



On approval of the amount of payment guaranteed by the state for legal assistance provided by a lawyer, legal adviser, and reimbursement of expenses related to legal advice, protection and representation, as well as conciliation procedures

Invalidated Unofficial translation

Decree of the Government of the Republic of Kazakhstan of December 13, 2018 No. 834. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 07/13/2023 No. 560

Unofficial translation

Footnote. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 07/13/2023 No. 560 (effective after ten calendar days after the date of its first official publication).

Footnote. The title - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 15.08.2022 No. 559 (shall enter into force upon expiry of ten calendar days from the date of its first official publication).

In accordance with subparagraph 2) of Article 22 of the Law of the Republic of Kazakhstan "On advocacy and legal assistance," the Government of the Republic of Kazakhstan **hereby RESOLVED as follows:**

Footnote. The preamble - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 15.08.2022 No. 559 (shall enter into force upon expiry of ten calendar days from the date of its first official publication).

1. Approve the attached amounts of payment for state-guaranteed legal assistance provided by a lawyer, legal adviser, and reimbursement of expenses related to legal advice, defense and representation, as well as conciliation procedures (hereinafter referred to as the amount of payment).

Footnote. Paragraph 1 - in the wording of the resolution of the Government of the Republic of Kazakhstan dated 15.08.2022 No. 559 (shall enter into force upon expiry of ten calendar days from the date of its first official publication).

2. This Resolution shall enter into force as of January 1, 2019 and is a subject to official publication.

*Prime Minister
of the Republic of Kazakhstan*

B. Sagintayev

Approved by the
resolution of the Government
of the Republic of Kazakhstan
dated December 13, 2018 No. 834

The amount of state-guaranteed legal aid provided by counsel, legal adviser and reimbursement for legal advice, protection and representation and conciliatory procedures

Footnote. The resolution -as added with an Annex in accordance with the resolution of the Government of the Republic of Kazakhstan dated 15.08.2022 No. 559 (the procedure to enter into force see paragraph 2).

1. The amount of payment guaranteed by the State for legal assistance provided by counsel and reimbursement of expenses related to legal advice, protection and representation, as well as conciliation procedures:

1) 1.15 monthly calculation indicator approved for the corresponding period for one hour:

participation at any stage of criminal proceedings as a defender:

suspect, accused, defendant, convicted of committing a particularly serious crime or acquitted of committing a particularly serious crime incriminated to him;

suspect, accused, in respect of whom the criminal case on suspicion, the charge of committing a particularly serious crime have been terminated at the stage of pre-trial investigation;

participation at any stage of criminal proceedings as a representative of a person recognized as a victim due to a particularly serious crime;

Meeting with a client in custody under house arrest or serving a sentence in an institution of the penal system for committing a particularly serious crime;

making statements, petitions, procedural agreements, agreements on achieving reconciliation by mediation in cases provided for by the current legislation, with the exception of criminal cases on corruption crimes and other crimes against the interests of the civil service and public administration, complaints about actions (inaction) and decisions of the interrogator, investigator, prosecutor and court, appeal, cassation and other complaints, objections to appeal, cassation and other complaints, amicable agreements, agreements on the settlement of the dispute (conflict) by mediation or settlement agreements in a participatory procedure with the civil plaintiff, the civil defendant in cases provided for by the current legislation, with the exception of criminal cases of corruption crimes and other crimes against the interests of the public service and public administration, withdrawal (objections) to a civil action in defense of and in the interests of a suspect, accused, defendant, convicted of committing a particularly serious crime, or in the interests of a person recognized as a victim due to a particularly serious crime;

2) 0.78 of the monthly calculated indicator approved for the corresponding period for one hour:

participation at any stage of criminal proceedings as a defender:

a suspect, accused, defendant, convicted of committing a serious crime, or acquitted of committing a serious crime incriminated to him;

suspect, accused, in respect of whom the criminal case on suspicion, the charge of committing a serious crime is terminated at the stage of pre-trial investigation;

participation at any stage of criminal proceedings as a representative of a person recognized as a victim due to a serious crime;

Meeting with a client in custody under house arrest or serving a sentence in an institution of the penal system for committing a serious crime;

making statements, petitions, procedural agreements, agreements on achieving reconciliation by mediation in cases provided for by the current legislation, with the exception of criminal cases on corruption crimes and other crimes against the interests of the civil service and public administration, complaints about actions (inaction) and decisions of the interrogator, investigator, prosecutor and court, appeal, cassation and other complaints, objections to appeal, cassation and other complaints, amicable agreements, agreements on the settlement of the dispute (conflict) by mediation or settlement agreements in a participatory procedure with the civil plaintiff, the civil defendant in cases provided for by the current legislation, with the exception of criminal cases of corruption crimes and other crimes against the interests of the public service and public administration, withdrawal (objections) to a civil action in defense of and in the interests of a suspect, accused, defendant, convicted of a serious crime, or in the interests of a person recognized as a victim due to a serious crime;

3) 0.56 monthly calculation indicator approved for the corresponding period for one hour:

protection at any stage of the proceedings in the case of an administrative offense of a person brought to administrative responsibility;

representation of a person exempted from legal aid and reimbursement of expenses related to representation in civil proceedings and their allocation at the expense of budgetary funds;

legal advice of individuals in cases of their contact with a lawyer;

participation at any stage of criminal proceedings as a defender:

a suspect, accused, defendant, convicted of committing a criminal offense or a crime of small or medium gravity or acquitted of committing a criminal offense or a crime of small and medium gravity incriminated to him;

a suspect, an accused, in respect of whom a criminal case on suspicion, a charge of a criminal offense or a crime of small or medium gravity shall be terminated at the pre-trial investigation stage;

participation at any stage of criminal proceedings as a representative of a person recognized as a victim due to a criminal offense or a crime of small or medium gravity;

Visits with a person in custody, under house arrest or serving a sentence in an institution of the penal system for committing a crime of minor or moderate severity, or a person subjected to administrative detention;

making statements, petitions, procedural agreements, agreements on achieving reconciliation by mediation in cases provided for by the current legislation, with the exception of criminal cases on corruption crimes and other crimes against the interests of the civil service and public administration, complaints about actions (inaction) and decisions of the interrogator, investigator, prosecutor and court, appeal, cassation and other complaints, objections to appeal, cassation and other complaints, amicable agreements, agreements on the settlement of the dispute (conflict) by mediation or settlement agreements in a participatory procedure with the civil plaintiff, the civil defendant in cases provided for by the current legislation, with the exception of criminal cases of corruption crimes and other crimes against the interests of the public service and public administration, withdrawal (objections) to a civil action in defense of a suspect, accused, defendant, convicted of a criminal offense or a crime of small or medium gravity, or in the interests of a person recognized as a victim due to a criminal offense or a crime of small or medium gravity or complaints in an administrative offense case or in a civil case;

the provision of legal assistance by lawyers guaranteed by the state in the form of consultations, certificates, drawing up documents of a legal nature, as well as in the preparation of documents submitted during the execution of sentences and court decisions in cases, provided for in paragraph one of part three of Article 475 and subparagraphs 4), 5), 5-1), 11), 13), 15), 17), 19) and 22) of Article 476 of the Criminal Procedure Code of the Republic of Kazakhstan, as well as in other form in accordance with the procedure established by the Laws of the Republic of Kazakhstan;

4) 1.5 of the amount of payment established by subparagraphs 1) - 3) of paragraph 1 of this Annex, for one hour of participation as a defender at night, weekends and holidays at any stage of the proceedings in a criminal case, as well as in an administrative offense case;

5) 50 percent of the amount of payment established by subparagraphs 1) - 3) of paragraph 1 of this Annex for the waiting time: the beginning of the investigative or other action or its continuation in the event of its interruption; the beginning of the court hearing or its continuation in the event of its deposition;

6) reimbursement of expenses related to a business trip to another area within the Republic of Kazakhstan for protection or representation in a specific case, in the amount established for employees of state institutions held at the expense of the state.

2. The amount of payment for State-guaranteed legal assistance provided by a legal adviser and reimbursement of expenses related to legal advice, protection and representation, as well as conciliation procedures:

1) 0.56 monthly calculation indicator approved for the corresponding period for one hour:

representation of a person exempted from legal aid and reimbursement of expenses related to representation in civil proceedings and their allocation at the expense of budgetary funds;

legal advice of individuals in cases of their contacting a legal consultant;

making applications, petitions, appeals, cassation and other complaints, objections to appeals, cassation and other complaints, agreements on achieving reconciliation in the manner of mediation in the cases provided for by the current legislation, amicable agreements, agreements on the settlement of a dispute (conflict) in the manner of mediation or agreements on the settlement of a dispute in the manner of a participatory procedure and other documents of a legal nature;

2) 50 percent of the amount of payment established by subparagraph 1) of paragraph 2 of this Annex for the waiting time: the start of the court hearing or its continuation in the event of its deposition;

3) reimbursement of expenses related to a business trip to another area within the Republic of Kazakhstan for the implementation of representation in a specific case, in the amount established for employees of state institutions held at the expense of the state.