



## Kazakhstan Legislation Update

Review of the main amendments and new provisions in the Civil and Administrative procedural codes of the Republic of Kazakhstan

By virtue of the Law of the Republic of Kazakhstan as of April 27, 2023, № 216-VII, "On the amendment of some legislative acts of the Republic of Kazakhstan on the issues of the improvement of procedural legislation and the reform of the judicial system," amendments have been made regarding the following:

1. Civil procedural code of the Republic of Kazakhstan (CPC) as of October 31, 2015.
2. Administrative procedural code of the Republic of Kazakhstan (APC) as of June 26, 2020.

We present to your consideration a summary of the most important amendments and new provisions in the CPC and the APC.

---

First, we will consider the amendments in the CPC, effective from April 8, 2023:

- A provision has been added to part 4 of article 60 in the CPC, stating that not only do attorneys-in-fact have procedural rights of their principals, but they also bear their procedural responsibilities within the limits of their powers.
- According to the amendments in the CPC, lawsuits presented and signed by the attorney-in-fact should, in addition to claims, contain references to the rule of law that serve as grounds for the claim.

- A response to the lawsuit, presented and signed by the attorney-in-fact, should contain references to the evidence and the rule of law, that serve as grounds for the objection. Moreover, the response can contain telephone numbers, fax numbers, email addresses, and other pieces of information needed for a proper and timely review of the case.
  - Furthermore, as opposed to previous requirements, courts of appeal are now required to inform the prosecutor about the cases subject to review in the court of appeal but are not required to disclose their decisions.
- 

Amendments in the CPC, effective from July 1, 2023:

- Part 4 has been added to Article 413 of the CPC, which states that when the decision of the court is reversed on the basis provided for by the law, and the case is accepted for substantive review, the court of appeal reviews and resolves the case abiding by the rules of the court of first instance.
- According to the recent amendments, upon the reversal of a decision, the court of appeal cannot send the case for a review in the court of first instance if the norms of procedural law are violated as provided for by the legislation.
- Part 4 of Article 427 has been supplemented with new provisions, which emphasize the importance of establishing a court hearing protocol. The absence of a court hearing protocol in a case where it is required can be the basis for reversal of the decision of the court of first instance.
- According to the amendments in Article 451 of the CPC, the court of cassation, upon the reversal of the decision of the court of first instance and court of appeal orders, in the instance of violations, provided for by the law, should send the case for review only into the court of appeal for a review by a new set of judges.

Below, we bring to your consideration the amendments in the APC, effective from April 8, 2023:

According to the amendments in Article 91 in the APC, unless otherwise provided by the law, an appeal in the court is only allowed after an appeal was made in the pre-trial procedure. If a possibility of appealing to the court without the need of appealing to a higher authority is provided for by the law, the administrative body and government official (whose administrative act, administrative action/inaction are disputed) alongside the lawsuit response, present the position of the head of a higher administrative body or the executive.

Likewise, following the amendments in Article 138 of the APC, the judge confers an obligation on the defendant (Administrative authority or official against) to present a written response, drafted and formulated in compliance with the requirements of the CPC, and a position of the head of a higher administrative body or the executive with an administrative case (upon availability) no later than ten working days. At the preliminary hearing, the claimant is familiarized with the defendant's response and position. A failure to present the aforementioned documents before the deadline can be used as grounds for a claim for damages and it does not interfere with the substantive review of the administrative case.

## Contact information



Dinara Tanasheva  
Partner, Tax & Law Services Leader for  
Kazakhstan and Central Asia.

Tel.: +7 (727) 258 5960

E-mail: [dinara.s.tanasheva@kz.ey.com](mailto:dinara.s.tanasheva@kz.ey.com)



Aida Otessin  
Senior, Tax & Law Services Department.

Tel.: +7 708 931 33 41

E-mail: [aida.otessin@kz.ey.com](mailto:aida.otessin@kz.ey.com)

EY | Building a better working world

EY exists to build a better working world, helping to create long-term value for clients, people and society and build trust in the capital markets.

Enabled by data and technology, diverse EY teams in over 150 countries provide trust through assurance and help clients grow, transform and operate.

Working across assurance, consulting, law, strategy, tax and transactions, EY teams ask better questions to find new answers for the complex issues facing our world today.

EY refers to the global organization, and may refer to one or more, of the member firms of Ernst & Young Global Limited, each of which is a separate legal entity. Ernst & Young Global Limited, a UK company limited by guarantee, does not provide services to clients. Information about how EY collects and uses personal data and a description of the rights individuals have under data protection legislation are available via [ey.com/privacy](https://www.ey.com/privacy). For more information about our organization, please visit [ey.com](https://www.ey.com).

EY works together with companies across the Caucasus and Central Asia and assists them in realizing their business goals. 1,300 professionals work at 8 CIS offices (in Almaty, Astana, Atyrau, Baku, Bishkek, Tashkent, Tbilisi, Yerevan).

© 2023 Ernst & Young Kazakhstan LLP. All Rights Reserved.

[https://www.ey.com/en\\_kz](https://www.ey.com/en_kz)

The information contained in this publication is presented in summary form and is therefore intended for general guidance only. Although prepared with utmost care this publication is not intended to be a substitute for detailed research or the exercise of professional judgment. EY is not responsible for any damage caused to any person as a result of an action or refusal to act based on the information contained in this publication. For all specific questions, contact a specialist in the relevant field.