



**LEADING DISPUTE RESOLUTION IN
THE HEART OF EURASIA**



aifc-court.kz

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An Introduction

By the Chief Justice of the AIFC Court



I am delighted to introduce the AIFC Court which is an exciting and hugely significant initiative for the AIFC, the Republic of Kazakhstan, and Eurasia.

The AIFC Court provides a common law court system for the first time in Eurasia. It operates to the highest international standards to resolve civil and commercial disputes in the AIFC. It has exclusive jurisdiction over disputes arising out of the activities and operations of the AIFC and jurisdiction in the case of other disputes in which all parties agree in writing to give the AIFC Court jurisdiction.

The AIFC Court is separate and independent from the courts of the Republic of Kazakhstan. There is a Court of Appeal whose decisions are final. It has its own procedural rules that have been modelled on English common law procedures and leading international practice. It has a special fast track procedure for small claims up to the value of USD 150,000.

It has an e-filing system that enables parties to file cases electronically at the AIFC Court from anywhere around the world without the parties having to be physically present in Astana.

Cost and time efficient case management will ensure that cases are administered and adjudicated as quickly and appropriately as possible.

Its decisions are supported by a robust enforcement system within the Republic of Kazakhstan.

In addition to myself as Chief Justice, the AIFC Court has eight Justices. Six Justices are judges who are eligible to hear cases in the AIFC Court of First Instance and Court of Appeal. There are Justices who are judges in the AIFC Small Claims Court. The Justices are among the most experienced and distinguished judges from the common law world with global reputations for absolute independence, impartiality, integrity, unconditional application of the rule of law, and incorruptibility.

The AIFC Court is supported by a dedicated Registry team that is led by the Registrar.

There are extremely wide rights of audience. All lawyers with a professional lawyer or advocate practicing certificate from anywhere around the world are eligible to register with the AIFC Court Registry to represent parties in cases at the AIFC Court.

The AIFC Court will have permanent state of the art administrative facilities, including leading IT, conference, meeting, and hearing rooms, at its EXPO-2017 Astana premises.

It is working with leading international education institutions to provide world class professional legal and judicial education that will contribute to the development of future lawyers and judges in the Republic of Kazakhstan.

The judges, procedures, practices and standards at the AIFC Court will be familiar to businesses currently operating in major financial centres around the world.

I welcome you to the AIFC Court.

The Rt. Hon. The Lord Woolf CH
Chief Justice, AIFC Court

Vision, Mission & Objectives

Vision:

To be the leading court for the resolution of civil and commercial disputes in the AIFC and the Eurasia region.

Mission:

The AIFC Court seeks to establish and develop a fully independent common law judicial system for the expeditious resolution of civil and commercial disputes characterized by reliability, fairness and accessibility, unconditional application of the rule of law, and flexibility that is responsive to the needs of global business markets.

Objectives:

- To maintain the independence of the judges of the AIFC Court and uphold the trust and confidence of the international business and legal communities that justice will be administered at the AIFC Court free from external pressures and fully empowering the implementation of the rule of law.
- To empower regional commerce by increasing confidence in the administration and accessibility of justice throughout the Astana International Financial Centre, Kazakhstan, the Eurasia region, and globally.
- To be an innovative and technologically advanced commercial court and continually aim to improve working processes and standards.
- To collaborate with and establish working relationships with other courts in Kazakhstan, the Eurasia region, and other jurisdictions, particularly those with close trading links to Kazakhstan.
- To support the delivery of high quality legal education and training to meet the needs of lawyers and judges in Kazakhstan and the Eurasia region.

Key Features



A common law court system

The AIFC Court has established a fully independent common law judicial system for the expeditious resolution of civil and commercial disputes characterized by reliability, fairness and accessibility, unconditional application of the rule of law, and flexibility that is responsive to the needs of global business markets.



Jurisdiction

- Any disputes arising between the AIFC's Participants, Bodies, and/or their foreign employees;
- Any disputes relating to operations carried out in the AIFC and regulated by the law of the AIFC;
- Any disputes transferred to the Court by agreement of the parties; and
- The interpretation of AIFC Acts.



Enforcement of Court decisions

The AIFC Court decisions are supported by a robust enforcement system within the Republic of Kazakhstan. They are to be enforced in the Republic of Kazakhstan in the same way, and on the same terms, as decisions of the courts of the Republic of Kazakhstan. The AIFC Court decisions are enforceable in major international and regional key markets such as China, India, the UAE, Turkey, Pakistan, the CIS states, subject to international treaties with Kazakhstan.





Fees

The AIFC Court offers highly competitive fees for its world-class dispute resolution services.

Rights of Audience

The AIFC Court has extremely wide rights of audience. All lawyers with a professional lawyer or advocate practicing certificate from anywhere around the world are eligible to register with the AIFC Court Registry to represent parties in cases at the AIFC Court.

Fast track for small claims

A special fast track procedure for small claims up to the value of USD 150,000 and up to the value of USD 300,000 with the agreement of the parties to the dispute.

Who We Are

The Rt. Hon. The Lord Woolf CH Chief Justice, AIFC Court

Chief Justice Lord Woolf CH is the Head of the Judiciary of the AIFC Court. He is one of the most influential judges in recent British legal history and a global figure on the common law, courts and dispute resolution, and legal education.



He was called to the Bar of England and Wales (Inner Temple) in 1955. He was appointed as a Judge of the High Court of England and Wales in 1979, and held the two most senior judicial appointments in England and Wales as Master of the Rolls and Lord Chief Justice. He was the first Lord Chief Justice to be President of the Courts of England and Wales. He was a Non-Permanent Judge of the Court of Final Appeal of Hong Kong and the first President of the Qatar Financial Centre Civil and Commercial Court.

He is Patron of the Woolf Institute on Interfaith Relations at Cambridge University. He has held honorary fellowships at numerous academic institutions, and has been Chairman of the Council and a Visiting Law Professor at University College London, Chairman of the Open University of Israel, and Chairman of the Institute of Advanced Legal Studies.

He has authored or co-authored leading law publications including *De Smith's Judicial Review* (2016, Sweet and Maxwell) and *The Pursuit of Justice* (2008, OUP). He has been awarded numerous honours, including in 2015 appointment as a member of the Order of the Companions of Honour (CH) by Her Majesty Queen Elizabeth II, and the Gold Bauhinia Star by the Chief Executive of Hong Kong.

Justices



Justice Lord Faulks QC was called to the Bar (Middle Temple) in 1973 and was appointed a Queen's Counsel in 1996. He was created a life peer member of the UK House of Lords in 2000 and was appointed Minister of State at the UK Ministry of Justice between 2013 and 2016. He was appointed a Recorder in 2000 and a Bencher of Middle Temple in 2002.

His specialist expertise includes commercial law, arbitration, and professional negligence law. He was Chairman of the Professional Negligence Bar Association between 2002 and 2004 and was appointed Special Advisor to the UK Government Department for Constitutional Affairs on compensation culture between 2005 and 2006. He is a member of the Chartered Institute of Arbitrators. He is an Honorary Fellow at Jesus College, Oxford University.



Justice Sir Robin Jacob was called to the Bar of England and Wales (Gray's Inn) in 1965 and was appointed a Queen's Counsel in 1981. He was appointed as a High Court Judge in the High Court of England and Wales in 1993, and he was a Supervising Chancery Judge. He was appointed a Lord Justice of Appeal in the Court of Appeal of England and Wales in 2003 and retired from the Court of Appeal in 2011 but continued to sit in the Court of Appeal occasionally until 2016.

He has specialist expertise in intellectual property law and commercial law. He was admitted to the Intellectual Property Hall of Fame in 2006. He is currently the Hugh Laddie Professor of Intellectual Property Law and Director of the Institute of Brand and Innovation Law at University College London.

He has extensive experience of mediation and arbitration.

Justice Sir Stephen Richards was called to the Bar of England and Wales (Gray's Inn) in 1975. He was appointed as a High Court Judge of the High Court of England and Wales in 1997. He was the Presiding Judge for Wales between 2000 and 2003. He was appointed as a Lord Justice of Appeal in the Court of Appeal of England and Wales in 2005. He was Deputy Head of Civil Justice between 2013 and 2015.



Before he became a Judge, he was the First Junior Treasury Counsel between 1992 and 1997, a distinguished legal appointment known as the 'Treasury Devil'. He was the Standing Counsel to the Director General of Fair Trading (the UK competition authority at that time) between 1987 and 1991. He has specialist expertise in competition law and regulatory law. He is an Honorary Fellow of St. John's College at Oxford University.

Justice Sir Jack Beatson FBA was called to the Bar of England and Wales (Inner Temple) in 1973 and was appointed a Queen's Counsel in 1998. He was appointed as a Judge of the High Court of England and Wales in 2003 and was appointed as a Lord Justice of Appeal in the Court of Appeal of England and Wales in 2013.



He was the Law Commissioner for England and Wales from 1989 until 1994 and worked on law reform in specialist areas including contract and commercial law, civil evidence, damages and financial services. He taught Law at Oxford University from 1973 until 1994 and he was the Rouse Ball Professor of English Law at Cambridge University from 1994 until 2003.

He is an Honorary Fellow at Oxford and Cambridge universities and authored leading commercial law texts including Anson's Law of Contract (27th - 30th eds.) and Good Faith and Fault in Contract Law (1995).



Justice Sir Rupert Jackson was called to the Bar of England and Wales (Middle Temple) in 1972 and appointed a Queen's Counsel in 1987. He was appointed as a High Court Judge in the Queen's Bench Division of the High Court of England and Wales in 1999. He was the Judge in Charge of the Technology and Construction Court between 2004 and 2007. He was appointed as a Lord Justice of Appeal in the Court of Appeal in 2008.

He conducted a civil litigation costs review in England and Wales from 2009 to promote access to justice at proportionate cost. His Final Report was published in 2010 and most of his recommendations were implemented in 2013. He was co-author and general editor of Jackson and Powell on Professional Negligence from 1982 to 1999. Since then he has been consultant editor. He was an editor of the White Book (on civil procedure in England and Wales) from 2000 and he was Editor-in-Chief from 2011 until 2017.



Justice Andrew Spink QC was called to the Bar of England and Wales (Middle Temple) in 1985 and appointed a Queen's Counsel in 2003. He is joint Head of Chambers and leads the Commercial team at Outer Temple Chambers, a barristers' chambers in London. He was appointed a Deputy High Court Judge in the High Court of England and Wales in 2008 and sits regularly in this capacity in the Queen's Bench Division and Chancery Division of that Court. He has also sat for many years as a Civil Recorder in the courts of the Western Circuit.

His specialist expertise includes complex commercial civil disputes, commercial trusts, banking, financial services and pensions law, regulatory law, and non-contentious strategic advisory work in all of these fields. He has extensive experience of mediation and arbitration.

Justice Thomas Montagu Smith QC was called to the Bar of England and Wales (Lincoln's Inn) in 2001 and was appointed a Queen's Counsel in 2017. He practices as a barrister from XXIV Old Buildings, a barristers' chambers in London, and practices in London and internationally including in the British Virgin Islands and Dubai, having appeared in many of the leading cases at the Dubai International Financial Centre Courts. He has specialist expertise in international commercial law, arbitration, commercial fraud, insurance and reinsurance, construction, and professional negligence. He was the principle draftsman of the Rules of the AIFC Court.



Justice Patricia Edwards was called to the Bar of England and Wales in 2006. She practices as a barrister from 20 Essex Street, a barristers' chambers in London, and has broad commercial litigation and arbitration experience with emphasis on advising and acting on complex cases with an international dimension. She has specialist expertise on urgent interim relief measures, insurance law, aviation, banking, international trade, private international law, intellectual property, sports and competition law.



Mr. Christopher Campbell-Holt **Registrar and Chief Executive, AIFC Court**



Mr. Campbell-Holt is the Registrar and Chief Executive of the AIFC Court. He reports to the Chief Justice of the Court and is responsible for the day to day management and administration of the Court and case management of litigation before the Court to the extent delegated or directed by the Chief Justice. He is a member of the AIFC Legal Advisory Council, which reviews and approves AIFC law. He is also a member of the AIFC Academic Council, which advises the training body of the AIFC, the AIFC Bureau for Continuing Professional Development.

He has many years of legal experience gained while living and working in the UK, US, Middle East, and Eurasia. He managed the establishment of the AIFC Court and IAC and was a member of the AIFC Legal Advisory Council that reviewed and approved the initial AIFC common law.

He was the Registrar at an international financial centre commercial court and alternative dispute resolution centre in Qatar, and worked at international law firms practising international commercial law and dispute resolution.

He has been a visiting and guest lecturer at various universities and has published widely.

He was educated at University College London, where he graduated with an LLB in Law in 2003. He is admitted as a member of the Bar of New York State and is a CEDR accredited mediator.

Legal Framework

The Constitution of the Republic of Kazakhstan 1995

The Constitution of the Republic of Kazakhstan 1995 was amended by the Parliament of the Republic of Kazakhstan with effect from 14 March 2017 and provides at Article 3.1 for there to be a special legal order in the financial field in Astana in accordance with constitutional statute.

AIFC Constitutional Statute 2015

The AIFC Constitutional Statute No. 438-V ZRK of 7 December 2015 was approved by the Parliament of the Republic of Kazakhstan and provides for the establishment of the Astana International Financial Centre. Article 13 of the AIFC Constitutional Statute provides for the establishment of the AIFC Court and provides for the procedures of the AIFC Court to be provided by Resolution of the AIFC Management Council.

AIFC Court Regulations 2017

The AIFC Court Regulations 2017 were approved by Resolution of the AIFC Management Council on 5 December 2017 and provide for the constitution of the AIFC Court, the management of the AIFC Court and AIFC Court Registry, the jurisdiction and powers of the AIFC Court, the composition of the AIFC Court, the applicable law in the AIFC Court, and practice and procedure in the AIFC Court.

AIFC Court Rules 2018

The AIFC Court Rules 2018 were approved and published by the Chief Justice of the AIFC Court, as provided by Article 30 of the AIFC Court Regulations 2017, and provide the detailed procedures of the AIFC Court.



Rights of Audience

The AIFC Court has extremely wide rights of audience.

Lawyers may represent parties in cases at the AIFC Court subject to authorization from the AIFC Court Registrar and registration with the AIFC Court Registry as follows:

1. All lawyers with a professional lawyer or advocate practicing certificate from anywhere around the world are eligible to register with the AIFC Court Registry to represent parties in cases at the AIFC Court upon submission to the AIFC Court Registry of a valid current lawyer practicing certificate and letter of good standing from the lawyer's regulatory body.
2. Lawyers who do not have a professional lawyer or advocate certificate are also eligible to register with the AIFC Court Registry to represent parties in cases at the AIFC Court upon submission to the AIFC Court Registry of an undergraduate law qualification certificate and a letter of recommendation from a judge of any court in which the lawyer has previously acted as an advocate.

To register for rights of audience please send an email with a signed scanned copy of the above listed documentation to info@aifc-court.kz.

Model Clause

"Any dispute, whether contractual or non-contractual, arising out of or in connection to this contract, including any question regarding its existence, validity, or termination, shall be subject to the exclusive jurisdiction of the AIFC Court. The language to be used in the proceedings shall be English. This contract is governed by [insert the law to be applied]."



Fees

AIFC Court of First Instance

For money claims:*

Claim value	Fee
USD 1 – USD 500,000	5% of the value of the claim with a minimum of USD 1,200
USD 500,001 – USD 1,000,000	USD 20,000 + 0.8% over USD 500,000
USD 1,000,001 – USD 5,000,000	USD 24,000 + 0.4% over USD 1,000,000
USD 5,000,001 – USD 10,000,000	USD 40,000 + 0.32% over USD 5,000,000
USD 10,000,001 – USD 50,000,000	USD 56,000 + 0.12% over USD 10,000,000
USD 50,000,001 +	USD 104,000

For non-monetary/property claims:* USD 4,000.

Applications without a hearing:*** USD 240.

AIFC Court of Appeal

Applications for permission to appeal: No charge.

Applications for appeal: Filing an Claimant's / Respondent's Notice: USD 4,000. This fee includes a 1 day hearing before the AIFC Court of Appeal. For each half-day of a hearing after the first day: USD 400.**

AIFC Small Claims Court

Application fees: 1% of the value of the claim with a minimum of USD 100.

Applications for enforcement within the RK: USD 240.

Hearings

All hearings: Up to 1 day: USD 800. For each half-day of a hearing after the first day: USD 400.**

Use of video conferencing facilities: USD 800 per hearing.

NOTES:

* Includes the fees for any meetings, one case management conference, one pre-trial review and up to 3 days of trial. Any additional filings or hearings will be charged as USD 800 per day and USD 400 per half day. Quoted fees may be increased by 10% at the discretion of the AIFC Court in cases of special complexity.

** Fee to be paid when the hearing date is set by the AIFC Court, based on the number of days agreed by the parties or, failing agreement, as determined by the AIFC Court. Fees for any overrun shall be paid prior to the expiry of the period for which the hearing was originally set. The paying party may seek reimbursement of any payment of this fee for half-days not utilised for the relevant hearing. Reimbursement of such fees shall be at the sole discretion of the AIFC Court.

*** For example, an application contesting jurisdiction; an application seeking to strike out all or part of a statement of case, submission or evidence filed; or an application for immediate judgment.

Contact Details

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