



**GUIDELINES FOR REGISTRATION OF LEGAL
ADVISERS: HOW TO APPLY**

AIFC LEGAL SERVICES BOARD

**Rules No. 1 of 2022
(with amendments as of 24 November,
which commence on 3 December 2022)**

**Approval date: 31 May 2022
Commencement date: 1 July 2022**

GUIDELINES FOR REGISTRATION OF LEGAL ADVISERS: HOW TO APPLY

This note was prepared to provide guidance for Legal Advisers to register in the Roll of Registered Legal Advisers (the Roll). Entry on the Roll is governed by AIFC Legal Services Regulations 2022 and these Rules.

HOW TO APPLY

Submission of application

To apply, the application form as set out in Schedule 1 and supporting documents shall be sent to the Office of the AIFC Legal Services Board at OfficeLSB@aifc.kz.

The admission date is determined by the AIFC Legal Services Board once each month. You should send your application at least 5 business days before the date on which you are expecting to be admitted.

The List of supporting documents required for registration:

1. Copy of current Practising Certificate or letter of Good Standing from Recognised Professional Bodies as determined by decision of the AIFC Legal Services Board No. 1 dated 31 May 2022 (for Kazakhstani lawyers, in the absence of a practising certificate, present a copy of the law degree)
2. Copy of national ID/passport
3. Digital photo
4. Copy of a valid indemnity insurance policy (all practitioners, including those outside Kazakhstan).

Minimum terms and conditions for professional indemnity insurance

Section 18 (b) of the AIFC Legal Services Regulations requires a Legal Adviser applying for registration to the AIFC Legal Services Board to demonstrate to the satisfaction of the Board that he or she has obtained or is able to rely on adequate and appropriate professional indemnity insurance.

Professional indemnity insurance as required under section 18 (b) of the AIFC Legal Services Regulations shall indemnify a Legal Adviser against civil liability to the extent that it arises from private legal practice in the AIFC.

The minimum cover of professional indemnity insurance shall be at least 3 063 000 KZT for 2022. For each subsequent year, the minimum cover of professional indemnity insurance might be reconsidered by the AIFC Legal Services Board.

Professional indemnity insurance may be obtained from insurance companies of the Republic of Kazakhstan or international insurance companies, provided that such insurance covers the territory of the Republic of Kazakhstan.

Fees for Registration

Subject to section 5 (c) of the AIFC Legal Services Regulations, no fee will be charged for registration until 3 May 2023.

Result of application

On the day you are admitted, the AIFC Legal Services Board will issue your Certificate of Registration and include your name on the Roll of Registered Legal Advisers, which is available on the AIFC website.

Removal on a Registered Legal Adviser's initiative

If a Registered Legal Adviser wishes to be removed from the Roll of Registered Legal Advisers they should send a signed letter requesting this addressed to the AIFC Legal Services Board by e-mail to OfficeLSB@aifc.kz or by any electronic means.

Sanctions for Contravention

If the AIFC Legal Services Board considers that a Registered Legal Adviser has Contravened the AIFC Legal Services Regulations and Rules of the AIFC Legal Services Board, the Board may take disciplinary actions as set out in section 10 (c) of the AIFC Legal Services Regulations, including a suspension of the Registered Legal Adviser's registration with the Board, or removal from the Roll of Registered Legal Advisers.

A Registered Legal Adviser Contravenes the AIFC Legal Services Regulations and Rules of the AIFC Legal Services Board, if the Registered Legal Adviser:

- (a) does something that the Registered Legal Adviser is prohibited from doing by or under the AIFC Legal Services Regulations and Rules of the AIFC Legal Services Board; or
- (b) does not do something that the Person is required or directed to do (however described) by or under the AIFC Legal Services Regulations and the Rules of the AIFC Legal Services Board.

SCHEDULE 1: APPLICATION FORM



PHOTO
of the
applicant

FOR OFFICE USE ONLY

Application No.: _____
Date received: _____

APPLICATION FOR REGISTRATION AS A REGISTERED LEGAL ADVISER

PART I. GENERAL INFORMATION

Please provide the following personal data to the AIFC Legal Services Board and the Office of the AIFC Legal Services Board (hereafter "LSB"):

1. Title: _____ (e.g. Mr/Mrs/Miss/Ms)
2. Name: _____
Surname *First Name*
3. Date of birth: _____
day *month* *year*
4. Place of birth: _____
City/State *Country*
5. Passport: _____
Country / Place of issue *Number* *Date of expiry*
6. Citizenship: _____
Country
7. ID card of the Republic of Kazakhstan No. _____ (if any)
8. State any changes of name, formal or informal, or other surnames or given names you have used, and when: _____

9. Correspondence address: _____
Email: _____ Telephone: _____

Yes No

Please enclose a copy of your passport or ID card of the Republic of Kazakhstan (if relevant).

PART II. PROFESSIONAL STANDING AND EXPERIENCE

10. Please indicate a Legal Professional Body¹ of which you are now a member:

<i>Name of Legal Professional Body</i>	<i>Jurisdiction</i>
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11. Please indicate a law firm or organisation of your present employment:

Name of law firm or other employer	Address	Position	The law of the jurisdiction in which you practiced

12. Have you ever:

- Had any disciplinary or regulatory findings, sanctions or actions brought against you by a Legal Professional Body (or any court or body hearing appeals in relation to disciplinary or regulatory findings)
- Failed to give information to a Legal Professional Body when asked
- Given false or misleading information to a Legal Professional Body
- Breached a Legal Professional Body's requirements

Yes No

13. Are you aware of any complaint or charge or disciplinary proceeding pending against you in your professional capacity, which has not yet come to the attention of your Legal Professional Body, which might result in disciplinary action being taken against you?

Yes No

14. Are you currently facing any regulatory or disciplinary proceedings or investigations?

Yes No

Please enclose a certified copy of your current Practising Certificate and Certificate of Good Standing issued by the relevant Legal Professional Body.

PART III. PROFESSIONAL INDEMNITY INSURANCE

¹ **Legal Professional Body** means a national, regional or state regulatory or professional association, authority, court, governmental department, society or other entity that regulates or licenses lawyers.

15. Name of Insurer: _____

16. Address of Insurer: _____

17. Policy No: _____

18. Policy Period: From _____ to _____.

Please enclose a documentary evidence that you are insured as set out above for legal services rendered by you while acting as a Legal Adviser in the AIFC.

PART IV. PROPRIETY QUESTIONNAIRE

19. Have you ever been convicted by a court of a criminal offence as follows? The offence:

- meant you were given a custodial or suspended sentence
- involved dishonesty, fraud, perjury and/or bribery
- was of a violent or sexual nature
- was associated with obstructing the course of justice
- which demonstrated behaviour showing signs of discrimination towards others
- was associated with terrorism

Yes No

20. Have you ever:

- been convicted by a court of more than one criminal offence
- accepted a caution
- you are currently subject to a conditional discharge or bind over by a court

Yes No

21. Are you currently facing any criminal charges?

Yes No

22. Have you ever:

- been responsible for dishonest, violent, threatening, harassing or discriminatory behaviour
- misused your position for (your or anyone else's) financial gain
- misused your position of trust in relation to vulnerable people

Yes No

23. Are you and/or your business:

- included in one or more sanctions lists of international organisations, states?
- fall under the sanctions 'rule of 50%'²?

Yes No

² A person whose property and interests in property are blocked by any state's regulation, sanctions lists is considered to have an interest in the property, and interests in property of any legal person, in which the blocked person owns, controls, directly or indirectly, a 50 percent or greater interest.

24. Do you:

- have any connections with sanctioned persons and/or persons falling under the 'rule of 50%'?
- closely work with sanctioned persons and/or persons falling under the 'rule of 50%'

Yes No

25. Do you confirm that you will notify the Office of the AIFC Legal Services Board immediately if any representation, undertaking or confirmation contained herein, or any information provided, becomes, or is likely to become untrue or inaccurate in whole or in part, at any time?

Yes No

DECLARATION OF APPLICANT

I, _____ (*full name*), DECLARE THAT:

1. I am the individual named on this application.
2. I believe the information in this application is correct.
3. I wish to be registered with the AIFC Legal Services Board as a Registered Legal Adviser to practice the Acting Law of the AIFC in the AIFC and worldwide.
4. I will tell the AIFC Legal Services Board at once if anything changes between now and my registration.
5. I understand that there could be serious consequences if I have knowingly or recklessly given the AIFC Legal Services Board information that is false or misleading (or if I have failed to tell you about any significant information).
6. I understand that the AIFC Legal Services Board may make checks to verify the information I have given.

Place of declaration: _____

Date of declaration: _____

Name in full: _____ Signature: _____

PRIVACY NOTICE

Processing of your personal data

The personal data collected in this form will be used by the AIFC Legal Services Board (the LSB) and the Office of the LSB, in accordance with the AIFC Data Protection Regulations and AIFC Data Protection Rules, for the following purposes:

- (a) the processing of your application for registration as a Registered Legal Adviser;
- (b) the exercise of the powers of the LSB conferred upon it under the AIFC Legal Services Regulations and the Rules of the LSB;
- (c) the running of the Roll of Registered Legal Advisers is published at the AIFC official website for the purpose of facilitating the public in identifying Legal Adviser registered with the LSB and in knowing the services they provide.

The LSB and the Office of the LSB, in accordance with the AIFC Data Protection Regulations and AIFC Data Protection Rules, will:

- collect, use, store and share your data in the exercise of its regulatory powers set out in the AIFC Legal Services Regulations 2022 and the Rules of the LSB; and
- protect your personal data ensuring a level of security appropriate to the risks represented by the processing or transfer and the nature of the personal data; and
- share your personal data with third party providers who collect, store and process your personal data on our behalf who are contractually obligated to keep your personal data confidential and subject to appropriate safeguards; and
- transfer your personal data also to jurisdictions outside of AIFC. This may include jurisdictions that are not considered as having adequate level of data protection according to AIFC Data Protection Regulations and Rules.

Your rights

Under the AIFC Data Protection Regulations and AIFC Data Protection Rules, you have the following rights, in relation to our processing of your personal data:

- right to information about processing of your data and rectification of your data; and
- right to object the processing of your personal data; and
- right to file a complaint with the Commissioner of Data Protection.

Contact us

If you have any questions about this Privacy Notice, please contact the Office of the LSB at the following address: Mangilik El ave. 55/17, Nur-Sultan, the Republic of Kazakhstan, by phone + 7 (7172) 64 74 43, and email at OfficeLSB@aifc.kz.

I hereby agree to I hereby consent to the processing of personal data collected by this form by the LSB and by the Office of the LSB.