in accordance with with the Law.

**Footnote. Paragraph 6 - as amended by the Order of the Minister of Justice of the Republic of Kazakhstan dated 02.06.2023 No. 361 (shall be enforced ten calendar days after the day of its first official publication).**

7. In the cases specified in paragraph 2 of these Rules, the amount payable from budgetary funds for the participation of a lawyer in a particular case shall be calculated by the lawyer, taking into account the time:

1) waiting for the beginning of a procedural action or a court session, calculated from the moment the lawyer appears by the time specified in the notification of the relevant body if the lawyer did not participate in other cases at that time;

2) waiting for the continuation of the procedural action or the court session in case of its postponement for another time or another day, but not more than one day, if the lawyer at that time did not provide other types of legal assistance to other persons;

3) familiarization at the pre-trial investigation or after the receipt of the criminal case by the court, but before the consideration of the case in the main trial or the case of an administrative offence, including with the protocol of detention of a person subject to criminal or administrative liability, a decision on the application of a measure of restraint,



with protocols of procedural actions carried out with the participation of a defence lawyer and his/her client, with documents that were or should have been presented to his/her client, as well as with protocols of court sessions;

3-1) familiarization with the materials of a civil or administrative case, before the consideration of the case in the main trial, as well as with the minutes of court sessions;

3-2) familiarization with the case materials within the framework of constitutional proceedings, in accordance with the Constitutional Law "On the Constitutional Court of the Republic of Kazakhstan";

4) visiting a client under house arrest or under arrest to develop a line of advocacy or consult on issues that arose in the course of the proceedings, calculated from the moment the lawyer submits a ticket for calling the client for a meeting until receiving a certificate from the pre-trial detention center or temporary detention center on visiting a defendant or a visit by a lawyer to a convict serving a sentence in an institution of the penitentiary system to provide legal assistance in accordance with the Criminal, Criminal Procedure and Penal Execution Codes of the Republic of Kazakhstan, calculated from the moment of registration in the Register of Visitors of the institution of the penitentiary system according to the form approved by the Order of the Minister of Internal Affairs of the Republic of Kazakhstan dated April 12, 2017 No. 63 restricted (registered in the Register of State Registration of Regulatory Legal Acts No. 15120) until receipt of a certificate from the relevant institution on a meeting between a lawyer and a convict;

5) visits to the defendant subjected to administrative detention to develop a line of advocacy or consult on issues that have arisen in the course of the proceedings;

6) drawing up statements, petitions, withdrawal (objections) to the statement of claim, private, appeal, cassation and other complaints, objections to appeal, cassation and other complaints, settlement agreements, agreements on the settlement of a dispute (conflict) in the manner of mediation or an agreement on settlement dispute in the manner of a participatory procedure in the interests of the principal, as well as comments on the minutes of the court session.

**Footnote. Paragraph 7 as amended by the Order of the Minister of Justice of the Republic of Kazakhstan dated 06/02/2023 No. 361 (shall be enforced ten calendar days after the day of its first official publication).**

8. If a lawyer provides legal assistance in a specific case, with a trip to another locality, payment shall be made for each day of being on a business trip, regardless of the duration of the procedural actions, the trial of the case, if he did not participate in the proceedings on other cases on that day.

9. If a person subject to criminal or administrative liability refuses the appointed lawyer, payment shall be subject to the time spent by the lawyer to familiarize him/herself with the case materials at any stage of the process, to provide legal assistance during a meeting, including the preparation by the lawyer of statements, petitions, responses (objections) to a



statement of claim, private, appeal, cassation and other complaints, objections to appeals, cassation and other complaints, settlement agreements, agreements on the settlement of a dispute (conflict) in the manner of mediation or an agreement on the settlement of a dispute in the manner of a participatory procedure in the interests of the principal, and also comments on the minutes of the court session, on the procedural registration of such a refusal, travel expenses of a lawyer.

10. A decision on payment for legal assistance and reimbursement of expenses of a lawyer related to advocacy and representation, as well as conducting conciliation procedures at the stages of pre-trial proceedings in a criminal case, shall be issued based on a lawyer's application within three working days from the date of receipt of the lawyer's application and handed over or sent to him/her on paper or in the form of an electronic document through a unified information system of legal assistance on the day of its issuance, and if the execution of the instruction lasts more than one month - no later than the last working day of each month.

A decision on payment for legal assistance to a person brought to administrative responsibility and on reimbursement of the lawyer's expenses related to the advocacy shall be issued based on the lawyer's application within three working days from the date of receipt of the lawyer's application and handed or sent to him/her in writing or in the form of an electronic document through a unified information system of legal assistance on the day of its issuance in a case of an administrative offence. This resolution may be adopted at the request of the lawyer and after the adoption of the relevant decision.

A decision on payment for legal assistance provided to a suspect, accused, defendant, convicted, acquitted or victim, and reimbursement of expenses related to advocacy and representation, as well as the conduct of conciliation procedures in a criminal case being considered by a court, shall be issued based on lawyer's application and handed over or sent him/her on paper or in the form of an electronic document through a unified information system of legal assistance on the day of the verdict or other judicial act. In the event of a continuous duration of proceedings of more than one month, court orders for payment shall be issued monthly.

A court ruling on payment for legal assistance in a civil, administrative case, as well as a decision within the framework of constitutional proceedings and reimbursement of expenses associated with representation, shall be issued based on the lawyer's application within three working days from the date of receipt of the lawyer's application and handed over or sent to him/her in writing or the form of an electronic document through the unified legal assistance information system on the day of its issuance.

One copy of the resolution or ruling on a specific case shall be attached to the materials of the relevant case, the second copy shall be issued or sent on paper or in the form of an

electronic document through the unified information system of legal assistance to a lawyer on the day it is issued, the third copy shall be sent to the Collegium of Advocates no later than the next day after its removal.

In the application for payment for the provided legal assistance and reimbursement of expenses related to the advocacy and representation, as well as the conduct of conciliation procedures, the lawyer shall indicate a detailed calculation of the time spent by him/her for the provision of legal assistance in a particular case, as well as travel expenses.

**Footnote. Paragraph 10 as amended by the Order of the Minister of Justice of the Republic of Kazakhstan dated 02.06.2023 No. 361 (shall be enforced ten calendar days after the day of its first official publication).**

10-1. When calculating the time for the provision of state-guaranteed legal assistance by a lawyer, the following procedure shall be applied:

from 1 minute to 1 hour, payment shall be made as for 1 hour;

over 1 hour to 1 hour 30 minutes payment shall be made as for 1.5 hours;

from 1 hour 31 minutes to 2 hours, payment shall be made as for 2 hours.

If two hours are exceeded, payment shall be made for the actual time spent, which shall be determined in hours and minutes.

If there are 2 or more acts (decrees, definitions, acts) on payment for state-guaranteed legal assistance provided within 1 hour, payment for them shall be made by summation in accordance with the procedure determined by this paragraph. Each act within the specified time shall not be rounded independently.

If there are 2 or more acts (decrees, definitions, acts) on payment for state-guaranteed legal assistance, exceeding 1 hour to 1 hour 30 minutes, payment for them shall be made as for 1.5 hours.

If there are 2 or more acts (decrees, definitions, acts) on payment for state-guaranteed legal assistance from 1 hour 31 minutes to 2 hours, payment for them shall be made as for 2 hours.

If there are 2 or more acts (decrees, definitions, acts) on payment for state-guaranteed legal assistance exceeding 2 hours, payment for them shall be made for the actual time spent, which is determined in hours and minutes.

**Footnote. The rules are supplemented by paragraph 10-1 in accordance with the order of the Minister of Justice of the Republic of Kazakhstan dated 02.06.2023 No. 361 (shall be enforced ten calendar days after the day of its first official publication).**

11. Based on the results of the provision of legal assistance, the lawyer shall draw up an application for payment for state-guaranteed legal assistance and reimbursement of expenses related to legal advice, advocacy and representation, as well as the conduct of conciliation procedures and send it in electronic format in the unified information system of legal

assistance, and in cases related to technical failures in the system, with access to the Internet or the inability to send through the system - in paper format, to the territorial body of justice, to which the documents referred to in paragraph 5 of these Rules shall be attached.

**Footnote. Paragraph 11 - as amended by the Order of the Minister of Justice of the Republic of Kazakhstan dated 02.06.2023 No. 361 (shall be enforced ten calendar days after the day of its first official publication).**

12. The territorial body of justice, based on the results of checking the compliance of the lawyer's application with the data specified in the acts on the work performed on legal advice, resolutions or definitions, shall draw up a monthly reconciliation act in an arbitrary form through the unified information system of legal assistance, performed by the lawyer, with a breakdown by type of legal assistance indicating the amount of payment and transfers to the bank account of the lawyer the amount payable to the lawyer, broken down by type of legal assistance and categories of criminal offences, no later than the 4th day of the month following the reporting period, and for December - no later than the 20th day of the reporting month.

In cases where facts of the inconsistency of the information specified in the lawyer's application, acts on the work performed on legal consulting, decisions or determinations with the requirements provided for in paragraph 5 of these Rules are discovered, the territorial body of justice shall return them to the lawyer to correct arithmetic errors, clerical errors.

13. Financing of funds to be paid to lawyers on applications submitted through the unified legal assistance information system after December 20 of the current year shall be carried out at the expense of the Republican budget allocated for the next year.

### **Chapter 3 The procedure for paying for state-guaranteed legal assistance provided by a legal advisor and reimbursement of expenses related to legal advice, advocacy and representation, as well as the conduct of conciliation procedures**

14. The territorial body of justice shall pay state-guaranteed legal assistance and reimburse expenses related to legal advice, advocacy and representation, as well as the conduct of conciliation procedures, to legal advisors who have concluded agreements on the provision of state-guaranteed legal assistance through a unified legal assistance information system, based on legal advisor's applications on payment for state-guaranteed legal assistance provided by a legal advisor, and reimbursement of expenses related to legal advice, advocacy and representation, as well as the conduct of conciliation procedures, at the expense of budgetary funds in the form, in accordance with Appendix 2 to these Rules (hereinafter referred to as the Legal advisor's statement).

15. A legal advisor's application for payment of state-guaranteed legal assistance provided by a legal advisor and reimbursement of expenses related to legal advice, advocacy and representation, as well as the conduct of conciliation procedures, at the expense of budgetary funds, shall be drawn up in electronic format in the unified legal assistance information

system, and in cases related to technical failures in the system, with access to the Internet or the inability to send through the system - in paper format with the following documents attached:

1) acts on the work performed by a legal advisor on legal advice, drawn up based on the register of accounting for state-guaranteed legal assistance in the form of legal advice provided by a legal advisor, which shall indicate:

surname, name and patronymic (if any) of the legal advisor;

surname, first name and patronymic (if any), as well as data of an identity document, number, series (if any), by whom and when issued, validity period or data confirming (identifying) the identity of the client obtained through the service of digital documents of the physical a person who has received free legal assistance;

the number of oral or written legal advice related to advocacy and representation, as well as the conduct of conciliation procedures;

the number of written documents of a legal nature;

the total number of hours, minutes of legal assistance;

signature;

signature of the individual who received legal assistance;

2) rulings of courts in civil or administrative cases, as well as rulings in the framework of constitutional proceedings on the appointment of a legal advisor;

3) rulings of judges or courts in civil or administrative cases, as well as rulings in the framework of constitutional proceedings on the release of a person in need of legal assistance from its payment and reimbursement of expenses associated with representation, and attributing the amounts payable from budgetary funds, to which are indicated:

name of the court, surname, name and patronymic (if any) of the judge who issued the ruling;

name, place and date of consideration of the case;

number and date of the written power of attorney for advocacy (representation) certifying the powers of the legal advisor;

surname, name, patronymic (if any) of a person exempted from paying for legal assistance and reimbursement of expenses related to advocacy and representation, as well as conducting conciliation procedures;

grounds for exemption from payment of legal assistance and reimbursement of expenses related to advocacy and representation, as well as the conduct of conciliation procedures;

date, time of beginning and end of the proceedings, in which the legal advisor took part;

the duration of familiarization of the legal advisor with the case materials;

the date and duration of court hearings in which the legal advisor took part;

the duration of the waiting time for the beginning of the court session or the continuation of the court session in case of its postponement (if there are facts);

the length of time for the legal advisor to draw up statements, petitions, withdrawal (objections) to the statement of claim, private, appeal, cassation and other complaints, objections to appeal, cassation and other complaints, settlement agreements, agreements on the settlement of a dispute (conflict) in the manner of mediation or an agreement on the settlement of the dispute in the manner of a participatory procedure in the interests of the principal, as well as comments on the minutes of the court session;

the number of working days of a business trip associated with the departure of a legal advisor to another locality to provide legal assistance;

surname, name, patronymic (if any) of the legal advisor and details of his/her bank account.

**Footnote. Paragraph 15 as amended by the Order of the Minister of Justice of the Republic of Kazakhstan dated 02.06.2023 No. 361 (shall be enforced ten calendar days after the day of its first official publication).**

16. Reimbursement at the expense of budgetary funds shall be subject to travel expenses of a legal advisor related to representation, in the cases specified in subparagraphs 2), 3), 4) of paragraph 3 of these Rules in accordance with the Law.

**Footnote. Paragraph 16 - as amended by the Order of the Minister of Justice of the Republic of Kazakhstan dated 02.06.2023 No. 361 (shall be enforced ten calendar days after the day of its first official publication).**

17. In the cases specified in paragraph 3 of these Rules, the amount payable from the budget for the participation of a legal advisor in a particular case shall be calculated by the legal advisor, taking into account the time:

1) waiting for the start of the court session, calculated from the moment the legal advisor appears by the time specified in the notification of the relevant body, if the legal advisor did not participate in other cases at that time;

2) waiting for the continuation of the procedural action of the court session in case of its postponement for another time or another day, but not more than one day, if the legal advisor at that time did not provide other types of legal assistance to other persons;

3) familiarization with a civil or administrative case, as well as within the framework of constitutional proceedings, before the consideration of the case in the main court proceedings, as well as with the minutes of court sessions;

4) drawing up statements, petitions, withdrawal (objections) to the statement of claim, private, appeal, cassation and other complaints, objections to appeals, cassation and other complaints, settlement agreements, agreements on the settlement of a dispute (conflict) in the manner of mediation or an agreement on settlement dispute in the manner of a participatory procedure in the interests of the principal, as well as comments on the minutes of the court session.

**Footnote. Paragraph 17 as amended by the Order of the Minister of Justice of the Republic of Kazakhstan dated 02.06.2023 No. 361 (shall be enforced ten calendar days after the day of its first official publication).**

18. If a legal advisor provides legal assistance in a specific case, with a trip to another locality, payment shall be made for each day on a business trip, regardless of the duration of the procedural actions, the trial of the case, if he did not participate in the proceedings on other cases on that day.

19. A court ruling on payment for legal assistance in a civil or administrative case, as well as a ruling in the framework of constitutional proceedings, and reimbursement of expenses related to advocacy and representation, as well as the conduct of conciliation procedures, shall be issued based on legal advisor's application within three working days from date of receipt of the legal advisor's application and handed over or sent to him/her in writing or the form of an electronic document through the unified information system of legal assistance on the day of its issuance.

One copy of the ruling in a specific case shall be attached to the materials of the relevant case, the second copy shall be issued or sent on paper or in the form of an electronic document through the unified information system of legal assistance to a legal advisor on the day it is issued, the third copy shall be sent to the Chamber no later than the next day after its issuance.

In the application for payment of legal assistance provided and reimbursement of expenses related to advocacy and representation, as well as the conduct of conciliation procedures, the legal advisor shall indicate a detailed calculation of the time spent by him/her for the provision of legal assistance in a particular case, as well as travel expenses.

**Footnote. Paragraph 19 as amended by the Order of the Minister of Justice of the Republic of Kazakhstan dated 02.06.2023 No. 361 (shall be enforced ten calendar days after the day of its first official publication).**

19-1. When calculating the time for the provision of state-guaranteed legal assistance by a legal advisor, the following procedure shall be applied:

from 1 minute to 1 hour, payment shall be made as for 1 hour;

over 1 hour to 1 hour 30 minutes, payment shall be made as for 1.5 hours;

from 1 hour 31 minutes to 2 hours, payment shall be made as for 2 hours.

If two hours are exceeded, payment shall be made for the actual time spent, which shall be determined in hours and minutes.

If there are 2 or more acts (decrees, definitions, acts) on payment for state-guaranteed legal assistance provided within 1 hour, payment for them shall be made by summation in accordance with the procedure determined by this subparagraph. Each act within the specified time shall not be rounded independently.

If there are 2 or more acts (decrees, definitions, acts) on payment for state-guaranteed legal assistance, exceeding 1 hour to 1 hour 30 minutes, payment for them shall be made as for 1.5 hours.

If there are 2 or more acts (decrees, definitions, acts) on payment for state-guaranteed legal assistance from 1 hour 31 minutes to 2 hours, payment for them shall be made as for 2 hours.

If there are 2 or more acts (decrees, definitions, acts) on payment for state-guaranteed legal assistance exceeding 2 hours, payment for them shall be made for the actual time spent, which shall be determined in hours and minutes

**Footnote. The rules are supplemented by paragraph 19-1 in accordance with the order of the Minister of Justice of the Republic of Kazakhstan dated 02.06.2023 No. 361 (shall be enforced ten calendar days after the day of its first official publication).**

20. Based on the results of the provision of legal assistance, the legal advisor shall draw up an application for payment for state-guaranteed legal assistance and reimbursement of expenses related to legal advice, advocacy and representation, as well as the conduct of conciliation procedures and send it in electronic format in the unified information system of legal assistance, and to cases related to technical failures in the system, with access to the Internet or the inability to send through the system - in paper format, to the territorial body of justice, to which the documents referred to in paragraph 15 of these Rules shall be attached.

**Footnote. Paragraph 20 - as amended by the Order of the Minister of Justice of the Republic of Kazakhstan dated 02.06.2023 No. 361 (shall be enforced ten calendar days after the day of its first official publication).**

21. The territorial body of justice, based on the results of checking the compliance of the legal advisor's application with the data specified in the acts on the work performed on legal advice, definitions, shall draw up a monthly reconciliation act in an arbitrary form through the unified information system of legal assistance, performed by the legal advisor, with a breakdown by type of legal assistance indicating the amount of payment and transfers to the bank account of the legal advisor the amount payable to the legal advisor, broken down by type of legal assistance, no later than the 4th day of the month following the reporting month, and for December - no later than the 20th day of the reporting month.

In cases where facts of the inconsistency of the information specified in the legal advisor's application, acts on the work performed on legal consulting and definitions with the requirements provided for in paragraph 15 of these Rules are discovered, the territorial body of justice shall return them to the legal advisor to correct arithmetic errors, typos.

22. Financing of funds to be paid to legal advisors, according to applications received after December 20 of the current year, shall be carried out at the expense of the Republican budget allocated in the next year.



Footnote. Paragraph 22 - as amended by the Order of the Minister of Justice of the Republic of Kazakhstan dated 02.06.2023 No. 361 (shall be enforced ten calendar days after the day of its first official publication).

Appendix 1  
to the Rules for the payment for  
state-guaranteed  
legal assistance provided by a lawyer,  
legal advisor,  
and reimbursement of expenses related to  
legal advice,  
advocacy and representation, as well as  
the conduct  
of conciliation procedures

Form

## LAWYER'S APPLICATION

Footnote. Appendix 1 - as amended by the Order of the Minister of Justice of the Republic of Kazakhstan dated 02.06.2023 No. 361 (shall be enforced ten calendar days after the day of its first official publication).

on payment of state-guaranteed legal assistance provided by a lawyer, and reimbursement of expenses related to legal advice, advocacy and representation, as well as the conduct of conciliation procedures, at the expense of budgetary funds for

\_\_\_\_\_ 20 \_\_\_\_\_ year (month)

\_\_\_\_\_ (last name, first name, patronymic (if any))

No.	Types of legal assistance provided by a lawyer	Number of people who received legal assistance	Number of rulings	Number of hours, minutes	Payment amount	Total payment amount
1.	Provision of legal assistance in the form of legal advice					
2.	Providing legal assistance in criminal cases at the pre-trial stage as a defender of the suspect, the accused	on especially serious criminal offences				
		for serious criminal offences				
		on criminal offences of small and medium				

		gravity and criminal offences					
3.	Provision of legal assistance in criminal cases at the pre-trial stage for participation as a representative of the victim	on especially serious criminal offences					
		for serious criminal offences					
		on criminal offences of small and medium gravity and criminal offences					
4.	Providing legal assistance in criminal cases in courts as a defender of the defendant, convicted	on especially serious criminal offences					
		for serious criminal offences					
		on criminal offences of small and medium gravity and criminal offences					
5.	Providing legal assistance in criminal cases in court as a representative of the victim	on especially serious criminal offences					
		for serious criminal offences					
		on criminal offences of small and medium gravity and criminal offences					
6.	Providing legal assistance in cases of administrative offences						
		Article 112 of the Civil Procedure					

7.	Provision of legal assistance in civil cases	Code of the Republic of Kazakhstan				
		Article 325 of the Civil Procedure Code of the Republic of Kazakhstan				
8.	Provision of legal assistance in administrative cases	Article 26 of the Administrative Procedural Code				
9.	Providing legal assistance to citizens in the framework of constitutional proceedings	Article 41 of the Constitutional Law "On the Constitutional Court of the Republic of Kazakhstan"				
10.	Total					
11.	Reimbursement of expenses related to legal advice, advocacy and representation, as well as the conduct of conciliation procedures	Total number of business trips	Total number of travel days			Reimbursable travel expenses

Appendix 2  
to the Rules for the payment for  
state-guaranteed  
legal assistance provided by a lawyer,  
legal advisor,  
and reimbursement of expenses related to  
legal advice,  
advocacy and representation, as well as  
the conduct  
of conciliation procedures

Form

## LEGAL ADVISOR'S APPLICATION

**Footnote. Appendix 2 - as amended by the Order of the Minister of Justice of the Republic of Kazakhstan dated 02.06.2023 No. 361 (shall be enforced ten calendar days after the day of its first official publication).**

on payment of state-guaranteed legal assistance provided by a legal advisor,

and reimbursement of expenses related to legal advising, representing, as well as conducting conciliation procedures, at the expense of budgetary funds for \_\_\_\_\_20\_\_\_\_ (month)

(last name, first name, patronymic (if any))

No.	Types of legal assistance provided by a legal advisor		Number of people who received legal assistance	Number of definitions	Number of hours, minutes	Payment amount	Total payment amount
1.	Provision of legal assistance in the form of legal advice						
2.	Provision of legal assistance in civil cases	Article 112 of the Civil Procedure Code of the Republic of Kazakhstan					
3.	Provision of legal assistance in administrative cases	Article 26 of the Administrative Procedural Code					
4.	Providing legal assistance to citizens in the framework of constitutional proceedings	Article 41 of the Constitutional Law "On the Constitutional Court of the Republic of Kazakhstan"					
5.	Total		Total number of business trips	Total number of travel days	Reimbursable travel expenses		
6.	Reimbursement of expenses related to legal advice, advocacy and representation, as well as the conduct of conciliation procedures		Total number of business trips		Total number of travel days		Reimbursable travel expenses

