

# 9 KEY CHANGES TO THE ADMINISTRATIVE PROCEDURE CODE

On December 17, 2025, Law No. 241-VIII was adopted, introducing amendments to the Administrative Procedure Code (APC), the Civil Procedure Code (CPC), and the Code on Administrative Offenses.

The amendments came into force on December 29, 2025.



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# 1 Challenging subordinate legislation in the APC

Cases challenging subordinate legal acts (SLAs) have been transferred from the CPC to the APC.

- **New type of claim:** challenging the legality of SLAs or its individual provisions (Art. 135-1 APC).
- **Time limits for filing a lawsuit:** within three months from the date when the plaintiff became aware of the violation or possible violation of his rights by the act (part 3-1 of Article 136 of the APC).
- **Legal consequences:** if the lawsuit is upheld, the act is recognized as invalid from the moment of its adoption (part 1 of Article 159-1 of the APC).
- **Suspension of effect:** filing a lawsuit does not suspend the effect of the SLAs (its provisions), except in cases where the SLAs is challenged by the prosecutor (part 4 of Article 167-1 of the APC).
- **Prohibition on repeated challenges:** a subordinate act may be challenged again by other persons only in the part that has not been previously reviewed in court (Part 3 of Article 167-3 of the APC).

**Practical conclusion:** recognition of a subordinate legal act (rules, orders, standards, etc.) as unlawful entails recognition of its invalidity from the moment of its adoption. This will allow the plaintiff and persons whose rights have been violated as a result of the application of the challenged SLAs to demand a review of administrative actions and acts adopted on the basis of such SLAs.

# 2

## Exceptional mechanism for cassation review

A new mechanism has been introduced for reviewing judicial acts that have entered into legal force without going through the appeal stage. Previously, cassation appeals were only possible after the case had been reviewed on appeal.

- **Essence:** acts of local and other courts that have entered into legal force can now be reviewed in cassation even if the appeal procedure for their appeal has not been followed (Part 3-1 of Article 169 of the APC).
- **Subjects of appeal:** this review is possible only upon protest by the Prosecutor General of the Republic of Kazakhstan. The protest may be lodged either on the prosecutor's own initiative or at the request of the parties to the proceedings.
- **Restrictions by category of case:** the mechanism applies only to administrative cases provided for in Article 31 of the APC (tax, customs, budgetary, environmental, and other disputes involving the prosecutor).
- **Grounds for review:** strict criteria are established for the application of this exceptional procedure (Part 7 of Article 169 of the APC): (1) risk of serious irreversible consequences for life, human health, the economy, or national security of the Republic of Kazakhstan; (2) violation of the rights and legitimate interests of an indefinite group of persons or other public interests; (3) violation of uniformity in the interpretation and application of legal norms by courts.

**Practical conclusion:** if the appeal stage is skipped and there are exceptional grounds, the party to the proceedings has the right to submit a petition to the Prosecutor General to file a protest for the case to be reviewed in cassation.

## 3 Removal of preclusive periods for persons who did not participate in the administrative procedure

The one-year limitation period for claims by persons who did not participate in the administrative procedure but whose rights were violated by the adopted act has been abolished. Such a claim may be filed within one month from the date when the person learned or could have learned about the adoption of the administrative act (Part 5 of Article 136 of the Administrative Procedure Code).

**Practical conclusion:** the plaintiff is no longer limited to one year from the date of issuance of the administrative act. This also expands the possibilities for restoring the missed one-month deadline, since previously such restoration was prevented by the one-year limitation period.

## 4 New procedure for calculating the deadlines for filing a cassation appeal

The six-month period for filing a cassation appeal is now calculated from the date of entry into force of the judicial act of the appellate instance (Part 2 of Article 169 of the APC), i.e., from the date of its announcement (Part 10 of Article 168 of the APC). Previously, the period was calculated from the date of delivery of the final version of the ruling.

# 5 Forms of the hearing procedure

The hearing procedure is divided into written and oral forms.

- **Written form (main form of hearing):** involves sending a preliminary decision to the applicant and subsequently receiving objections from them. If the participant sends a response to the preliminary decision, the hearing is considered to have been conducted in writing; in this case, no minutes are taken (part 3 of Article 73 of the APC).
- **Oral form:** conducted exclusively at the request of a participant in the administrative procedure. To conduct a hearing in oral form (in person or via videoconference), the participant must submit a request no later than two working days from the date of receipt of the preliminary decision (part 3 of Article 73 of the APC). In this case, minutes must be taken.
- **The absence of written or oral objections from the applicant,** who has been notified in advance and in an appropriate manner of the form, date, time, and place of the hearing, does not prevent a decision from being made on the merits (part 3 of Article 73 of the APC).

**Practical conclusion:** an oral hearing with minutes taken appears to be a more effective way to protect one's rights, and now, in order to exercise this option, it is necessary to file a motion for a hearing after receiving a preliminary decision.

# 6

## Suspension of the execution of administrative acts

As a general rule, the filing of a complaint suspends the execution of an administrative act (Part 1 of Article 96 of the APC). At the same time, the legislator has established requirements for the application of exceptions to this rule:

- Justification of exceptions: if the filing of a complaint does not suspend the execution of an administrative act on the basis of the exceptions provided for in subparagraphs 1 and 3 of part 1 of Article 96 of the APC (protection of the rights of citizens, state interests, and other cases provided for by law), the administrative body is obliged to include in the administrative act a justification for the application of such exceptions (Part 2 of Article 96 of the APC).

**Practical conclusion:** the absence of a justification for not suspending enforcement in an administrative act will violate Part 2 of Article 96 of the APC and the requirements of Article 79 of the APPC, which may result in the cancellation of such an act.

# 7

## Mandatory indication of the appeal procedure and higher authority

The administrative authority is now required to indicate in the act the procedure and specific higher authority for appeal (Article 80, Part 1-1 of Article 92 of the APC). In case of non-compliance with this requirement for the content of an administrative act, the deadline for filing a complaint against this administrative act will be 6 months (Part 1-1 of Article 92 of the APC).

## 8

## Expansion of the right to access administrative case materials

Now, participants in administrative proceedings have the right to access materials (copy information, make copies of documents) not only after the conclusion of the proceedings, but also during the course of the administrative case. This opportunity is provided by the administrative authority within three working days of the date of the request (Part 1 of Article 75 of the Administrative Procedure Code).

## 9

## Measures of procedural coercion

The procedure for the application and enforcement of monetary penalties has been changed.

- **Suspension of enforcement:** appealing a decision to impose a monetary penalty now suspends its enforcement until the appeal is considered on its merits. A private appeal must be filed within 10 working days (part 2 of Article 124 of the APC).
- **Mitigation of penalties:** a person on whom a monetary penalty has been imposed has the right, within 10 working days, to apply for a reduction in the amount of the penalty, a deferral or an installment plan for up to two months (part 7 of Article 127 of the APC).
- **Payment of penalties:** only after the decision has become final (previously – within 5 days from the date of delivery). Important: the current version of the APC no longer provides for the possibility of complete exemption from monetary penalties (previously, this possibility existed).