



AIFC LEGAL SERVICES CODE
AIFC LEGAL SERVICES BOARD
Rules No. 4 of 2022

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

PART 1: GENERAL**1.1. Name**

These Rules may be cited as the *AIFC Legal Services Code 2022*.

1.2. Legislative authority

These Rules are adopted by the AIFC Legal Services Board under section 10 (Powers and functions of AIFC Legal Services Board) of the AIFC Legal Services Regulations 2022.

1.3. Purpose of these Rules

The purpose of these Rules is to ensure that Registered Legal Advisers and legal services undertaken in the AIFC follow international best practices in the field of regulation of legal services and Providing Legal Services.

1.4. Application of these Rules

These Rules apply within the jurisdiction of the AIFC.

1.5. Commencement

These Rules commence on 1 July 2022.

1.6. Interpretation

Schedule 1 contains definitions and other interpretative provisions used in this AIFC Legal Services Code.

PART 2: LEGAL SERVICES CODE**2.1. General**

Registered Legal Advisers must act in a manner which:

- (a) promotes the credibility of, and confidence in, the legal profession in the AIFC; and
- (b) is respectful of the purpose, objectives and principles of the AIFC determined by the Constitutional Statute.

2.2. Integrity and Trust

Registered Legal Advisers:

- (a) must act honestly and with integrity;
- (b) must promote and protect the rule of law and the proper administration of justice; and
- (c) must not abuse the authority or responsibility of their position.

2.3. Client care

- 2.3.1. Registered Legal Advisers must act in the best interests of Clients subject to compliance with these Rules and any applicable law.
- 2.3.2. Registered Legal Advisers must only act for a Client on instructions from that Client, or from someone authorised to give instructions on that Client's behalf.
- 2.3.3. Registered Legal Advisers must use all reasonable endeavors to ensure that the legal services or any other services that they (or any individual employed, managed or supervised by them) provide:
 - (a) correspond with their Client's instructions;
 - (b) are appropriate for their Client's needs;
 - (c) are delivered efficiently and in a timely manner;
 - (d) are, where appropriate, subject to effective supervision; and
 - (e) are carried out professionally and ethically.
- 2.3.4. Registered Legal Advisers must perform all undertakings given by them by any agreed date or, if no such date has been agreed, within a reasonable time.
- 2.3.5. Registered Legal Advisers must communicate clearly, effectively and in a timely manner.
- 2.3.6. Any fee charged by a Registered Legal Adviser or by a Legal Services Provider in respect of the services provided by the Legal Adviser must be reasonable and determined in accordance with clearly specified criteria.
- 2.3.7. Registered Legal Advisers must keep sufficient records of the work carried out by them and ensure that any complaints received from Clients are addressed promptly, fairly and without charge.

2.4. Competence

- 2.4.1. Registered Legal Advisers must only act on matters where they are competent to do so.
- 2.4.2. Registered Legal Advisers must maintain their professional knowledge and skills required to provide legal services.
- 2.4.3. Registered Legal Advisers must ensure that any work that they delegate is undertaken by appropriately experienced individuals.
- 2.4.4. Registered Legal Advisers must ensure that any individual they manage or supervise:
 - (a) is competent to provide the services delegated to them; and
 - (b) maintains their professional knowledge and skills required to provide the services delegated to them.

2.5. Conflicts of Interest

- 2.5.1. Registered Legal Advisers must not act for a Client if their own interests conflict with the interests of that Client.
- 2.5.2. Registered Legal Advisers must not act for two or more Clients whose interests conflict or where there is a significant risk of their interests conflicting unless:
 - (a) all the Clients have given informed written consent to the Legal Adviser acting for them;
 - (b) where appropriate, the Clients' confidential information is protected; and
 - (c) the Registered Legal Advisers are satisfied, in their reasonable judgment, that it is appropriate in the circumstances to do so.

2.6. Client Property and disclosure of benefits

- 2.6.1. Registered Legal Advisers must properly safeguard any Client Property and any other assets entrusted to them by Clients and others.
- 2.6.2. Registered Legal Advisers must ensure that Clients:
 - (a) are fully and clearly aware of any benefit, whether direct or indirect, that they or any individuals they employ, manage or supervise may receive as a result of any instruction to provide legal services; and
 - (b) have given informed written consent for the Legal Advisers or any individuals they employ, manage or supervise to receive such benefit.

2.7. Confidentiality and Disclosure

- 2.7.1. Registered Legal Advisers must maintain the confidentiality of Client information unless disclosure is ordered by a court, required by other Rules or Acting Law of the AIFC or any other laws to which they are subject or the Client consents to its disclosure.

- 2.7.2. Registered Legal Advisers must make a Client aware of all information that is material to the Client's matter of which they are aware, unless:
- (a) disclosure of such information is prohibited by law;
 - (b) the Client gives informed written consent to that information not being disclosed to them;
 - (c) the disclosure of the information may cause serious harm to the Client or another Person.
- 2.7.3. Registered Legal Advisers must not act for a Client in a matter where they hold confidential information on behalf of another Client which is material to that matter unless:
- (a) there are effective safeguards in place to prevent disclosure of the confidential information; or
 - (b) the Client on behalf of whom they hold such confidential information has given informed written consent to them so acting.

2.8. **Compliance, Cooperation and Information Requirements**

2.8.1. Registered Legal Advisers must comply with:

- (a) this AIFC Legal Services Code; and
- (b) all applicable Regulations and Rules; and
- (c) any other applicable regulatory and legislative requirements.

2.8.2. In the event of a conflict between:

- (a) any of the requirements in this AIFC Legal Services Code and the requirements of any applicable Rules and Regulations or any other laws or regulations to which the Registered Legal Adviser is subject; or
- (b) any of the requirements in this AIFC Legal Services Code and the requirements of 2.8.1 above

the matter shall be referred to the AIFC Legal Services Board for resolution.

2.8.3. Registered Legal Advisers must be able to demonstrate compliance with their obligations.

2.8.4. Registered Legal Advisers must cooperate fully and promptly with the AIFC Legal Services Board and any other regulators that oversee the services they provide and take any remedial action required by the AIFC Legal Services Board or such other regulator.

2.8.5. Registered Legal Adviser must provide the AIFC Legal Services Board with any information about their practice that is required to be submitted to the AIFC Legal Services Board and must promptly notify the AIFC Legal Services Board of any change to, or inaccuracy or incompleteness in, such information.

2.8.6. Registered Legal Advisers must ensure that all information that is held by them in respect of their delivery of legal services is available for inspection by the Office of the AIFC Legal Services Board.

- 2.8.7. The Office of the AIFC Legal Services Board shall produce a report on the result of any inspection conducted under rule 2.8.6 to the AIFC Legal Services Board, but such report shall not contain any information related to Client matters.
- 2.8.8. Registered Legal Advisers must respond promptly to the AIFC Legal Services Board and provide full and accurate explanations and any information and documentation requested by the AIFC Legal Services Board.
- 2.8.9. Registered Legal Advisers must notify the Legal Services Board, any facts or matters that Registered Legal Advisers reasonably believe are capable of amounting to a serious breach of any Rules or Regulations (including this AIFC Legal Services Code).
- 2.8.10. Registered Legal Advisers must participate in, and cooperate with, any process for handling complaints regarding the legal services that they provide.

2.8. Courts, Tribunals and Evidence

- 2.9.1. Registered Legal Advisers must comply with any applicable valid order of any court or tribunal having jurisdiction over the matter.
- 2.9.2. Registered Legal Advisers must not tamper with evidence or knowingly give false or misleading information to any court or tribunal, any governmental authority or any other Person.
- 2.9.3. Registered Legal Advisers must not seek to influence the substance of evidence, including generating false evidence or persuading witnesses to change their evidence.

2.10. Voluntary Pro Bono Legal Service

- 2.10.1. Registered Legal Advisers must render at least 12 (twelve) hours of Pro Bono Legal Services per full practicing year.
- 2.10.2. For the purposes of subrule 2.10.1. Registered Legal Advisers must provide annual reports to the Legal Services Board.

SCHEDULE 1: INTERPRETATION

Client means:

- (a) in relation to contentious business, any Person who, as a principal or on behalf of another Person, retains or employs, or is about to retain or employ, a Legal Services Provider, or an individual Legal Adviser,
- (b) in relation to non-contentious business —

any Person who, as a principal or on behalf of another, or as a trustee, an executor or an administrator, or in any other capacity, has power, express or implied, to retain or employ, and retains or employs or is about to retain or employ, a Legal Services Provider or an individual Legal Adviser; and
- (c) In both (a) and (b) above, a Person who is or may be liable to pay a Legal Services Provider's or individual Legal Adviser's costs (fees, charges, disbursements, expenses and remuneration) is also treated as a Client for the purposes of and in connection with that liability.

Constitutional Statute means Constitutional Statute of the Republic of Kazakhstan dated 7 December 2015 entitled On the Astana International Financial Centre.

Legal Adviser means, in relation to the provision of legal services, an individual:

- (a) who is employed or appointed by an AIFC Body, its organisation, or an AIFC Participant in connection with the business of an AIFC Body, its organisation, or AIFC Participant in the AIFC, whether under a contract of service or for services or otherwise; or
- (b) whose services provided in the AIFC, under an arrangement between an AIFC Body, its organisation, or an AIFC Participant and a third party, are placed at the disposal and under the control of an AIFC Body, its organisation, or an AIFC Participant; or
- (c) who is otherwise specified to be eligible for the purposes of these Regulations by the Legal Services Board, including one particular class of such individuals being legal advisers or counsel based outside Kazakhstan who spend a limited amount of time in the AIFC for the purposes of, for example, advising or facilitating a corporate transaction.

Legal Services Provider means an AIFC Participant which has been licensed by the AFSA to carry on Providing Legal Services.

Person includes any natural person or incorporated or unincorporated body, including a company, partnership, unincorporated association, government or state.

Pro Bono Legal Service means provision of legal service by Legal Advisers without fee or expectation of fee.

Property includes money, documents, wills, deeds, investments and other property.

Registered Legal Adviser means a Legal Adviser registered by the AIFC Legal Services Board.