

## **On the Supreme Judicial Council of the Republic of Kazakhstan**

### *Invalidated Unofficial translation*

The Law of the Republic of Kazakhstan dated 17 November, 2008 No. 79-IV.

U n o f f i c i a l                      t r a n s l a t i o n

Footnote. The Law of the Republic of Kazakhstan dated 04.12.2015 No. 436-V (effective from 01/01/2016) expired.

N o t e                      o f                      t h e                      R C L I !

procedure for enactment of the Law of the Republic of Kazakhstan see Article 24

This Law defines the status and organization of work of the Supreme Judicial Council of the Republic of Kazakhstan.

## **CHAPTER 1. GENERAL PROVISIONS**

### **Article 1. Status and legal basis for the activity of the Supreme Judicial Council of the Republic of Kazakhstan**

1. The Supreme Judicial Council of the Republic of Kazakhstan (hereinafter - the Council) is an institution without forming a legal entity, created in order to ensure the constitutional powers of the President of the Republic of Kazakhstan to form courts, guarantees of judicial independence and their integrity.

2. The legal basis for the activity of the Council shall be the Constitution of the Republic of Kazakhstan, the Constitutional Law, defining the judicial system and status of judges of the Republic of Kazakhstan, this Law and other regulatory legal acts of the Republic of Kazakhstan.

### **Article 2. Powers of the Council**

1. Council shall:

- 1) guarantee the independence and integrity of the judiciary;
- 2) on a competitive basis select a candidate for the vacant position of judges for local and other court;

following the results of competition recommend to the President of the Republic of Kazakhstan the candidate for appointment to the vacant position of judges for local and other court;

- 3) consider under the recommendation of the Chairman of the Supreme Court the candidates for vacant positions of Chairmen and Chairmen of judicial boards of local

and other courts, Chairmen of judicial boards of the Supreme Court; recommend the candidates for vacant positions of Chairmen and Chairmen of judicial boards of local and other courts, Chairmen of judicial boards of the Supreme Court to the President of the Republic of Kazakhstan for the appointment;

4) consider under the recommendation of the Chairman of the Supreme Court the candidate for the vacant position of a judge of the Supreme Court;

recommend the candidate for the vacant position of a judge of the Supreme Court to the President of the Republic of Kazakhstan for submission to the Senate of the Parliament;

5) consider the candidate for the vacant position of Chairman of the Supreme Court ;

recommend the candidate for the vacant position of Chairman of the Supreme Court to the President of the Republic of Kazakhstan for submission to the Senate of the Parliament;

6) consider the termination of office of the Chairman, the Chairmen of judicial boards and judges of the Supreme Court, the Chairmen, the Chairmen of judicial boards and judges of local and other courts in the form of retirement, termination of resignation;

consider the dismissal from office of judges of local and other courts in cases of reorganization, abolition of the court, reducing the number of judges of the appropriate court, if they do not give consent for the vacant position of a judge in another court;

consider the dismissal from office of the Chairmen, the Chairmen of the judicial boards of local and other courts, in cases of reorganization, abolition of the court, expiration of the term of office, if they do not give consent for the vacant position of a judge in another court;

consider the dismissal from office of judges of the Supreme Court in the case of reducing the number of judges of the Supreme Court, if they do not give consent for the vacant position of a judge in another court;

consider the dismissal from office of the Chairmen of judicial boards of the Supreme Court in cases of the expiration of the term of office, if they do not give consent for the vacant position of a judge in another court;

consider the dismissal from office of the Chairmen of judicial boards and judges of the Supreme Court, the Chairmen, the Chairmen of judicial boards and judges of local and other courts for committing disciplinary offences, by virtue of professional incompetence or failure to comply with the requirements of the Constitutional Law of the Republic of Kazakhstan “On the Judicial System and Status of Judges of the Republic of Kazakhstan” upon the recommendation of the Chairman of the Supreme Court, based on the decision of the Judicial Jury, as well as in cases of termination of office of a judge on his (her) own request, appointment, election of judge to another

position and his (her) transfer to another job, reaching the retirement or the age limit for the position of judge;

**Note of the RCLI!**

**Seventh paragraph of subparagraph 6) shall be in the wording of the Law of the Republic of Kazakhstan dated 03.07.2014 No. 227-V (shall be enforced from 01.01.2015).**

consider the dismissal from office of the Chairmen of judicial boards and judges of the Supreme Court, the Chairmen, the Chairmen of judicial boards and judges of local and other courts in cases of termination of office of a judge for health reasons, preventing further execution of professional duties, in accordance with the medical report, in connection with the entry into force of a court decision on recognition him (her) as incapable or partially capable, or the application of compulsory medical measures to him (her), entry into force of a judgment of conviction, termination of citizenship of the Republic of Kazakhstan, the death of a judge or the entry into force of the court decision, declaring him (her) as dead;

recommend to the President of the Republic of Kazakhstan to dismiss from office the Chairmen, the Chairmen of judicial boards and judges of local and other courts, the Chairmen of judicial boards of the Supreme Court;

make recommendations to the President of the Republic of Kazakhstan on the dismissal of the Chairman and judges of the Supreme Court for submissions to the Senate of the Parliament;

consider giving consent to an extension by the Chairman of the Supreme Court of the Republic of Kazakhstan the term of office as a judge, when he (she) reaches retirement age;

7) in the manner prescribed by the legislation, consider upon the recommendation of the Chairman of the Supreme Court the issue of consent to the appointment of the candidate for the position of Head of the authorized body for the organizational and logistical support of the Supreme Court, local and other courts, and his (her) removal from office;

8) organize a reception of the qualifying examinations of citizens, willing to work as judges;

**Note of the RCLI!**

**Subparagraph 9) shall be in the wording of the Law of the Republic of Kazakhstan dated 04.07.2014 No. 233-V (shall be enforced from 01.01.2015).**

9) submit to the President of the Republic of Kazakhstan a conclusion to resolve the issue of consent to arrest the judge, his (her) drive, application to him (her) the administrative sanctions imposed by the court, bringing judges to criminal liability;

10) draft and submit to the President of the Republic of Kazakhstan the recommendations and suggestions to improve the judicial system and the legislation;

11) take measures to improve the qualitative composition of the judiciary, improve the system of training, further training of judges;

12) approve the rules of the Council;

13) keep a record of those, who passed the qualifying exams for the position of judge, who interned in the courts and received the opinion of the plenary meetings of regional and equivalent courts, as well as persons, who graduated from a specialized master's program;

14) consider giving consent for establishment of total staff number of judges, the number of judges of each local and other court;

15) exercise other powers, arising from this Law, legislative acts and regulations of the Council.

2. To exercise its power, the Council shall have the right to:

request and receive necessary information, documents and other materials from state bodies, officials, organizations and citizens;

hear oral and demand written explanations of the appropriate officials;

form commissions, working groups composed of members of the Council, representatives of state bodies, public associations, organizations and institutions, involve experts to the work.

**Footnote. Article 2, as amended by the Laws of the Republic of Kazakhstan dated 29.12.2010 No. 376-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.02.2012 No. 560-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **CHAPTER 2. COMPOSITION OF THE COUNCIL AND POWERS OF MEMBERS OF THE COUNCIL**

### **Article 3. Composition of the Council**

The Council consists of the Chairman, the Secretary and other members, appointed and dismissed by the President of the Republic of Kazakhstan.

Office of the Chairman, Secretary and member of the Council is incompatible with being a member of the governing body and the supervisory board of a commercial organization, and occupying leadership positions in political parties.

### **Article 4. Chairman of the Council**

1. Chairman of the Board shall:

1) direct and provide general guidance for the Council, as well as represent the Council in its relations with state bodies and other organizations;

2) approve the plans of work;

- 3) convene meetings of the Council and preside at meetings of the Council;
- 4) sign recommendations, conclusions, decisions and other documents of the Council;
- 5) determine the issues, to be submitted for consideration of the Council;
- 6) have the right to participate in the plenary of the Supreme Court, the meetings of judges;
- 7) take measures, aimed at improving the organization of work of the Council, oversee the implementation of Council decisions;
- 8) ensure the compliance with the rules in the activities of the Council;
- 9) perform other organizational and administrative functions, provided by the legislation of the Republic of Kazakhstan.

2. In the case of absence of the Chairman of the Council, the temporary performance of his (her) duties shall be performed by the Secretary of the Council.

### **Article 5. Secretary of the Council**

1. Secretary of the Council shall:
  - 1) organize the activities of Council staff;
  - 2) form on the proposal of the Council the list of issues, submitted for consideration at the upcoming meeting, and report them in advance to the Chairman;
  - 3) assure by his (her) signature the extracts from the minutes of meetings, recommendations and conclusions, adopted by the Council;
  - 4) organize, if necessary, check;
  - 5) define the list of people, invited to a meeting of the Council, and provide their attendance;
  - 6) execute the instructions and decisions of the Chairman of the Council.

2. In the absence of the Secretary of the Council, the performance of his (her) duties on behalf of the Chairman shall be assigned to a member of the Council.

### **Article 6. Powers of members of the Council**

1. Member of the Council shall have the right to:
  - 1) review materials, submitted for consideration by the Council;
  - 2) participate in the research and examination of materials;
  - 3) make applications, give reasons and justifications for his (her) proposals on these issues;
  - 4) represent the available documents;
  - 5) participate in the decision-making by voting.
2. Member of the Council shall:
  - 1) participate in the meetings of the Council;

2) be impartial and objective in considering issues within the competence of the Council;

3) respect the confidentiality of information about the private lives of candidates for judges and judges, became known to him (her) by reason of powers, assigned to him (her), as well as secrecy of the vote;

4) declare self-disqualification, when considering the issues, included in the agenda of the Council, if he (she) is a spouse (wife), a close relative or a cousin-in-law of the person against whom the decision is made.

## **CHAPTER 3. MEETINGS OF THE COUNCIL**

### **Article 7. Meetings of the Council**

1. Meetings of the Council are held as needed, but at least four times a year. Meeting of the Council shall be considered as valid, if it participates in at least two thirds of the total membership of the Council.

2. Meetings of the Council shall be open and transparent. The representatives of state bodies, public associations and the media may be attended at the meeting. The Council may meet in closed session if necessary.

3. Council shall consider materials no later than three months after their receipt with the mandatory notification of the applicant of the results of the consideration.

### **Article 8. Procedure for meetings of the Board**

1. Procedure for holding meetings of the Council, as well as other issues of the organization of work of the Council shall be defined by the regulations, adopted by a majority vote of members of the Council.

2. Council meeting shall be led by its Chairman.

3. Consideration of materials at the Council meeting shall be held with the participation of the persons, applying for the relevant positions or dismissed from their positions. Absence of the person, duly notified of the time and place of the meeting shall not preclude the consideration of the merits, unless it requires direct participation.

### **Article 9. Decisions of the Council**

1. Decisions of the Council shall be taken by majority vote of its members, participating in the meeting, in the absence of the person against whom the issue is considered, as well as other invited persons.

2. Decisions of the Council are set out in writing and shall contain the date and place of their issuance, the composition of the Council, having reviewed the matter, the

reasons of the decision. Decisions shall be signed by the Chairman and Secretary of the Council.

3. Council shall take decisions in the form of conclusion, protocol decision and (or) recommendations. Members of the Council shall not have the right to abstain from voting. In case of disagreement with the adopted decision, the member of the Council shall be entitled to present written dissenting opinion that is attached to the minutes of the meeting of the Council.

4. In the equality of votes, the vote of the Chairman shall be decisive.

## **CHAPTER 4. PROCEDURE AND CONDITIONS FOR TAKING THE QUALIFICATION EXAM BY THE QUALIFICATION COMMISSION OF THE COUNCIL**

### **Article 10. Qualification Commission of the Council**

1. Taking the qualification exam of candidates for judges to determine their level of knowledge shall be carried by the Qualifications commission of the Council ( hereinafter - the Commission).

2. Commission is composed of:

1) the Chairman of the Commission and five specialists among lecturers in law, legal scholars, appointed by the Council;

2) three judges, delegated by the Judicial Jury from among its members, on a rotating basis.

3. Chairman and members of the Commission shall be appointed or delegated to its membership for a term of two years. In the case of a vacancy, a new member of the Commission shall be appointed or delegated no later than two months from the date of retirement of the previous member of the Commission.

4. Persons, recommended to the Commission shall have professional knowledge in law, experience in the legal profession for at least ten years and have an impeccable reputation.

5. Ensuring the activities of the Commission shall be carried out by the Council staff and the authorized body for organizational and logistical support of the Supreme Court, local and other courts.

**Footnote. Article 10, as amended by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 376-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 11. Meetings of the Commission for taking the qualification exams**

1. Commission meets to take qualification exams as necessary, but at least four times a year.
2. Meetings of the Commission on taking the qualification exams shall be open and public. Meetings shall be considered as eligible, if they are participated by less than two-thirds of the members of the Commission.
3. Members of the Commission and invited persons shall be notified about the time and place of the meeting of the Commission no later than ten calendar days.

## **Article 12. Procedure and conditions for taking (passing) the qualification exams**

1. Procedure for receiving the documents, taking the qualification exams in the Commission shall be defined by the regulation of the Council.

2. Taking the qualification exams of candidates for judges shall be carried out only after completing a special check of citizens.

3. Persons that previously worked as permanent judges of at least three years, and for five years from the date of dismissal, wishing to reoccupy the position of judge, shall be exempted from the qualification exams, except those, who exempted from office of a judge on negative grounds, stipulated in the Constitutional Law of the Republic of Kazakhstan “On the Judicial System and Status of Judges of the Republic of Kazakhstan”.

3-1. Persons, graduated from a specialized master’s program, shall be exempted from the qualification exams for five years after the graduating from a specialized master’s program.

4. Persons, dismissed from office of a judge, law enforcement agency or other public service for discrediting misconduct and violations of the legislation of the Republic of Kazakhstan on duty, shall not be allowed to pass qualification exams.

5. Result of the qualification exam shall be valid for five years from the date of the exam.

6. Persons that do not pass the qualification exams, shall be allowed to their repeated pass not earlier than one year.

**Footnote. Article 12, as amended by the Law of the Republic of Kazakhstan dated 16.02.2012 No. 560-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 13. Refusal to take the qualification exams**

Refusal to take the qualification exams shall be allowed, in cases where candidates for judges do not meet the requirements of the legislative acts of the Republic of Kazakhstan.



In case of refusal to take the qualification exams, the Commission shall issue a reasoned response to a citizen within one month from the filing date.

## **CHAPTER 5. RECOMMEDATION ON THE APPOINTMENT FOR THE POSITION OF JUDGE OF THE LOCAL OR OTHER COURT**

### **Article 14. Competition for the position of judge**

1. Recommendation of the Council on the appointment for the position of judge of local and other court shall be given on the results of a competitive examination.

2. Decision to declare the competition shall be taken by the Chairman of the Council.

3. Basis for the announcement of the competition by the Council shall be the notion of a vacancy for the position of judges, made to the Chairman of the Council by the authorized body on organizational and logistical support of the Supreme Court, local and other courts.

4. Announcement of the Council on the competition for the vacant position of judges of local and other court shall be published by authorized body for the organizational and logistical support of the Supreme Court, local and other courts not less than one month before the competition in periodicals that are distributed throughout the Republic of Kazakhstan, in the Kazakh and Russian languages.

5. To participate in the competition for the position of judge of local and other court, it is necessary within one month from the date of publication of the announcement in periodicals, distributed throughout the Republic of Kazakhstan, submit to the Council staff an application and other documents, the list of which is established by the regulations of the Council.

**Footnote. Article 14 is in the wording of the Law of the Republic of Kazakhstan dated 16.02.2012 No. 560-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 15. Participants of the competition for the position of judge of local and other court**

1. Citizens that meet the requirements of paragraph 1 of Article 29 of the Constitutional Law of the Republic of Kazakhstan “On the Judicial System and Status of Judges of the Republic of Kazakhstan”, and candidates, who are acting judges – the requirements of Article 28 and paragraph 1 of Article 29 of the Constitutional Law of the Republic of Kazakhstan “On the Judicial System and Status of Judges of the Republic of Kazakhstan”, can participate in the competition for the Council recommendations to the position of judge of district and equivalent court.

2. Citizens that meet the requirements of the Constitutional Law of the Republic of Kazakhstan “On the Judicial System and Status of Judges of the Republic of Kazakhstan”, having experience in the legal profession for at least fifteen years of age or work experience as a judge for at least five years and have received appropriate conclusion of the plenary session of the relevant regional court, can participate in the competition for the Council recommendations to the position of judges of regional and equivalent court.

Conclusion of the plenary session of the relevant regional court is not required for acting judges.

Conclusion of the plenary session of the relevant regional court may be appealed to the plenary session of the Supreme Court.

Conclusion of the plenary session of the relevant regional court or the Supreme Court shall be submitted by the candidate to the Council.

**Footnote. Article 15 is in the wording of the Law of the Republic of Kazakhstan dated 16.02.2012 No. 560-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 16. Procedure for the selection of candidates for vacant positions**

1. Competitive selection of candidates for vacant positions of judges shall be performed openly and publicly by the Council under the conditions, precluding interference in its activities.

2. Main criteria for the selection of candidates for vacant positions of judges of district and equivalent court shall be the high level of knowledge, the moral and ethical quality and impeccable reputation.

The priority shall be given to the persons:

- 1) passed a qualification exam in specialized master’s program;
- 2) having experience for at least five years in the legal profession in state bodies, supporting the activities of the judicial system, law enforcement agencies and the advocacy;
- 3) under the results of the qualification exams;
- 4) having an academic degree or academic title.

3. During the competition for the vacant position of judge of regional and equivalent court the following criteria shall be taken into account:

- 1) work experience as a judge;
- 2) an impeccable reputation and administration of justice;
- 3) work experience in state bodies, supporting the activities of the judicial system;
- 4) work experience in law enforcement agencies and other state bodies, supporting the activities of the judicial system, in the advocacy;

5) presence of an academic degree or academic title.

3-1. Candidates for vacant positions of judges of regional and equivalent court shall be considered by the Council in the presence of conclusion of the plenary session of the relevant regional or equivalent court.

Conclusion of the plenary session of the relevant regional court is not required for acting judges.

4. Under the results of the selection of candidates for the vacant positions, the Secretary of the Council directs to the participants of the competition the corresponding notice on the competition results within ten working days from the date of its completion.

**Footnote. Article 16, as amended by the Laws of the Republic of Kazakhstan dated 29.12.2010 No. 376-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.02.2012 No. 560-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **CHAPTER 6. RECOMMENDATIONS ON THE APPOINTMENT FOR THE POSITIONS OF THE CHAIRMEN OF THE JUDICIAL BOARDS AND JUDGES OF THE SUPREME COURTS, THE CHAIRMEN AND THE CHAIRMEN OF THE JUDICIAL BOARDS OF LOCAL AND OTHER COURTS**

### **Article 17. Procedure for consideration of the candidates for the vacant positions of the Chairmen of the judicial boards and judges of the Supreme Court, the Chairmen and the Chairmen of the judicial boards of local and other courts**

1. Candidates for the vacant positions of the Chairmen and the Chairmen of the judicial boards of regional and equivalent courts, the Chairmen of the judicial boards and judges of the Supreme Court shall be considered by the Council on the alternative basis under the presentation of the Chairman of the Supreme Court, as amended by the decisions of the plenary session of the Supreme Court.

2. Candidates for the vacant position of the Chairman of district and equivalent court shall be considered by the Council on the alternative basis under the presentation of the Chairman of the Supreme Court, as amended by the decisions of the plenary session of the relevant regional or equivalent court.

Candidates for the position of the Chairman of district and equivalent court shall be recommended, as a rule, from the number of acting judges or persons, who have work experience as a judge for at least five years.

3. The presentation of the Chairman of the Supreme Court shall be attached by the materials about all candidates, considered at the plenary session of the relevant court on the alternative basis.

4. Council shall compulsorily consider at the meeting all candidates for vacant positions, referred to in paragraphs 1 and 2 of this Article.

**Footnote. Article 17 is in the wording of the Law of the Republic of Kazakhstan dated 16.02.2012 No. 560-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 18. Conditions of consideration of the candidates for vacant positions**

1. For recommendations of the Council on the positions of the Chairman and the Chairmen of the judicial board of regional and equivalent court, the citizens that meet the requirements of the Constitutional Law of the Republic of Kazakhstan “On the Judicial System and Status of Judges of the Republic of Kazakhstan”, having experience in the legal profession for at least fifteen years, or work experience as a judge for at least five years, and received the conclusion of the plenary session of the relevant regional court shall be presented.

Candidates for the vacant positions of the Chairmen and the Chairmen of the judicial boards of regional and equivalent court shall be recommended, as a rule, from the number of acting judges or persons, who have work experience as a judge for at least five years.

2 For recommendations of the Council for the position of judge of the Supreme Court, the citizens that meet the requirements of the Constitutional Law of the Republic of Kazakhstan “On the Judicial System and Status of Judges of the Republic of Kazakhstan”, having experience in the legal profession for at least twenty years or work experience as a judge for at least ten years, and received a positive conclusion of the plenary session of the Supreme Court shall be presented.

Candidates for the positions of the Chairmen of judicial board of the Supreme Court shall be presented from among the judges of the Supreme Court.

3 As a result of consideration of the candidates for appointment to the positions of the Chairmen of the judicial boards and judges of the Supreme Court, the Chairmen, the Chairmen of the judicial boards of local and other courts, in addition to the criteria set forth in paragraph 3 of Article 16 of this Law, the recommendation shall be made, taking into account:

- 1) the organizational abilities of the candidate;
- 2) the quality indicators of administration of justice - for the current Chairmen of courts and judicial boards.

Footnote. Article 18, as amended by the Laws of the Republic of Kazakhstan dated 29.12.2010 No. 376-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.02.2012 No. 560-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **CHAPTER 7. PROCEDURE FOR CONSIDERATION OF MATERIALS FOR DISMISSAL FROM OFFICE OF THE CHAIRMAN, THE CHAIRMAN OF THE JUDICIAL BOARD AND JUDGE**

Footnote. Title of Chapter 7 is in the wording of the Law of the Republic of Kazakhstan dated 16.02.2012 No. 560-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 19. Grounds for consideration of dismissal from office of the Chairman, the Chairman of the judicial board of the court and judge or refuse to dismiss**

1. The basis for the Council's consideration of the issue of dismissal of the Chairman, the Chairman of the judicial board of the court and judge from office shall be the presentation of the Chairman of the Supreme Court. The presentation about the dismissal of the Chairman, the Chairman of the judicial board of the court and judge from office for the commission of misconduct, by virtue of professional incompetence or failure to comply with the requirements of the Constitutional Law of the Republic of Kazakhstan "On the Judicial System and Status of Judges of the Republic of Kazakhstan" shall be introduced by the Chairman of the Supreme Court to the Council on the basis of the decision of Judicial jury.

2 Council after receiving materials, checks in the manner prescribed by the regulations, the information here by obtaining a written explanation from the Chairman, the Chairman of the judicial board of the court, judges and others, for reclamation of relevant documents and examine them, get some information from the state bodies, organizations and citizens.

3. Based on the results of the check, the certificate shall be made. The certificate must contain a statement of the circumstances identified, conclusions and suggestions of inspectors and their signatures.

Footnote. Article 19 is in the wording of the Law of the Republic of Kazakhstan dated 16.02.2012 No. 560-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 20. Familiarization of judge with the results of check**

1 The judge, who is subject to check, must be familiar with the certificate and inspection materials. At the same time he (she) can give additional explanations, apply for checking of certain circumstances.

2 In case of refusal of the judge, who is subject to check, from a familiarization of the certificate and inspection materials, the protocol about this shall be drawn, and signed by the persons, who conducted the check.

## **Article 21. Consideration of the issue for dismissal of the Chairman, the Chairman of the Judicial Board of the court and judge from office**

1 When considering the issue for dismissal of the Chairman, the Chairman of the judicial board of the court and judge from office the Council hears explanation of judge in respect of which the presentation of the Chairman of the Supreme Court is received. Absence of the Chairman, the Chairman of the judicial board of the court and judge at the Council's meeting without good reason shall not preclude consideration. At the meeting reports of other persons, invited at the request of the Chairman, the Chairman of the judicial board of the court and judge, the Secretary of the Council can be heard, the documents shall be announced and other materials shall be considered.

2 The Council's decision shall contain the circumstances, underlying in the adopted recommendations to the President of the Republic of Kazakhstan, on the dismissal of the Chairman, the Chairman of the judicial board of the court and judge, or refusal of acceptance with reference to specific materials.

3. The Council's refusal to give its recommendations on the dismissal of the Chairman, the Chairman of the judicial board of the court and judge from office shall be grounds for cancellation by the Judicial jury its decision and their revision.

**Footnote. Article 21 is in the wording of the Law of the Republic of Kazakhstan dated 16.02.2012 No. 560-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **CHAPTER 8. FINAL PROVISIONS**

### **Article 22. The Council staff**

1. Support for the operation of the Council is performed by the Council staff.

2 Activities of the Council staff shall be governed by the legislation and regulations of the Council.

3 Employees of the Council staff are members of the Administration of the President of the Republic of Kazakhstan.

### **Article 23. Transitional and final provisions**

1 Results of qualification exams in the Qualification Collegium of Justice of the Republic of Kazakhstan shall remain in force for six years after the enactment of this Law.

2. The following Laws shall be considered to have lost force:

1) the Law of the Republic of Kazakhstan dated 28 May 2001 “On the Supreme Judicial Council of the Republic of Kazakhstan” (Bulletin of the Parliament of the Republic of Kazakhstan, 2001, No. 10, Art. 144);

2) the Law of the Republic of Kazakhstan dated 11 July 2001 “On the Qualification Collegium of Justice of the Republic of Kazakhstan” (Bulletin of the Parliament of the Republic of Kazakhstan, 2001, No. 15-16, Art. 235).

#### **Article 24. Procedure for the entry into force of this Law**

This Law shall enter into force after ten calendar days after its first official publication.

The President  
of the Republic of Kazakhstan

N. Nazarbayev