



On approval of the Rules for passing an internship at a private enforcement agent

Unofficial translation

Order of the Minister of Justice of the Republic of Kazakhstan dated November 26, 2019 No. 561. Registered with the Ministry of Justice of the Republic of Kazakhstan on December 3, 2019 No. 19669.

Unofficial translation

In accordance with subclause 11) of article 167 of the Law of the Republic of Kazakhstan dated April 2, 2010 "On Enforcement Proceedings and the Status of Enforcement Agents" **I HEREBY ORDER:**

1. To approve the attached Rules for passing an internship at a private enforcement agent.
2. To recognize as invalid the order as well as structural elements of certain orders of the Ministry of Justice of the Republic of Kazakhstan, according to the list, in accordance with the Appendix to this order.
3. The Department for the Execution of Judicial Acts in accordance with the procedure, established by the legislation of the Republic of Kazakhstan shall ensure:
 - 1) state registration of this order;
 - 2) placement of this order on the official Internet resource of the Ministry of Justice of the Republic of Kazakhstan.
4. Control over execution of this order shall be entrusted to the supervising Vice-Minister of Justice of the Republic of Kazakhstan.
5. This order shall come into force upon expiration of ten calendar days after the date of its first official publication.

*Minister of Justice
of the Republic of Kazakhstan*

M. Beketayev

Approved
by the order of
the Minister of Justice
of the Republic of Kazakhstan
dated November 26, 2019 No. 561

Rules for passing an internship at a private enforcement agent Chapter 1. General provisions

1. The Rules for passing an internship at a private enforcement agent (hereinafter referred to as the Rules) have been developed in accordance with subclause 11) of article 167 of the Law of the Republic of Kazakhstan dated April 2, 2010 "On Enforcement Proceedings and the Status of Enforcement Agents" (hereinafter referred to as the Law) and determine the procedure for passing an internship at a private enforcement agent.

The goal of passing an internship is acquisition of professional, theoretical knowledge and practical skills of the activities of a private enforcement agent.

Chapter 2. Procedure for admission to passing an internship, conclusion of an internship agreement

2. A person who wishes to undergo an internship to obtain a licence to practise as a private bailiff and who meets the requirements set out in paragraph 2 of Article 140, paragraph 1-1 of Article 156 of the Law shall submit an application in any form to the Training Centre of the Republican Chamber of Private Court Bailiffs (hereinafter referred to as the Training Centre).

The following documents shall be enclosed with the application for admission to the internship:

- 1) a copy of the identity document of a citizen of the Republic of Kazakhstan;
- 2) a copy of the diploma of higher legal education (a notarised copy, in case the original is not available for verification);
- 3) a copy of the document proving the employment history (if any);
- 4) data (on dynamic observation (or absence of dynamic observation) of patients with mental behavioural disorders in the form as per the Annex to the Rules for Provision of State Service "Provision of Data from "Psychiatry" Mental Health Centre approved by Order No. KR DSM-49/2020 of the Minister of Health of the Republic of Kazakhstan dated May 18, 2020 (recorded in the Register of State Registration of Regulatory Legal Acts under No. 20665);
- 5) data (on dynamic observation (or absence of dynamic observation) of drug patients) in the form as per the Annex to the Rules of Provision of State Service "Provision of Data from "Narcology" Mental Health Centre approved by Order No. KR DSM-49/2020 of the Minister of Health of the Republic of Kazakhstan dated May 18, 2020 (recorded in the State Register of Regulatory Legal Acts under No 20665);
- 6) a certificate of criminal record in the form as per Annex 4 to the Rules of Provision of Public Service "Issuance of Certificate of Criminal Record" approved by order of the Prosecutor General of the Republic of Kazakhstan No. 64 dated May 18, 2020 (recorded in the Register of State Registration of Regulatory Legal Acts under No. 20674);
- 7) two 3x4 centimetre photographs.

Footnote. Paragraph 2 - as reworded by Order No. 888 of the Minister of Justice of the Republic of Kazakhstan dated 15.10.2021 (shall come into force ten calendar days after its first official publication).

3. The training center, within ten working days from the date of receipt of the application, checks the completeness of the submitted documents, as well as the compliance of persons with the requirements provided for in clause 2 of article 140 and clause 1-1 of article 156 of the Law and transfers it for consideration by the Commission, created in the Training Center (hereinafter referred to as the Commission).

In case of establishing the fact of incompleteness of the submitted documents and non-compliance of persons with the requirements of this clause of the Rules, the Training Center within five working days sends a written reasoned refusal to further consider the application and returns the documents.

4. The composition of the Commission consists of an odd number of people (at least five) and includes representatives of the Training Center, members of the Republican Chamber of Private Enforcement Agents (hereinafter referred to as the Republican Chamber), as well as representatives of higher educational institutions and non-governmental organizations.

In order to ensure openness and publicity at the meetings of the Commission, audio and (or) video recording or stenography is carried out. A transcript, audio and (or) video recording of the course of the meeting shall be attached to the minutes of the meeting and stored together with the materials of the meeting of the Commission.

Five calendar days before the appointed meeting of the Commission, the Training Center notifies persons of the date and time of the meeting of the Commission.

In the course of the meeting, the Commission shall check the provided documents in accordance with clause 2 of the Rules, and conducts an interview to determine persons for passing an internship.

The interview with the persons shall be performed using videoconferencing in the buildings of the branches of the Republican Chamber at the place of its registration.

Based on the results of the meeting, the Commission, by voting, makes one of the following motivated decisions:

1) on admission to the internship, appointment of a head and the duration of the internship ;

2) on refusal of admission to the internship.

5. If a person does not have one year of work experience in the field of enforcement proceedings, the internship period is at least six months.

The Commission appoints the head of the internship from among private enforcement agents, who has worked as an enforcement agent for at least three years at the place of registration of an applicant, who wants to pass an internship.

At the same time, no more than two trainees shall pass internship at one private enforcement agent.

If during the period of passing an internship, the state license to engage in the activities of a private enforcement agent of the head of an internship is suspended or terminated, as well as in case of his exclusion from the members of the Republican Chamber, by the decision of the Commission, another internship leader shall be appointed, while the period of the internship shall not be interrupted.

The Training Center shall keep the record of trainees and heads of an internship.

6. Within three working days after the decision on admission to the internship is made by the Training Center and the trainee, an agreement on the internship shall be concluded, in

accordance with civil legislation, through the branches of the Republican Chamber at the place of its registration.

The validity of the internship agreement shall be terminated upon expiration of the period of passing the internship.

Early termination of the internship agreement shall occur in the presence of one of the following circumstances:

1) the trainee submits an application to terminate the internship agreement of his /her own volition;

2) the trainee breaches the norms of the legislation of the Republic of Kazakhstan, including the occurrence, during the period of passing the internship, of grounds, stipulated by clause 1-1 of article 156 of the Law, hindering further passing the internship;

3) failure to comply with the requirements of these Rules and the internship agreement by the trainee;

4) late payment for passing the internship.

In case of termination of the internship agreement on the grounds provided for in subclauses 1, 2, 3) of this clause of the Rules, the payment for the actually not completed internship period, in case of its preliminary payment, is subject to return to the trainee.

In case of termination of the internship agreement on the grounds provided for in subclauses 1), 3), 4) of this clause of the Rules, the person is admitted to the internship no earlier than six months from the date of its termination.

Chapter 3. Conditions and terms of passing the internship

7. The internship shall be carried out on a paid basis in full-time form for at least four hours a day. The amount of payment for an internship with a private enforcement agent shall be ten monthly calculation indices, established on the day of the settlement, per each month of the internship. Payment for the internship shall be paid by the trainee on a monthly basis to the account of the Training Center, no later than the first day preceding the month of internship payable and shall be carried out immediately after the conclusion of the internship agreement.

8. Passing the internship shall be carried out according to a unified program approved by the Training Center and a unified plan for the trainee to perform during the internship and acquire practical skills.

The unified program contains a list of activities aimed at acquiring professional, theoretical knowledge on the performance of enforcement actions and organizing the work of private enforcement agents by the trainee, including studying the professional and ethical standards of behavior of private bailiffs, attending seminars organized for private enforcement agents or specifically for trainees.

The unified plan contains information related to the study of the practical activities of a private enforcement agent.

The trainee completes an internship report monthly.

The training center carries out the general management of the internship, organizes training on the current legislation, monitors the implementation of a single internship plan, provides the necessary conditions for the trainee to successfully master the skills of a private enforcement agent, organizes the consideration of the received internship materials at a meeting of the Commission.

The Training Center shall annually submit the information about the course of passing the internship at private enforcement agents to the Republican Chamber.

9. Not later than one month after the end of the internship, the trainee prepares a final report, which is submitted for consideration at a meeting of the Commission. The final report contains:

1) general information about the place, leader, terms and procedure for passing the internship;

2) acquired professional, theoretical knowledge and practical skills of independent work;

3) a list of work performed according to a unified internship plan;

4) comments and suggestions for improving the organization and conduct of the internship, as well as an assessment of the effectiveness of training by the head of the internship.

The report shall be attached with samples of procedural documents, personally drawn up by the trainee during the internship, signed by the trainee and the head of the internship, as well as the conclusion on passing the internship in the form according to Appendix 1 to these Rules (hereinafter referred to as the conclusion), which shall reflect the level of general training of the trainee.

In case of illness of the trainee or his absence for valid reasons, the duration of the internship shall be extended at the written request of the trainee.

Chapter 4. Reduction of the period of passing the internship

10. Based on the results of consideration of the statement of the head of the internship on the reduction of the internship period, as well as the report prepared by the trainee, the internship period shall be reduced by the Commission after six months from the date of the internship start.

The grounds for reduction of the period of passing the internship shall be: the presence of at least one year of work experience in the field of enforcement proceedings or the presentation of the head of the internship on the reduction of the term, submitted to the Training Center.

The proposal to reduce the internship shall be considered by the Commission within fifteen calendar days from the date of admission.

Based on the results of consideration of the statement on the reduction of the internship period, the Commission adopts one of the following reasoned decisions by voting:

- 1) on reduction of the period of internship;
- 2) on refusal to reduce the period of internship.

In case of refusal to reduce the internship period, the trainee continues the internship on the terms of the previously concluded internship agreement.

A repeated submission on the reduction of the internship period shall be made after three months from the date of the Commission's decision to refuse to reduce the internship.

Chapter 5. Termination of passing the internship

11. Based on the results of the internship, the head of the internship shall submit a statement to the Training Center on the approval of the conclusion. The statement shall be subject to consideration by the Commission no later than fifteen calendar days from the date of receipt to the Training Center.

12. The members of the Commission conduct an interview with the trainee to test knowledge, theoretical and practical readiness for the implementation of independent activities of a private enforcement agent, based on the results of which a decision is made on the results of the internship, by voting of all members of the Commission.

Based on the results of the interview and consideration of materials on the internship at a meeting of the Commission, a decision is made to approve the conclusion on the internship or a reasoned refusal to approve the conclusion on the internship.

13. The decision to approve the conclusion on the results of the internship or to refuse to approve the conclusion on the internship is sent to the trainee within three working days.

The internship certificate shall be valid for two years after its approval.

In case of refusal to approve the conclusion on the internship, the trainee is allowed to repeat the internship on a general basis. In case of disagreement with the decision of the Commission to refuse to approve the conclusion on the internship, the intern can appeal in judicial proceedings or in the Republican Chamber.

Footnote. Paragraph 13 as amended by the order of acting Minister of Justice of the Republic of Kazakhstan dated 26.08.2022 No. 711 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

14. If the head of the internship submits a negative conclusion on the results of the internship, this statement shall be subject to consideration at a meeting of the Commission with a decision to extend the internship for up to six months and the possibility of replacing the head of the internship at the request of the trainee.

Appendix 1
to the order of the
Minister of Justice
of the Republic of Kazakhstan
dated November 26, 2019 No. 561
Form
Approved at the meeting of the
Commission by minutes

No. _____ dated "___" _____
Director of Institution
"Training Center for Private
Enforcement Agents and their
Assistants"

(surname, initials, signature)

Conclusion on passing the internship

Trainee _____

_____ (surname, initials)

passed the internship based on the internship agreement concluded on "___" _____ 20__

No. _____.

The head of the internship was appointed the private enforcement agent _____

(surname, initials, license No. _____ dated "___" _____ 20__)

The period of internship was established _____, starting from "___" _____
20__ till _____ 20__.

The head of the internship _____.

_____ (signature, surname, initials)

Seal

Appendix
to the order of
the Minister of Justice
of the Republic of Kazakhstan
dated November 26, 2019 No. 561

List of the order, as well as structural elements of certain orders of the Minister of Justice of the Republic of Kazakhstan, recognized as invalid

1. Order of the Acting Minister of Justice of the Republic of Kazakhstan dated March 7, 2014 No. 95 "Rules for passing an internship at a private enforcement agent" (registered in the Register of State Registration of Regulatory Legal Acts under No. 9256, published on April 11, 2014 in "Adilet" Legal Information System).

2. Subclause 3) of the List of certain amended orders of the Minister of Justice of the Republic of Kazakhstan, approved by the order of the Minister of Justice of the Republic of Kazakhstan dated February 27, 2015 No. 126 "On amendments and additions to certain orders of the Minister of Justice of the Republic of Kazakhstan" (registered in the Register of State Registration of Regulatory Legal Acts under No. 10460, published on April 1, 2015 in "Adilet" Legal Information System).

3. Subclause 3 of the List of certain amended orders of the Minister of Justice of the Republic of Kazakhstan, approved by the order of the Minister of Justice of the Republic of Kazakhstan dated May 27, 2016 No. 357 "On amendments and additions to certain orders of the Minister of Justice of the Republic of Kazakhstan" (registered in the Register of State Registration of Regulatory Legal Acts under No. 13784, published on June 23, 2016 in "Adilet" Legal Information System).

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