

On Administrative Infractions

Unofficial translation

The Code of the Republic of Kazakhstan dated 5 July 2014 No. 235-V.

Unofficial translation

Footnote: Through the whole text of the Code:

the words “tax body”, “tax bodies”, “in a tax body”, “body of tax service”, “bodies of tax service” are substituted by the words “state revenues body”, “state revenues bodies”, “in the state revenues body”; the words “customs body”, “customs bodies” are substituted by the words “state revenues body”, “state revenues bodies” in accordance with the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

SECTION 1. GENERAL PROVISIONS

Chapter 1. LEGISLATION ON ADMINISTRATIVE INFRACTIONS

Article 1. Legislation of the Republic of Kazakhstan on administrative infractions

1. Legislation of the Republic of Kazakhstan on administrative infractions consists of this Code.

2. This Code is based on the Constitution of the Republic of Kazakhstan, generally accepted principles and rules of international law.

2-1. Amendments and (or) additions to this Code shall be made by the law, not providing for amendments and additions to other legislative acts of the Republic of Kazakhstan.

This provision shall not apply to cases of exclusion of administrative responsibility, as well as to draft laws developed as a legislative initiative of the President of the Republic of Kazakhstan.

3. International contractual and other obligations of the Republic of Kazakhstan, as well as regulatory resolutions of the Constitutional Council and Supreme Court of the Republic of Kazakhstan regulating administrative delictual legal relations that are the component part of the legislation on administrative infractions.

4. International treaties ratified by the Republic of Kazakhstan shall have a priority before this Code and shall be applied directly, except for the cases when it follows from the international treaty that for its application the issuance of the law is required. If international treaty ratified by the Republic of Kazakhstan establishes other rules than those provided by the legislation of the Republic of Kazakhstan on administrative infractions, the rules of the international treaty shall be applied.

Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 2. Basis for administrative liability

Basis for administrative liability is commission of the act containing all signs of component elements of the infraction provided in the Special part of this Code.

Article 3. Force of the legislation of the Republic of Kazakhstan on liability for administrative infractions in space

1. The person that committed administrative infraction in a territory of the Republic of Kazakhstan shall be subject to liability according to this Code.

2. Administrative infraction committed in a territory of the Republic of Kazakhstan shall be recognized as the act that was commenced or continued or was completed in a territory of the Republic of Kazakhstan. Force of this Code shall also apply to administrative infractions committed in a continental shelve and in exclusive economic zone of the Republic of Kazakhstan.

3. The person that committed administrative infraction on a ship registered at a port of the Republic of Kazakhstan and being in open water or air space outside the borders of the Republic of Kazakhstan shall be subject to administrative liability according to this Code, unless otherwise provided by the international treaty of the Republic of Kazakhstan. According to this Code, the person that committed administrative infraction on a warship or military aircraft of the Republic of Kazakhstan shall also bear administrative liability independently from its location.

4. The issue on administrative liability of diplomatic representatives of foreign states and other foreign persons that enjoy immunities in case of commission of the infraction by these persons in a territory of the Republic of Kazakhstan shall be resolved in accordance with the rules of international law.

Article 4. Force of the legislation of the Republic of Kazakhstan on liability for administrative infractions in time

1. The person that committed administrative infraction shall be subject to liability on the basis of the legislation being valid during commission of this infraction.

2. Time of committing administrative infraction shall be recognized as the time of carrying out the act provided by the Special part of this Code, independently from time of ensuing of consequences.

Article 5. Retroactive force of the Law on administrative infractions

1. The Law that mitigating or exempting administrative liability for administrative infraction or otherwise improving position of a person that committed administrative infraction shall have a retroactive force, in other words shall apply to the infraction committed before entering of this Law into force and in respect of which, the decree on imposition of administrative sanction is not performed.

2. The Law establishing or strengthening administrative liability for administrative infraction or otherwise aggravating the position of a person shall not have a retroactive force.

Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

Chapter 2. TASKS AND PRINCIPLES OF THE LEGISLATION ON ADMINISTRATIVE INFRACTIONS

Article 6. Tasks of the legislation on administrative infractions

1. Legislation on administrative infractions is tasked with protection of rights, freedoms and legal interests of a human and citizen, health, sanitary epidemiological welfare of population, environment, public morality, property, public order and safety, established order of carrying out the state power and state management, rights and interests of organizations protected by the law from administrative infractions, as well as prevention of their commission.

2. For carrying out of this task, the legislation on administrative infractions shall establish the grounds and principles of administrative infraction, determines which acts are administrative infractions and types of sanctions imposed for their commission, as well as which administrative sanction, by which state body (civil servant) and in which manner may be imposed on a person that committed the administrative infraction.

Article 7. Meaning of principles of the legislation on administrative infractions

Meaning of principles of the legislation on administrative infractions is that their violation depending on its character and essentiality entail recognition of the accomplished proceeding on a case as invalid, revocation of decisions delivered in the course of such proceeding or recognition of materials that are not valid as evidences collected by this.

Article 8. Legality

1. Administrative infractions, measures of administrative sanction, measures of supporting the proceeding on the case on administrative infraction and measures of administrative legal effect shall be determined only by this Code. No one may be subjected to administrative

infraction, measures of administrative legal effect or measures of supporting the proceeding on the case on administrative infraction otherwise as on the basis and in the manner established by this Code.

2. Court, bodies (civil servants) being authorized to consider the cases on administrative infractions upon proceeding on the cases on administrative infractions shall be obliged to comply exactly the requirements of the Constitution of the Republic of Kazakhstan, this Code , other regulatory legal acts mentioned in Article 1 of this Code. The Constitution of the Republic of Kazakhstan shall have a supreme legal force and direct force in the whole territory of the Republic of Kazakhstan. In case of inconsistency between the rules established by the Law and the Constitution of the Republic of Kazakhstan, the provisions of the Constitution shall be applied.

3. Courts shall not have the right to apply the Laws and other regulatory legal acts derogating rights and freedoms of a human and citizen vested by the Constitution of the Republic of Kazakhstan. If the court detects that the Law or another regulatory legal act subjected to application derogates the rights and freedoms of a human and citizen vested by the Constitution, it shall be obliged to suspend the proceeding on case and refer to the Constitutional Council of the Republic of Kazakhstan with a recommendation on recognizing this act as unconstitutional. Upon receipt of decision of the Constitutional Council by the court, the proceeding on case shall be revived.

Decisions of courts and bodies (civil servants) being authorized to consider the cases on administrative infractions based on the Law or another regulatory legal act recognized as unconstitutional shall not be subject to execution.

4. Breach of the Law by a court, bodies (civil servants) being authorized to consider the cases on administrative infractions upon proceeding on cases on administrative infractions shall be inadmissible and entail the liability established by the Law, recognition of adopted acts as invalid and their repeal.

Article 9. Equality before the Law and court

In the course of proceeding on the cases on administrative infractions, all are equal before the Law and court. No one may be subjected to any discrimination based on origin, social, official and property status, gender, race, nationality, language, attitude to religion, convictions, residence places or by any other circumstances.

Article 10. Presumption of innocence

1. A person in respect of whom, an administrative offense case is initiated, shall be considered innocent until his (her) guilt is proved in accordance with the procedure provided by this Code and established by an effective decision of a judge, body (official), who has examined the case within his (her) own powers.

In event of consideration the case of an administrative offense in the procedure of reduced production, as well as on the order for the need to pay a fine, the person in respect of whom an administrative offense case has been initiated, shall be considered innocent until the relevant decision comes into force.

2. No one is obliged to prove own guiltless.

3. Any doubts in guilty shall be interpreted in favor of a person in respect of whom the case on administrative infraction is initiated. The doubts arising upon application of the legislation on administrative infractions shall be also resolved in his (her) favor.

Footnote. Article 10 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 11. Principle of guilt

1. Individual shall be subject to administrative liability only for those infractions in respect of which his (her) guilty is established. Objective opinion, in other words, the administrative liability for guiltless infliction of harm by the individual shall not be allowed.

2. Individual that committed the act intentionally or carelessly shall be recognized guilty in administrative infraction.

Article 12. Inadmissibility of repeated bringing to administrative infraction

No one can be re-brought to administrative responsibility for the same offense.

Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 28. 12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 13. Principle of humanism

Administrative sanction applied to a person that committed infraction may not be aimed at infliction of physical sufferings or abasement of human dignity.

Article 14. Personal immunity

1. No one may be subjected to administrative detention, bringing, delivery to internal affairs bodies (police) or other state bodies, personal inspection and inspection of the items of property being at individual or other measures of supporting proceeding on the case on administrative infraction other than on the grounds and in the manner established by this Code.

2. Administrative arrest as a measure of administrative sanction may be imposed only under decree of a judge in cases and in the manner established by this Code.

3. Each detained person, subjected to bringing, delivered to the internal affairs bodies (police) or other state body shall be informed immediately on the grounds for detention, bringing, delivery, as well as legal classification of the administrative infraction, the commission of which is charged with him (her).

4. State body (civil servant) shall be obliged to release immediately a person being detained, subjected to bringing, delivery unlawfully or being under administrative arrest in excess of the term provided by the decree of a judge.

5. No one of those persons participating in a case on administrative infraction may be subject to tortures, violence, cruel treatment or degrading human dignity.

6. Commission of the actions in the process of proceeding on the case on administrative infraction against the will of a person or his (her) representative, violating personal immunity shall be possible only in cases and in the manner provided directly by this Code.

7. Detention of a person in respect of whom the administrative arrest is elected as a measure of administrative sanction, as well as person being subjected to administrative detention shall be carried out in conditions excluding a threat of his (her) life and health.

8. Harm inflicted to an individual in a result of illegal administrative arrest, detention in conditions being harmful for life and health, cruel treatment with him (her) shall be subject to compensation in the manner provided by the Law.

Article 15. Respect of honor and dignity of person

1. Upon proceeding on cases on administrative infractions, the decisions and actions degrading honor or derogating dignity of a person participated in the case shall be prohibited, the collection, use and distribution of details on private life, and equally details of personal and business character that the person considers necessary to keep in secret shall not be allowed for the purposes not provided by this Code.

2. Moral damage inflicted to a person in the course of proceeding on the cases on administrative infractions by illegal actions of a court, other state bodies and civil servants shall be subject to compensation in the manner established by the Law.

Article 16. Inviolability of private life and protection of secret

Private life, personal, family, commercial and other secret protected by the Law shall be under the protection of the Law. Everyone shall have the right to secrecy of personal contributions and funds, correspondence, postal, telegraph and other messages. Restriction of these rights in the course of proceeding on the case on administrative infraction shall be allowed only in cases and in the manner established directly by the Law.

Article 17. Inviolability of property

1. Property shall be guaranteed by the Law. No one may be deprived of own property other than under the court decision.

2. Withdrawal of property and documents; removal from controlling transport vehicles, small size vessels; detention of a transport vehicle, small size vessel; survey of transport vehicles, small size vessels; inspection of territories, premises, transport vehicles, goods, other property, as well as the relevant documents, application of other measures of ensuring the proceeding on the case on administrative infraction encroaching on the property may be performed only in cases and in the manner provided by this Code.

Article 18. Independency of court (judge) and body (civil servant) being authorized to consider the cases on administrative infractions

Courts (judges) and bodies (civil servants) being authorized to consider the cases on administrative infractions shall resolve them in conditions that exclude outside influence on them. Any interference in activity of a court (judge) and body (civil servant) being authorized to consider the case on administrative infractions shall be inadmissible and entail the liability established by the Law.

Article 19. Release from obligation to give testimonies

1. No one shall be obliged to give testimonies against oneself, husband (wife) and own close relatives, the circle of which is determined by the Law.

2. Churchmen shall not be obliged to testify against those who became confidential with them in confession.

3. In cases provided by parts one and two of this Article, the mentioned persons shall have the right to refuse from giving testimonies and may not be subjected to any liability for this.

Article 20. Ensuring of rights to qualification legal assistance

1. Everyone shall have the right to receive qualification legal assistance in the course of administrative proceeding in accordance with provisions of this Code.

2. In cases provided by the Law, the legal assistance shall be rendered without payment.

Article 21. Publicity of proceeding on the cases on administrative infractions

1. Court, bodies (civil servants) being authorized to consider the cases on administrative infractions shall carry out the proceeding on these cases on a public basis.

2. In accordance with the Law, the closed proceeding shall be carried out in respect of the cases containing details being the state secrets, as well as upon satisfaction of a court, body (civil servant) being authorized to consider the cases on administrative infraction, petition of a person participating in the case relating to necessity of keeping a secrecy of adoption,

preservation of personal, family, commercial or another secrecy protection by the Law, details on intimacy of individuals or to other circumstances impeding to public hearing.

3. Personal correspondence and personal telegraph messages of individuals may be announced upon opened proceeding only with the agreement of the persons between which there were correspondence and telegraph messages. Otherwise, the personal correspondence and personal telegraph messages of these persons shall be announced and studied upon closed proceeding. Mentioned rules shall be applied also upon study of photo- and cine documents, sound- and video records, information on electronic carriers containing details of personal character.

4. Persons participating in a case, and individuals attending upon opened proceeding shall have the right to fix the course of the proceeding in written or with the use of audio recording from the places taken by them in a premise where the proceeding is carried out. Cine- and photo survey, video recording, radio, television and internet broadcast in the course of proceeding shall be allowed under permission of a court, body (civil servant) being authorized to consider the cases on administrative infractions, considering the opinions of the persons participating in the case. These actions shall not impede normal course of proceeding and may be restricted in time.

Article 22. Safety ensuring in the course of proceeding

Proceeding on the cases on administrative infractions shall be conducted in conditions ensuring normal work of a court, body (civil servant) being authorized to consider the cases on administrative infractions, and security of participants of the proceeding. For the purpose of safety ensuring, the judge, civil servant may give an order to conduct inspection of the persons willing to attend upon the proceeding on case, including inspection of documents certifying their identity, personal inspection and inspection of items of property carried by them.

Article 23. Freedom of contesting procedural decisions and appeal of procedural actions

1. Force of the body (civil servant) being authorized to draw up minutes on the cases on administrative infractions may be appealed, and the decisions of a court, body (civil servant) being authorized to consider the cases on administrative infractions may be contested in the manner established by this Code.

2. Person participating in a case shall have the right to review the decrees on the cases on administrative infractions in the manner established by this Code.

3. Reversion of a claim to the damage of a person that filed the claim, or to the damage of the person in behalf of whom it was filed shall not be allowed.

Article 24. Judicial protection of rights, freedoms and legal interests of a person

1. Everyone shall have the right to judicial protection of own rights and freedoms. Interested person shall have the right to go in court for protection of violated or contested rights, freedoms or interests protected by the Law.

2. Prosecutor shall have the right to refer to the court with a suit (application) for the purpose of carrying out of obligations imposed on him (her) and for protection of the rights of individuals, organizations, public and state interests.

3. The court jurisdiction provided by the Law may be changed for no one, without his (her) agreement.

4. Court shall be obliged to explain the right provided by part five of Article 683 of this Code to a legal representative of the person in respect of whom the proceeding on the case on administrative infraction is conducted or injured party being minors or those deprived of a possibility to exercise own rights according to own physical or mental condition.

Section 2. ADMINISTRATIVE INFRACTION AND ADMINISTRATIVE LIABILITY

GENERAL PART

Chapter 3. ADMINISTRATIVE INFRACTION

Article 25. Administrative infraction

1. Administrative infraction shall be recognized as an illegal, guilty (intentional or careless) action or omission of an individual or illegal action or omission of a legal entity for which this Code provides the administrative liability.

2. Administrative liability for infractions provided by Articles of the Special part of this Code shall occur if these infractions upon own character do not entail criminal liability in accordance with the legislation.

Article 26. Commission of administrative infraction intentionally

Administrative infraction shall be recognized committed intentionally, if the individual that committed it realized illegal character of own action (omission), foresaw its harmful consequences and wished or admitted consciously occurrence of these circumstances or referred to them indifferently.

Article 27. Commission of administrative infraction carelessly

Administrative infraction shall be recognized committed carelessly, if the individual that committed it foresaw a possibility of occurrence of harmful consequences of own action (

omission), but relied lightmindedly on their prevention without sufficient grounds or did not foresee the possibility of occurrence of such consequences, however upon proper attention and foresight should and could foresee them.

Chapter 4. ADMINISTRATIVE LIABILITY

Article 28. Persons subjected to administrative liability

They are shall be subject to administrative liability:

- 1) mentally competent individual that up to the date of completion or suppression of an administrative infraction attained sixteen years;
- 2) legal entity.

Article 29. Legal insanity

Individual that during commission of illegal action provided by this Code was in a condition of insanity, in other words could not realize actual character and danger of own actions (omission) or manage by them due to chronicle mental disease, temporary mental disorder, feeblemindedness or other diseased mental state shall not be subject to administrative liability.

Article 30. Administrative liability of civil servants

Civil servant shall be brought to administrative liability upon condition of commission of administrative infraction due to non-fulfillment or improper fulfillment of the official obligations. In the absence of this circumstance, the civil servant being guilty in commission of administrative infraction shall be subject to liability on a common basis.

Note. Civil servants in this Code shall be recognized as persons that carrying out or carried out the functions of a public officer permanently, temporary or on a special power up to the date of commission of administrative infraction or performing or performed organizational management or administrative economic functions in the state institutions, subjects of quasi-public sector, bodies of local self-government up to the date of commission of administrative infraction.

Article 31. Peculiarities of administrative liability upon fixation of an offense with certified special control and measuring technical means and devices

Footnote. Title of Article 31 is in the wording of the Law of the Republic of Kazakhstan dated 28. 12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Upon fixation of an administrative offense with certified special control and measuring technical means and devices, operating in automatic mode, owners of vehicles shall be brought to administrative liability for administrative offenses in the field of traffic.

2. Possessor (owner) of a transport vehicle shall be released from administrative liability for infractions committed with participation of this transport vehicle, if in the course of inspection upon his (her) message or application the person in possession of which it was at the moment of fixation of the infraction is established or it was withdrawn in a result of illegal actions of other persons.

Note.

Owners of transport vehicles in Articles of this Code shall be recognized as individuals owning the transport vehicle on the basis of the right of ownership, as well as individuals to whom the transport vehicles belonging to individuals and legal entities are transferred in temporary possession and use.

Certified special monitoring and test technical means and devices in Articles of this Code shall be regarded as technical means and devices of supervision and fixation of infractions, that passed metrological testing, photo-, video equipment, fixing a fact and time of committing the infraction, type, brand, state registration number plate, as well as speed and moving direction of the transport vehicle.

Footnote. Article 31 as amended by the laws of the Republic of Kazakhstan dated 03.07.2017 No. 84-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28. 12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 32. Administrative liability of a military servant, prosecutor and other persons to which the force of disciplinary charters or special provisions is applied for commission of administrative infractions by them

1. Military servants and persons, liable for military service, being at military trainings shall bear liability for administrative offenses, committed in the performance of their official duties, on disciplinary charters, except for the cases, provided by Articles 651, 652, 667, 676, 677, 680, 681 of this Code. Servants of special state and law enforcement bodies shall bear liability for administrative offences, committed in the performance of official duties in accordance with regulatory legal acts, regulating the procedure for passing service in the relevant bodies.

2. For violations of regime of the State Border of the Republic of Kazakhstan, regime at checkpoints across the State border of the Republic of Kazakhstan and the customs border of Eurasian Economic Union, the legislation of the Republic of Kazakhstan on state secrets, sanitary and epidemiological welfare of the population, fire safety requirements, traffic rules, place of service, legislation of the Republic of Kazakhstan on accounting and financial

reporting, budget and tax law the laws of the Republic of Kazakhstan on public procurement, the rules of hunting, fishing, other rules and norms for rational use and protection of natural resources, the persons specified in part one of this Article shall bear an administrative liability on common basis. These persons cannot be subject to administrative sanctions in the form of deprivation of the right to carry and store firearms and cold arms and administrative arrest.

3. Administrative sanction in the form of administrative fine may not be applied to military servants doing active military service, and cadets of military and special educational institutions.

4. Bodies (civil servants) provided by the right to impose administrative sanctions instead of imposing administrative sanctions to the persons mentioned in parts one and three of this Article shall transfer materials on infractions to the relevant bodies for resolution of the issue on bringing guilty persons to disciplinary liability.

Footnote. Article 32 as amended by the Laws of the Republic of Kazakhstan dated 07.11.2014 No. 248-V (shall be enforced from 01.01.2015); dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 11.18.2015 No. 411-V (shall be enforced from 01.01.2016); dated 03.07.2017 No. 84-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26. 12. 2017 No. 124-VI (shall be enforced from 01.01.2018); dated 28. 12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 33. Administrative liability of private notaries, judicial enforcement agent, defence attorneys, individual entrepreneur and legal entities

1. Private notaries, private officers of justice, defence attorneys, individual entrepreneurs and legal entities shall be subject to administrative liability for administrative infraction in cases provided by the Special part of this section.

2. Individual entrepreneur and legal entities shall be subject to administrative liability for administrative infraction, if the act (action or omission) provided by the Special part of this section was committed, sanctioned, approved by the body, person carrying out the management functions of individual entrepreneur or legal entity performing organizational and management or administrative and economic functions.

3. The structural subdivisions of a legal entity, that have committed administrative violations and being independent taxpayers (except for financial organizations) shall bear an administrative liability as legal entities.

4. Bringing of individual entrepreneurs and legal entities to administrative liability shall release a worker of the individual entrepreneur and legal entity from administrative infraction for such infraction.

Note. For the purposes of this Code, individual entrepreneurs and legal entities shall bear an administrative liability as subjects of entrepreneurship.

Footnote. Article 33 as amended by the RK Law dated 28. 12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 34. Administrative liability of foreign persons, foreign legal entities and stateless persons

1. Foreign persons, foreign legal entities, their branches and representatives and stateless persons that committed administrative infractions in a territory of the Republic of Kazakhstan, as well as in a continental shelf of the Republic of Kazakhstan shall be subject to administrative liability on common basis.

2. Structural subdivisions (branches and representatives) of foreign and international non-profit non-governmental associations shall bear administrative liability for the breach of the legislation of the Republic of Kazakhstan on public associations as legal entities.

3. The issue on administrative liability for administrative infractions committed in a territory of the Republic of Kazakhstan by diplomatic representatives of foreign states and other foreign persons that enjoy immunities shall be resolved in accordance with the rules of international law.

Chapter 5. CIRCUMSTANCES EXCLUDING ADMINISTRATIVE LIABILITY

Article 35. Necessary defence

1. Commission of act provided by this Code in a condition of necessary defence, i.e. upon defence of a person, dwelling place, property, land field and other rights of defender or other persons, interests of a society of the state protected by the Law from illegal offences by infliction of harm to offender, if there are no exceeding limits of necessary defence, shall not be administrative infraction.

2. All the persons shall have the right to necessary defence in equal measure independent from their professional or other special training and service position. This right shall belong to a person independent from a possibility to avoid illegal offence or request assistance from other persons or state bodies.

3. Exceeding limits of necessary defence shall be recognized as obvious non-conformance of defence to character and level of hazard of the offence, in a result of which the obviously excessive harm not caused by a situation is inflicted to offender. Such excess shall entail administrative liability only in cases of intended infliction of the harm.

4. The persons that exceeded the limits of necessary defence due to fear, fright or confusion caused by illegal offence shall not be subject to administrative liability.

Article 36. Detention of a person that committed offence

1. Commission of act provided by this Code upon detention of a person that committed illegal offence for bringing of this person to the state bodies and suppression of a possibility of committing new offences by him (her) shall not be recognized as administrative infraction, if there are no other opportunities to detain such person by other means and if there are no exceeding limits required for these measures.

2. Exceeding measures required for detention of a person that committed offence shall be recognized as their obvious non-conformance to character and level of hazard of the offence committed by the detained person and to circumstances of detention, when the obviously exceeding harm not caused by situation is inflicted in respect of the persons without necessity . Such exceeding shall entail administrative liability only in cases of intentional infliction of harm.

3. Injured parties and other individuals shall have the right to detain a person that committed offence, together with the specially authorized persons.

Article 37. Extreme necessity

1. Infliction of harm to interests protected by this Code in a condition of extreme necessity , i.e. for elimination of hazard threatening directly to life, health, rights and legal interests of such person or other persons, interests of a society or the state, if this hazard might not be eliminated by other means and by this if there are no exceeding limits of extreme necessity shall not be recognized as administrative infraction.

2. Exceeding limits of extreme necessity shall be recognized as infliction of harm obviously not conformed to character and level of threatened danger and situation, in which the danger was eliminated when the harm equally or more essential that eliminated was inflicted to the interests protected by the Law. Such exceeding shall entail liability only in cases of intentional infliction of harm.

Article 38. Physical or psychic compulsion

1. Commission of the act provided by this Code in a result of physical or psychic compulsion, if due to such compulsion the person might not manage own actions (omission) shall not be recognized as administrative infraction.

2. Issue on administrative liability for infliction of the harm to interests protected by the Code in a result of psychic compulsion, as well as in a result of physical compulsion due to which the person preserved a possibility to manage own actions, shall be resolved in consideration of provisions of Article 37 of this Code.

Article 39. Execution of an order or regulation

1. Commission of the act provided by this Code by a person that acted for executing compulsory order or regulation shall not be recognized as administrative infraction. The person that gave illegal order or regulation shall bear administrative liability for commission of such act.

2. Persons that committed intentional administrative infraction for execution of knowingly illegal order or regulation shall bear administrative liability on common basis. Non-execution of knowingly illegal order or regulation shall exclude the administrative liability.

Chapter 6. ADMINISTRATIVE SANCTION AND MEASURES OF THE STATE LEGAL EFFECT

Article 40. Definition and purposes of administrative sanction

1. Administrative sanction is a measure of the state enforcement applied by the judge, bodies (civil servants) authorized by the Law for commission of administrative infraction, and consists in deprivation or restriction of the rights and freedoms of a person that committed such infraction provided by this Code.

2. Administrative sanction shall be applied for the purpose of education of a person that committed infraction, in the spirit of compliance with requirements of the legislation and respect of a legal order, as well as prevention of committing new infractions as the offender himself (herself), so by other persons.

3. Administrative sanction shall not be aimed at infliction of physical suffers to a person that committed administrative infraction, or degrading his (her) human dignity, as well as infliction of the harm to business reputation of a legal entity.

4. Administrative sanction shall not be the means of compensation for the property damage. Harm inflicted by the administrative infraction shall be compensated in the manner provided by Article 59 of this Code.

Article 41. Types of administrative sanctions

1. The following administrative sanctions may be applied for commission of administrative infractions:

- 1) notification;
- 2) administrative fine;
- 3) confiscation of a subject being a tool or subject of committing administrative infraction , and equally the property received due to commission of the administrative infraction;
- 4) deprivation of a special right;
- 5) deprivation of permission or suspension of its validity, as well as exclusion from register;
- 6) suspension or prohibition of the activity;

7) compulsory demolition of the built structure or the structure under construction on illegal basis;

8) administrative arrest;

9) administrative expulsion of a foreign person or stateless person beyond the borders of the Republic of Kazakhstan.

2. For commiseratedly second time second timesion of administrative infractions to the legal entities, the administrative sanctions listed in subparagraphs 1) – 5) and 7) of a part one of this Article, as well as suspension or prohibition of activity or separate types of activity of a legal entity may be applied.

Article 42. Main and additional measures of administrative sanctions

1. Caution, administrative fine, administrative arrest may be applied only as main administrative sanctions.

2. Deprivation of a special right, deprivation of permission or suspension of its validity, as well as exclusion from register, suspension or prohibition of the activity or its separate types, as well as administrative expulsion of foreign persons or stateless persons beyond the borders of the Republic of Kazakhstan may be applied as main, so additional administrative sanctions.

3. Confiscation, compulsory demolition of the built structure or the structure under construction on illegal basis may be applied only as additional administrative sanction.

Article 43. Notification

1. Notification shall be in an official giving by the court, a body (official) authorized to impose an administrative penalty, a negative evaluation of the committed offense and notification of an individual or legal entity about the inadmissibility of illegal conduct. Notification shall be given in written form.

2. In the absence of circumstances stipulated in Article 57 and a note to Article 366 of this Code, the court (judge), the body (official), imposing an administrative sanction, shall be obliged to apply the notification, provided by the relevant Article of Special part of this Code.

Footnote. Article 43 is in the wording of the Law of the Republic of Kazakhstan dated 28.12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 44. Administrative fine

1. Administrative fine (hereinafter – fine) is a money recovery imposed for administrative infraction in cases and limits provided in Articles of the Special part of this section, in amount being relevant to particular quantity of monthly calculation index established in accordance with the Law acting up to the date of initiation of a case on administrative infraction.

In cases provided in Articles of the Special part of this section, the amount of fine shall be expressed in percentage from:

- 1) a sum of environmental damage;
- 2) sum of non-fulfilled or fulfilled improperly tax obligation;
- 3) sum of unpaid (non-transferred), untimely and (or) incompletely paid (transferred) social expenditures;

Note of RCLI!

Is provided amendment to Subparagraph 4) Paragraph 1 by the Law of the Republic of Kazakhstan No. 342-V dated 02.08.2015 (shall be enforced from 01.01.2023).

4) sum of non-transferred, untimely and (or) incompletely calculated, dedicated (accrued) and (or) paid (transferred) compulsory pension contributions and compulsory professional pension contributions;

5) sum of a cost of sub-excite goods received in a result of illegal entrepreneurship;

6) sum being unaccounted in accordance with requirements of the legislation of the Republic of Kazakhstan on business accounting and financial reporting or properly accounted ;

7) sum of a transaction (operation) consummated (conducted) with the violation of the financial legislation of the Republic of Kazakhstan;

8) the sum of income (revenue), obtained as a result of monopolistic activities or violation of the legislation of the Republic of Kazakhstan on electric power industry, natural monopolies, legislation of the Republic of Kazakhstan, regulating the activity of financial market and financial organizations;

9) cost of energy resources used in excess of approved normative standards for the period in which the infraction is occurred, but no more than for one year;

10) sum of non-accepted national and foreign currency.

11) the sum of unpaid (non-transferred), untimely and (or) incompletely paid (transferred) deductions and (or) contributions to compulsory social health insurance.

If in provided Articles of the Special part of this section, the amount of fine is expressed in percentage from a sum of operation conducted with violation of the rules of financial legislation of the Republic of Kazakhstan, and such operation is conducted in a foreign currency, the recount of a sum of fine in tenge shall be carried out according to official exchange rate established by the National Bank of the Republic of Kazakhstan up to the date of drawing up a protocol on administrative infraction.

2. The amount of fine imposed on an individual cannot exceed two hundred monthly calculation indices.

Amount of fine imposed on a civil servant, private notary, private officer of justice, defence attorney, subjects of small entrepreneurship, as well as non-commercial organizations may not exceed seven hundred fifty monthly calculation indices.

Amount of fine imposed on subjects of medium entrepreneurship may not exceed one thousand monthly calculation indices.

Amount of fine imposed on subjects of large entrepreneurship may not exceed two thousand monthly calculation indices.

3. Fine calculated in accordance with item two of a part one of this Article may be established in amounts exceeding or less than established amounts of fines mentioned in this Article.

Note of RCLI!

This edition of paragraph 4 shall be enforced from 01.01.2018 for the towns of regional significance, villages, rural districts with a population of more than two thousand people in accordance with the Law of the Republic of Kazakhstan dated 11.07.2017 No. 90-VI (current version before 01.01.2020 for the towns of regional significance, villages, rural districts with a population of two thousand or less people, see the archival version dated 28.12.2017 of the Code of the Republic of Kazakhstan on Administrative violations dated 05. 07. 2014 No. 235-V).

4. The fine shall be collected to the income of state budget in accordance with the procedure, established by the legislation of the Republic of Kazakhstan.

Footnote. Article 44 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 271-V (shall be enforced from 01.01.2015); dated 16.11.2015 No. 406-V (shall be enforced from 01.07.2017); dated 28.12.2016 No. 34-VI (shall be enforced from 01.01.2017); dated 11.07.2017 No. 90-VI (for the procedure of enforcement see subparagraph 1) of paragraph 1 of Article 2); dated 28.12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 45. Confiscation of a subject being a tool or subject of committing administrative infraction, as well as property received due to commission of administrative infraction

1. Confiscation of a subject being a tool or subject of committing administrative infraction , as well as property received due to commission of administrative infraction consists in their compulsory non-repayable conversion into the ownership of the state in the manner established by the legislation.

Withdrawal of s subject subjected to return to the owner from illegal possession of a person that committed administrative infraction or withdrawn from turnover shall not be recognized as confiscation. Subject withdrawn from the turnover shall be subject to conversion into the ownership of the state or destruction.

2. Only the subject being a property of a violator shall be subject to confiscation, unless otherwise provided by the Special part of this Code.

3. Confiscation of hunting weapon, ammunition to it and other permitted hunting and fishing tools may not be applied to persons for which the hunting (fishery) is a main legal source of living.

4. Confiscation shall be applied by a judge and may be imposed in cases when it is provided by the relevant Article of the Special part of this section as the administrative sanction.

Article 46. Deprivation of a special right

1. Deprivation of a special right provided to particular person shall be applied by a judge.

2. Term of deprivation of a special right may not be less than one month and more than two years.

3. The term for deprivation of the right to operate transport vehicles may not be less than six months and more than ten years.

4. Deprivation of the right to drive transport vehicles may not be applied to persons, who use these vehicles due to disability, except for the cases of driving in a state of intoxication or evasion from passing of examination for intoxication in the established manner, as well as leaving a scene of a traffic accident by mentioned persons in violation of established rules, of which they were participants.

5. Deprivation of the right of hunting, fishing, keeping and bearing hunting weapon, ammunition to it and fish-tackles may not be applied to persons for whom the hunting (fishery) is a main legal source of living, with the exception of systematic violation of the order of using this right.

Footnote. Article 46 as amended by the Law of the Republic of Kazakhstan dated 03.07.2017 No. 83-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 47. Deprivation of permission or suspension of its validity, as well as exclusion from register

1. Deprivation of a permit or suspension of its validity shall be applied for an administrative offense, committed upon carrying out activities or committing certain actions (operations) provided in a permit.

1-1. Revocation or suspension of a permit shall be imposed by the judge, authorized authority (official) taking into account the provisions of parts three, four, five, six and 6-1 of this Article.

2. The period for suspension of a permit may not be less than one and more than six months.

3. Suspension or revocation of permit to carry out activities in the financial sector and activities related to the concentration of financial resources, except for revocation of the credit

bureau's permit, shall be carried out by the authorized authority for regulation, control and supervision of the financial market and financial organizations and the National Bank of the Republic of Kazakhstan within their competence on the grounds and in the manner established by the Laws of the Republic of Kazakhstan.

4. An exclusion from the register shall be carried out by the authorized body in the sphere of customs affairs on the grounds and in the manner, established by the customs legislation of the Republic of Kazakhstan and by the authorized body in the field of transport and communications on the grounds and in the manner, established by the legislation of the Republic of Kazakhstan on road traffic.

5. Exclusion from the register of microfinance organizations shall be carried out by the authorized authority for regulation, control and supervision of the financial market and financial organizations on the grounds and in the manner established by the legislation of the Republic of Kazakhstan on microfinance activity.

6. Exclusion from the register of collection agencies shall be carried out by the authorized authority for regulation, control and supervision of the financial market and financial organizations on the grounds and in accordance with the procedure established by the Law of the Republic of Kazakhstan "On collection activity".

6-1. Exclusion from the register of payment institutions shall be carried out by the National Bank of the Republic of Kazakhstan on the grounds and in the manner established by the Law of the Republic of Kazakhstan "On payments and payment systems".

7. In case, that the activity, upon carrying out of which, an administrative offense is committed shall be a subspecies of the licensed type of activity, an administrative sanction in the form of deprivation or suspension of the permit shall be applied only to a specific sub-type of the licensed activity.

Note. For the purposes of this Code, under the deprivation of a permit, suspension of its activity means the deprivation of a license to carry out a licensed type of activity or its subspecies, a special permit, a qualification certificate, or suspension of its action on a certain type or subspecies of activity, or committing a specific action, as well as another permit document, provided by the Law of the Republic of Kazakhstan "On Permits and Notifications".

Footnote. Article 47 as amended by the laws of the Republic of Kazakhstan dated 29.03.2016 No. 479-V (shall be enforced upon expiry of twenty-one calendar days after its first official publication); dated 06.05.2017 No. 63-VI (shall be enforced upon expiry of twenty-one calendar days after its first official publication); dated 28. 12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 48. Suspension or prohibition of activity or its separate types

1. Suspension or prohibition of activity or its separate types consists in temporary termination of the activity of prohibition of activity or its separate types of individuals and (or) legal entities, as well as branches, representatives, structural subdivisions of legal entities, production areas, as well as operation of aggregates, buildings and structures, carrying out of separate types of activity (work), rendering of services.

2. Suspension or prohibition of activity or its certain types shall be carried out in the judicial proceeding or by the authority (official) authorized to consider cases of administrative infractions, if for commission of administrative infraction it is possible to impose sanctions in the form of suspension or prohibition of the activity. Consideration of such cases shall be carried out within ten days.

3. Suspension of activity or its certain types shall be established for a term up to three months.

4. Before consideration of the case, the measure of ensuring in the form of suspension or prohibition of the activity or its certain types may be applied to an individual or legal entity in the manner provided by Article 801 of this Code. In this case, the term of suspension or prohibition of the activity or its certain types shall be included into the term of suspension or prohibition of the activity or its certain types if this measure of administrative sanction will be applied upon consideration of the case.

Footnote. Article 48 as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 49. Compulsory demolition of the built structure or the structure under construction on illegal basis

Compulsory demolition of the built structure or the structure under construction on illegal basis shall be imposed by a judge in cases provided by Articles of the Special part of this section.

Article 50. Administrative arrest

1. Administrative arrest shall be established for a term up to thirty days, and for violation of requirements of emergency regime – up to the term of five days. Administrative arrest shall be imposed by a judge in exclusively cases within the limits provided in Articles of the Special part of this section.

2. An administrative arrest cannot be applied to pregnant women and women with children under the age of fourteen, persons under the age of eighteen, to persons with disabilities of groups I and II, as well as women over the age of fifty-eight, men over

sixty-three years old and men, who by oneself raise children, not having reached the age of fourteen.

3. Term of administrative detention shall be included into the term of administrative arrest

Footnote. Article 50 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 28. 12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 51. Administrative expulsion of foreign persons or stateless persons beyond the borders of the Republic of Kazakhstan

1. Administrative expulsion of foreign persons or stateless persons beyond the borders of the Republic of Kazakhstan shall be applied by a judge as a measure of administrative sanction in the manner and on the grounds that are provided by the Special part of this Code.

Provisions of this part shall not apply to the cases of expulsion of foreign persons or stateless persons carried out in the manner provided by the civil procedural legislation of the Republic of Kazakhstan.

2. In case if in the course of administrative proceeding, the person in respect of whom the measure of administrative sanction in the form of administrative expulsion beyond the borders of the Republic of Kazakhstan may be applied, informs on committed act in respect of him (her) recognized as grave or especially grave crime in accordance with the Criminal Code of the Republic of Kazakhstan, the consideration of a case on administrative infraction in respect of this person shall be postponed until making decision on a message or application I the manner established by Article 179 of the Criminal procedural code of the Republic of Kazakhstan.

Article 52. Measures of administrative and legal influence

1. The following measures of administrative legal influence shall be applied to the person that committed administrative infraction for the purpose of prevention of committing new infractions in accordance with this Code:

- 1) inspection of knowledge of traffic rules;
- 2) establishment of special requirements to behavior of an offender;
- 3) testing knowledge of the rules for civil and service weapon safe handling.

2. Measures of administrative and legal influence mentioned in part one of this Article shall be applied together with imposition of administrative sanction, so instead of it upon exemption a person committed administrative infraction from administrative responsibility on the ground provided by Articles 64, 64-1 of this Code.

Footnote. Article 52 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 53 Testing the knowledge of traffic rules

1. Drivers of vehicles, committed infractions, provided by Articles 594 (part four), 596 (part four), 598 (part three), 599 (part two), 600 (part two) of this Code shall be sent for testing the knowledge of traffic rules.

2. The resolution on direction for testing the knowledge of traffic rules shall be issued by the bodies (officials), authorized to review cases of administrative offenses, provided by mentioned Articles of this Code.

Footnote. Article 53 as amended by the Law of the Republic of Kazakhstan dated 28. 12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 № 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 53-1. Testing knowledge of the rules for civil and service weapons safe handling

Footnote. Heading of Article 53-1 as amended by the Law of the Republic of Kazakhstan No. 237-VI dated 18.03.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).

The owners and users of civil and service weapons, committed the offence, provided by part one of Article 436, part one of Article 484, part one of Article 485 and part one of Article 486 of this Code shall be sent for examination to test knowledge of the rules for civil and service weapons safe handling.

The resolution on direction for testing knowledge of the rules for civil and service weapons safe handling shall be carried out by agencies (officials), authorized to review cases of administrative offences provided by mentioned Articles of this Code.

Footnote. The Code is supplemented by Article 53-1 in accordance with the Law of the Republic of Kazakhstan dated 22. 12. 2016 No. 28-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan No. 237-VI dated 18.03.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 54. Establishment of special requirements to behavior of an offender

1. Upon consideration of a case on administrative infraction on its own initiative or at the request of the police authorities or other participants in proceeding of a case on administrative infraction, the court may establish special requirements for the behavior of a person, who committed the administrative infraction provided by Articles 73, 73-1, 73-2, 127, 128, 131,

434, 435, 436, 440 (part three), 442 (part three), 448, 461, 482, 485 (part two) of this Code for a period of three months to one year, providing for full or separate prohibition to:

1) seek, prosecute, visit the victim, conduct oral, telephone negotiations and come into contacts with him (her) by other methods, including minors and (or) disabled members of his (her) family, against the will of the victim;

2) acquire, store, carry and use firearms and other types of weapons;

3) to minors visit certain places, travel to other areas without the permission of the commission on protection of the rights of minors;

4) use alcoholic beverages, narcotic drugs, psychotropic substances.

2. Upon establishment of special requirements to behavior of a person that committed administrative infraction in the scope of family relations, for the purpose of protection and defence of an injured party and his (her) family members, in exclusive cases, the court shall have the right to apply a measure of administrative legal effect in the form of prohibition for the person that committed domestic violence to reside in individual residential house, flat or another dwelling place with the injured party in case if this person has another dwelling place for the term up to thirty days.

3. Within the validity term of special requirements to behavior of an offender, he (she) may be imposed by obligations to come to internal affairs bodies for a prophylactic conversation from one up to four times per month.

Footnote. Article 54 as amended by the laws of the Republic of Kazakhstan dated 31.10.2015 No. 378-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.04.2016 No. 501-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2017 No. 84-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2019 No. 292-VI (order of enforcement see Article 2); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 7. IMPOSITION OF ADMINISTRATIVE SANCTION

Article 55. Common rules of imposing a sanction for administrative infraction

1. Administrative sanction for administrative infraction shall be imposed within the limits provided in Article of the Special part of this section for this administrative infraction in a precise conformance to provisions of this Code.

2. Administrative sanction shall be fair, conforming to the character of an infraction, circumstances of its commission, personality of an offender.

3. Upon imposition of administrative sanction on an individual, the character of committed administrative infraction, personality of a guilty person, as well as his (her)

behavior before and after commission of the infraction, material status, circumstances mitigating and aggravating liability shall be considered.

4. Upon imposition of administrative sanction on a legal entity, the character of administrative infraction, material status, circumstances mitigating and aggravating liability shall be considered.

5. Imposition of administrative sanction shall not release a person from fulfillment of the obligation, for non-fulfillment of which the mentioned sanction was imposed, elimination of committed violations and compensation for harm.

6. One main or main and supplementary administrative sanction may be imposed for one administrative infraction.

Article 56. Circumstances mitigating liability for administrative infraction

1. Circumstances mitigating liability for administrative infraction shall be recognized as:

- 1) penitence of a guilty person;
- 2) prevention of harmful consequences of an infraction by a person that committed the administrative infraction, voluntary compensation for harm or elimination of inflicted harm;
- 3) commission of administrative infraction under the influence of intense emotional excitement or upon coincidence of grave personal or family circumstances;
- 4) commission of administrative infraction by a minor;
- 5) commission of administrative infraction by a pregnant woman or woman having a child at the age up to fourteen years;
- 6) commission of administrative infraction in a result of physical or psychic compulsion;
- 7) commission of administrative infraction upon violation of conditions of the legality of necessary defence, detention of a person that committed illegal offence, execution of an order or regulation;
- 8) commission of administrative infraction carelessly for the first time.

2. Court (judge), body (civil servant) considering the case on administrative infraction may also recognize the circumstances not mentioned in a part one of this Article as mitigating

Article 57. Circumstances aggravating liability for administrative infractions

Circumstances aggravating liability for administrative infractions shall be recognized as:

- 1) continuation of offending behavior in spite of explanation of the Law by a prosecutor and (or) requirement of the authorized persons to terminate it;
- 2) repeated commission of homogeneous administrative infraction within a year, for which the person was already subject to administrative sanction, on which the term provided by Article 61 of this Code is not expired;
- 3) involvement of a minor in administrative infraction;

4) involvement of persons that knowingly for a guilty person suffer from severe mental disease, or the persons that did not attain the age of administrative liability in commission of administrative infraction;

5) commission of administrative infraction based on national, racial and religion hatred or enmity, based on revenge for legal actions of other persons, as well as for the purpose of hiding other infraction or simplify its commission;

6) commission of administrative infraction in respect of a person or his (her) close relatives due to performance of official, professional or public duty by this person;

7) commission of administrative infraction in respect of a woman being pregnant knowingly for a guilty person, as well as in respect of an infant, other defenceless or helpless person or a person being in dependence from the guilty person;

8) commission of administrative infraction by group of persons;

9) commission of administrative infraction in conditions of natural disaster or upon other cases of emergency;

10) commission of administrative infraction in a condition of alcohol, drug or substance abuse intoxication. Court (judge), body (civil servant) imposing the administrative sanction may not to recognize this circumstance as aggravating depending on a character of administrative infraction.

Article 58. Imposition of administrative sanctions upon commission of several administrative infractions

1. Upon commission of two or more administrative infractions by one person, the administrative sanction shall be imposed for each infraction separately.

2. If the person committed several administrative infractions that are considered by one and the same judge, authorized authority (official), then in case of imposition of one and the same type of sanction on this person, the final size of the sanction may not exceed three-stage maximum limit established by this Code for this type of sanction, and the administrative arrest may not exceed the term established by part one of Article 45 of this Code and for deprivation of a special right - the terms established by parts two and three of Article 46 of this Code.

3. In case that administrative fines are expressed in percentage, when imposing them for committing several administrative offenses, the fine shall be charged for each administrative offense separately.

Footnote. Article 58 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 28. 12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 59. Compensation for harm inflicted by administrative infraction

1. Judge upon consideration of a case on administrative infraction which inflicted the property damage, upon solution of the issue on imposition of administrative sanction shall recover the same damage at one time, if there is no dispute on its size.

Disputes on a size of property damage inflicted by administrative infraction shall be considered in the manner of civil proceeding.

2. Compensation of property damage on affairs on administrative infractions being considered by other authorized bodies (civil servants) in case of refusal of a guilty person from his (her) voluntary compensation shall be performed in the manner of civil proceeding.

3. Requirements on protection of business reputation or compensation for moral damage inflicted by administrative infraction shall be considered in the manner of civil proceeding on the grounds provided by the Civil Code of the Republic of Kazakhstan.

Article 60. Calculation of terms of administrative sanction

Term of administrative arrest shall be calculated in days, and deprivations of a special right provided to an individual or legal entity, as well as deprivations of permission or suspension of its validity shall be calculated in years, months or calendar days.

Article 61. Term within which the person is considered as subjected to administrative sanction

A person who is a subject to an administrative sanction for an administrative offense shall be considered subjected to this sanction within one year from the date of termination the execution of the administrative sanction.

Footnote. Article 61 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 8. RELEASE FROM ADMINISTRATIVE LIABILITY AND ADMINISTRATIVE SANCTION

Article 62. Release from administrative liability due to expiration of limitation period

1. A person shall not be brought to administrative liability after two months from the date of committing an administrative offense, and for committing an administrative offense in the field of environment, as well as for violating the legislation of the Republic of Kazakhstan on rehabilitation and bankruptcy - after one year from the date of its commission, except for cases provided for by this Code.

2. An individual shall not be subject to administrative responsibility for an administrative corruption offence, as well as offence for taxation, competition protection, the sphere of customs, the legislation of the Republic of Kazakhstan on pensions, compulsory social insurance, energy conservation and energy efficiency improvement, state secrets, natural monopolies, subsurface and subsurface use after one year from the date of its commission, and a legal entity (including an individual entrepreneur) shall not be subject to administrative responsibility for an administrative corruption offence, as well as an infraction in the field of the legislation of the Republic of Kazakhstan, on energy conservation and energy efficiency improvement as well as subsurface and subsurface use, for violation of conformity assessment procedures for technical regulation objects - after three years from the date of its commission, and for an offence for taxation, competition protection, customs, the legislation of the Republic of Kazakhstan on pensions, compulsory social insurance, natural monopolies - upon expiry of five years from the date of its commission.

3. Upon continuing administrative infraction, as well as upon commission of the administrative infraction in the field of budget relations infringing interests of society and the state protected by the Law, the person shall not be subjected to bringing to administrative liability upon expiry of two months from the date of detection of the administrative infraction.

Upon committing an administrative offense in the field of finance, a person shall be brought to administrative liability not later than three years from the date of committing an administrative offense, but cannot be brought to an administrative liability upon expiry of two months from the day of detection of an administrative offense.

4. Provisions of parts one and three of this Article shall not apply to the cases when the administrative infraction promotes committing criminal infraction and it becomes known in the course of investigation or judicial consideration of the criminal case. In the manner provided by a part one of Article 405 of the Criminal Procedural Code of the Republic of Kazakhstan, the court shall have the right to impose administrative sanction on a person being guilty in such infraction, if from the date of commission of administrative infraction no more than one year has passed.

5. The duration of imposing an administrative sanction for administrative infraction shall be suspended from the time of appointment of expertise, determination of the drive of the person against whom the proceedings shall be conducted, as well as the direction of a case to the court or an official of the state authority, authorized to consider cases of administrative infractions.

Calculation of these terms shall be resumed from the moment of obtaining the results of the expertise, and also the factual delivery of the person liable to administrative responsibility to the authority (to the official), performing the determination of the drive.

The total period of the drive cannot exceed more than one month.

6. In case of termination of a criminal case in existence of signs of administrative infraction in actions of an offender, the person may be brought to administrative liability no later than three months from the date of receipt of decision on its termination.

7. Running of the term of imposing a sanction for administrative infraction shall be interrupted, if until expiration of the terms mentioned in parts one and three of this Article the person commits new administrative infraction. Calculation of the term in these cases shall begin from the date of detection of new administrative infraction.

8. Decree of a judge or authorized authority on termination of administrative proceeding independent from the term provided in part one of this Article, may be reconsidered on the proposal of the Chairman of the Supreme Court, the Chairman of the Specialized Judicial Collegium of the Supreme Court, a protest of a prosecutor within year from the date of its entering into legal force.

Footnote. Article 62 as amended by the laws of the Republic of Kazakhstan dated 29.10.2015 No. 376-V (shall be enforced from 01.01.2016); dated 03.12.2015 No. 432-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2016 No. 34-VI (shall be enforced from 01.01.2017); No. 126-VI dated 27.12.2017 (shall be enforced upon expiry of six months after its first official publication); dated 28. 12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 63. Release from administrative liability and administrative sanction based on amnesty act

1. Person that committed administrative infraction may be released from administrative liability or imposed administrative sanction on the basis of amnesty act, if this act removes applying of the administrative sanction.

2. Amnesty act shall be issued by the Parliament of the Republic of Kazakhstan in respect of individually indefinite range of persons.

Article 64. Release from administrative liability due to conciliation of parties

1. Cases of administrative offenses provided by Articles 73, 73-1, 73-2, 79 (part one), 146, 185, 186, 220, 229 (part two) of this Code shall be initiated only on the victim's application and shall be subject to termination due to his (her) conciliation with a person, committed an administrative offense.

1-1. Persons who committed administrative infractions for the first time provided by Articles 73, 73-1 or 73-2 of this Code may be exempted by the court from administrative

responsibility if they have reconciled with the victims, applicants, including through mediation, and made amends for the harm caused.

2. Conciliation shall be carried out on the basis of written agreement signed by an injured party and the person that committed administrative infraction.

Footnote. Article 64 as amended by the Law of the Republic of Kazakhstan dated 03.07.2017 No. 84-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2019 No. 292-VI (order of enforcement see Article 2).

Article 64-1. Exemption from an administrative liability for minor offenses

At insignificance of the committed administrative offense, a judge, body (official), authorized to examine cases of administrative offenses, may exempt the person, who committed an administrative offense from an administrative liability, limiting with an oral observation.

Note. When deciding whether to exempt a person from an administrative liability under the basis, specified in this Article, the specific circumstances of committing an administrative offense, including the identity of the offender, as well as the object of infringement, shall be taken into account, and in the presence of harm, its size.

Footnote. Chapter 8 is supplemented with Article 64-1 in accordance with the Law of the Republic of Kazakhstan dated 28. 12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 9. ADMINISTRATIVE LIABILITY OF MINORS

Article 65. Administrative liability of minors

1. Minors to which the force of this chapter is applied shall be recognized as the persons that at the time of commission of administrative infraction attained sixteen years, but did not attain eighteen years.

2. Administrative sanction with application of the measures of educational influence may be imposed on a minor that committed administrative infraction.

Article 66. Special aspects of applying administrative sanctions to minors

1. Size of administrative fine imposed on a minor may not exceed ten monthly calculation indices independently from size of the fine provided by Article of the Special part of this section.

In the absence of property of the minor being sufficient for payment of the fine, the fine shall be imposed on parents or persons substituting them.

2. Deprivation of a special right may be imposed on minors for the term no more than one year.

3. Other types of administrative sanctions (with the exception of administrative arrest), as well as measures of administrative legal effect mentioned in Articles 41 and 52 of this Code, shall be applied to minors on common basis.

Article 67. Imposition of administrative sanction on a minor

1. Upon imposition of administrative sanction on a minor, except for the circumstances provided by Articles 56 and 57 of this Code, his (her) living conditions, level of mental development, other special aspects of a personality, as well as influence of elder persons on him (her) shall be considered.

2. Minority age as a mitigating circumstance shall be considered in case of accumulation with other mitigating and aggravating circumstances.

Article 68. Release of minors from administrative liability and administrative sanction

Minor that for the first time committed administrative infraction may be released by a court, body (civil servant) authorized to consider the cases on administrative infractions from administrative liability or from fulfillment of imposed administrative sanction with applying of measures of educational influence provided by the legislation.

Article 69. Measures of educational influence

1. The following measures of educational influence may be imposed to a minor:

1) explanation of the Law;

2) is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

3) imposition of the obligation to make up inflicted losses;

4) restriction of leisure time and establishment of special requirements to behavior of a minor.

2. Several measures of educational influence may be imposed simultaneously on a minor.

3. The period of application of the measure of educational influence provided by subparagraph 4) of part one of this Article shall be established for a period of three to six months.

4. In case of systematic non-fulfillment of measures of educational influence provided by subparagraph 4) of part one of this Article by minors, the bodies of internal affairs shall

submit materials to the court for solution the issue of cancellation this measure and bringing the minor to an administrative liability, if the period of limitation, established by part one of Article 890 of this Code is not expired.

Footnote. Article 69 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 70. Content of measures of educational influence

1. Explanation of the Law consists of explanation of harm to a minor that inflicted by his (her) act, and legal consequences of repeated commission of infractions provided by this Code.

2. Is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

3. Obligation to make up inflicted losses shall be imposed in consideration of material status of a minor and existence of the relevant work skills.

4. Restriction of a leisure time and establishment of special requirements to behavior of a minor may provide a prohibition of visiting particular places, used of particular forms of the leisure time, as well as linked with operating a transport vehicle, restriction of staying outside home after particular time of day, departure to other locations without permission of court or body (civil servant) authorized to consider the cases on administrative infractions. In respect of a minor, the special requirements to behavior of an offender provided by Article 54 of this Code may be established, as well as requirement to complete education or to obtain employment with help of the commission on protection of the rights of minors may be specified.

Footnote. Article 70 as amended by the Law of the Republic of Kazakhstan dated 28. 12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 71. Limitation periods

Limitation periods provided by Article 62 of this Code, upon release of minors from administrative liability or fulfillment of administrative sanction shall be reduced by half.

Article 72. Term within which the minors is considered as subjected to administrative sanction

Minor on which the administrative sanction is imposed for administrative infraction shall be considered as subjected to this sanction within six months from the date of completion of execution of a decree on imposition of administrative sanction.

SPECIAL PART

Chapter 10. ADMINISTRATIVE INFRACTIONS INFRINGING ON PERSONAL RIGHTS

Article 73. Illegal actions in the scope of family relations

1. Abusive language, offensive annoyance, degrading, damage of domestic goods and other actions expressing disrespect to the persons being in family relations with an offender, violating their calm committed in an individual resident house, flat or another dwelling place, if these actions do not contain signs of criminally punishable act shall, –

entail a warning or administrative arrest for a term up to five days.

2. The actions provided by a part one of this Article, committed repeatedly second time second time within a year after imposition of administrative sanction, shall, –

entail administrative arrest for a term up to ten days.

3. The actions provided by a part two of this Article, committed by persons to whom the administrative arrest in accordance with a part two of Article 50 of this Code is not applied shall, –

entail a fine in amount of five monthly calculation indices.

Note. Family relations for the purposes of this Code shall be understood as relations between spouses, former spouses, persons residing or that resided jointly, close relatives, persons having common child (children).

Footnote. Article 73 as amended by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 292-VI (order of enforcement see Article 2).

Article 73-1. Intentional infliction of slight damage to health

1. Intentional infliction of slight damage to health, resulting in a short-term health disorder or a minor persistent loss of general working capacity shall, -

entail a fine in amount of fifteen monthly calculation indices or an administrative arrest for a period up to fifteen days.

1-1. The actions provided by part one of this Article, committed in respect to a person who is in family and domestic relations with the offender, -

entail a warning or administrative arrest for a term up to fifteen days.

2. The actions provided by parts one and (or) 1-1 of this Article, committed repeatedly within a year after the imposition of an administrative sanction -

entail an administrative arrest for a term up to twenty days.

3. The actions, provided by part two of this Article, committed by persons to whom an administrative arrest in accordance with part two of Article 50 of this Code does not apply, shall, –

entail a fine in amount of forty monthly calculation indices.

Footnote. Chapter 10 is supplemented by Article 73-1 in accordance with the Law of the Republic of Kazakhstan dated 03.07.2017 No. 84-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 292-VI (order of enforcement see Article 2).

Article 73-2. Drubbing

1. Drubbings or committing other violent actions that caused physical pain, but did not cause slight damage to health shall,-

entail a fine in amount of ten monthly calculation indices or an administrative arrest for up to ten days.

1-1. The actions provided by part one of this Article, committed in respect to a person who is in family and domestic relations with the offender, –

entail a warning or administrative arrest for a term up to ten days.

2. The actions provided by parts one and (or) 1-1 of this Article, committed repeatedly within a year after the imposition of an administrative sanction -

entail an administrative arrest for a term up to fifteen days.

3. The actions, provided by part two of this Article, committed by persons to whom administrative arrest in accordance with part two of Article 50 of this Code does not apply shall, –

entail a fine in amount of thirty monthly calculation indices.

Footnote. Chapter 10 is supplemented with Article 73-2 in accordance with the Law of the Republic of Kazakhstan dated 03.07.2017 No. 84-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 292-VI (order of enforcement see Article 2).

Article 74. Impeding to obtainment of a citizenship of the Republic of Kazakhstan

1. Illegal actions (omission) of civil servants impeding obtainment of a citizenship of the Republic of Kazakhstan by a person, shall, –

entail a fine in amount of fifteen monthly calculation indices.

2. The actions provided by a part one of this Article that committed repeatedly second time within a year after imposition of administrative sanction shall, –

entail a fine in amount of thirty monthly calculation indices.

Footnote. Article 74 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 75. Liability for breach of the legislation of the Republic of Kazakhstan on languages

1. Refusal of a civil servant in acceptance of documents, references of individuals and legal entities, as well as their non-consideration in essence, reasoned by lack of knowledge of a language –

entail a notification or a penalty in amount of ten monthly calculation indices.

2. The actions provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall, –

entail a fine in amount of twenty monthly calculation indices.

3. Violation of requirements on placing requisites and visual information shall, –
entail a notification.

4. The action provided by a part three of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall, –

entail a fine on officials, on subjects of small entrepreneurship or non-profit organizations in amount of five, on subjects of medium entrepreneurship – in amount of ten, on subjects of large entrepreneurship - in amount of twenty-five monthly calculation indices.

5. Restriction of rights of individuals in a choice of a language, discrimination on language shall, –

entail a fine on officials in amount of ten monthly calculation indices.

6. The actions provided by a part five of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall, –

entail a fine in amount of twenty monthly calculation indices.

Footnote. Article 75 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 76. Restriction of the right to free movement and choice of a residence place

1. An action (inaction) of officials, restricting the right of individuals to freedom of movement and choice of a residence place (with the exception of border zones, forbidden zones at arsenals, bases and warehouses of the Armed Forces of the Republic of Kazakhstan, other troops and military formations of the Republic of Kazakhstan at arsenals, bases and warehouses of the Armed Forces of the Republic of Kazakhstan, other troops and military formations of the Republic of Kazakhstan and separate locations in which restrictions may be imposed by the Government of the Republic of Kazakhstan, if this action (inaction) does not contain signs of a criminal offense shall, –

entail a fine in amount of fifteen monthly calculation indices.

2. An action (inaction), provided by part one of this Article, committed repeatedly within a year after imposing an administrative penalty shall, –
entail a fine of thirty monthly calculation indices.

Footnote. Article 76 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 77. Impeding of legal activity of public associations, charitable organizations

Footnote. Title of Article 77 as amended by the Law of the Republic of Kazakhstan dated 16.11.2015 No. 403-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Impeding of legal activity of public associations, as well as charitable organizations by an official, using his/her official position, as well as interference in legal activities of these associations, committed by an official using his/her official position, which resulted in violation of their rights and legitimate interests, –

entail a fine in amount of two hundred fifty monthly calculation indices.

Footnote. Article 77 as amended by the Law of the Republic of Kazakhstan dated 16.11.2015 No. 403-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 78. Refusal in representation of information to an individual

1. Illegal refusal to present documents, materials directly related to the rights and freedoms of an individual, collected in accordance with the established procedure, or providing an individual with incomplete or knowingly false information shall-

entail a fine on officials in amount of fifteen monthly calculation indices.

2. Commission of actions provided by a part one of this Article by a civil servant, if these actions inflicted harm to rights and legal interests of individuals shall, –

entail a fine in amount of fifty monthly calculation indices.

Footnote. Article 78 as amended by the laws of the Republic of Kazakhstan dated 16.11.2015 No. 404-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 79. Breach of the legislation of the Republic of Kazakhstan on personal data and their protection

1. Illegal collection and (or) processing of personal data, if these actions do not contain any signs of a criminal offense shall, -

entail a fine on individuals in amount of ten, on officials, private notaries, private bailiffs, lawyers, on subjects of small entrepreneurship or non-profit organizations - in amount of twenty, on subjects of medium entrepreneurship - in amount of thirty, on subjects of large entrepreneurship - in amount of seventy monthly calculation indices, with confiscation of objects and (or) tools of an administrative offense or without it.

2. The same actions, committed by the owner, operator or a third person using his/her official position, if these actions do not entail criminal liability established by law –

entail a fine on individuals in amount of fifty, on civil servants, subjects of small entrepreneurship or non-profit organization – in amount of seventy five, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices, with a confiscation of subjects and (or) tools of administrative infraction or without such.

3. Non-compliance with measures to protect personal data by a proprietor, operator or the third party, if this act does not contain any signs of a criminal offense shall, –

entail a fine on individuals in amount of fifty, on officials, subjects of small entrepreneurship or non-profit organizations - in amount of one hundred, on subjects of medium entrepreneurship – in amount of one hundred and fifty, on subjects of large entrepreneurship - in amount of two hundred monthly calculation indices.

4. An action, provided by part three of this Article, which resulted in loss, illegal collection and (or) processing of personal data, if these actions do not entail criminal liability, established by law shall, –

entail a fine on individuals in amount of two hundred, on officials, subjects of small entrepreneurship or non-profit organizations - in amount of five hundred, on subjects of medium entrepreneurship - in amount of seven hundred, on subjects of large entrepreneurship - in amount of one thousand of monthly calculation indices.

Footnote. Article 79 as amended by the laws of the Republic of Kazakhstan dated 24.11.2015 No. 419-V (shall be enforced from 01.01.2016); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 80. Non-compliance with order, standards and substandard rendering of medical assistance

1. Is excluded by the Law of the Republic of Kazakhstan No. 208-VI dated 28.12.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

2. Is excluded by the Law of the Republic of Kazakhstan No. 208-VI dated 28.12.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

3. Non-compliance with order, standards of rendering of medical assistance, non-fulfillment or improper fulfillment of professional obligations by a medical worker due to careless or unfair relation to them, if this entailed to infliction of light harm to health shall, -

entail a fine on individuals in amount of twenty, on officials - in amount of forty, on subjects of small entrepreneurship and non-profit organizations - in amount of fifty, on subjects of medium entrepreneurship- in amount of seventy five, on subjects of large entrepreneurship - in amount of one hundred monthly calculation indices .

4. Acts provided by a part three of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall, -

shall entail a fine on individuals in amount of forty, on officials - in amount of eighty, on subjects of small entrepreneurship and non-profit organizations - in amount of hundred, on subjects of medium entrepreneurship - in amount of one hundred and fifty, on subjects of large entrepreneurship - in amount of two hundred monthly calculation indices

Footnote. Article 80 as amended by the Law of the Republic of Kazakhstan No. 127-VI dated 28.12.2017 (shall be enforced upon expiry of ten calendar days after its first official publication); No. 208-VI dated 28.12.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 81. Violation of the rules of issuing a note or certificate on temporary incapacity for work by a medical worker

1. Violation of the rules of issuing a note or certificate on temporary incapacity for work by a medical worker shall, -

entail a notification or a fine on individuals in amount of five, on officials - in amount of ten monthly calculation indices.

2. The same act committed repeatedly second time second time within a year after imposition of administrative sanction shall, -

shall entail a fine on individuals in amount of ten, on officials in amount of twenty monthly calculation indices.

Footnote. Article 81 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 208-VI dated 28.12.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 82. Violation of the rules of selling medical products and requirements for writing prescriptions established by the legislation of the Republic of Kazakhstan by a medical worker

1. Violation of the rules of selling medical products and requirements for writing prescriptions established by the legislation of the Republic of Kazakhstan by a medical worker shall, -

entail a fine on individuals in amount of five, on civil servants – in amount of ten monthly calculation indices.

2. The same act committed repeatedly second time second time within a year after imposition of administrative sanction shall, –

entail a fine on individuals in amount of ten monthly calculation indices with deprivation of a specialist certificate or without such, on civil servants – in amount of twenty monthly calculation indices.

Article 82-1. Breach of the legislation of the Republic of Kazakhstan on minimal social standards and their guarantees

1. Breach of the legislation of the Republic of Kazakhstan on minimal social standards and their guarantees being expressed in non-fulfillment and (or) failure to ensure minimal social standards, with the exception of cases provided by Articles 83, 84, 87, 89 and 91 of this Code shall, –

entail a fine on civil servants in amount of twenty, on subjects of small entrepreneurship or non-profit organizations – in amount of forty, on subjects of medium entrepreneurship – in amount of sixty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

2. The act provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall, –

entail a fine on civil servants in amount of forty, on subjects of small entrepreneurship or non-profit organizations – in amount of sixty, on subjects of medium entrepreneurship – in amount of eighty, on subjects of large entrepreneurship – in amount of one hundred twenty monthly calculation indices.

Footnote. Chapter 10 is supplemented by Article 82-1 in accordance with the Law of the Republic of Kazakhstan dated 19.05.2005 No. 315-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 83. Violation of the legislation of the Republic of Kazakhstan on social protection of disabled persons

1. Violation of the legislation of the Republic of Kazakhstan on social protection of disabled persons committed in the form of:

1) failure to ensure access for disabled persons to objects of social and transport infrastructure;

2) failure to ensure conditions for access for disabled persons to cultural entertainment events;

3) failure to comply with obligations by an employer in the scope of professional rehabilitation of disabled persons from labour injury and (or) professional disease received due to the fault of the employer, –

entail a fine on civil servants in amount of fifty, on subjects of small entrepreneurship or non-profit organizations – in amount of one hundred twenty, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of four hundred monthly calculation indices.

2. Action (inaction) provided by part one of this Article committed repeatedly second time within a year after imposition of administrative sanction shall, –

entail a fine on civil servants in amount of eighty, on subjects of small entrepreneurship or non-profit organizations – in amount of one hundred fifty, on subjects of medium entrepreneurship – in amount of two hundred fifty, on subjects of large entrepreneurship – in amount of six hundred monthly calculation indices.

3. Non-provision of disabled people with social rehabilitation in accordance with individual rehabilitation program for disabled people shall, –

entail a fine on officials in amount of twenty monthly calculation indices.

Footnote. Article 83 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 84. Breach of the legislation of the Republic of Kazakhstan on special social services

1. Breach of the legislation of the Republic of Kazakhstan on special social services committed in the form of:

1) violation of established terms for conducting assessment and determination of a need in rendering of special social services, issuance of decision on rendering of a guaranteed range of special social services;

2) failure to execute a decision on rendering of a guaranteed range of special social services shall,-

entail a fine on civil servants in amount of twenty, on subjects of small entrepreneurship or non-profit organizations – in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of sixty monthly calculation indices.

2. The act provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall,-

entail a fine on civil servants in amount of thirty, on subjects of small entrepreneurship or non-profit organizations – in amount of forty, on subjects of medium entrepreneurship – in

amount of fifty, on subjects of large entrepreneurship – in amount of eighty monthly calculation indices.

Article 85. Divulgence of details by participants of mediation became known in the course of mediation

1. Divulgence of details by participants of mediation became known in the course of mediation without permission of a party that represented this information, if this action does not contain signs of criminally punishable act shall entail a fine in amount of twenty monthly calculation indices.

2. Action (omission) provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall entail a fine in amount of sixty monthly calculation indices.

Article 86. Admission to work of a person without concluding of an employment contract

1. The employer's admission to work of a person without concluding of an employment contract shall, –

entail a fine on officials in amount of thirty, on subjects of small entrepreneurship or non-profit organizations - in amount of sixty, on subjects of medium entrepreneurship - in amount of eighty, on subjects of large entrepreneurship - in amount of one hundred and fifty monthly calculation indices.

2. An action (inaction), provided by part one of this Article, committed repeatedly within a year after imposing an administrative penalty shall, –

entail a fine on officials in amount of sixty, on subjects of small entrepreneurship or non-profit organizations - in amount of eighty, on subjects of medium entrepreneurship - in amount of one hundred, on subjects of large entrepreneurship - in amount of two hundred monthly calculation indices.

3. An action (inaction), provided by part one of this Article, committed against minors shall, –

entail a fine on officials in amount of fifty, on subjects of small entrepreneurship or non-profit organizations - in amount of eighty, on subjects of medium entrepreneurship - in amount of one hundred and fifty, on subjects of large entrepreneurship - in amount of two hundred monthly calculation indices.

4. An action (inaction), provided by part three of this Article, committed repeatedly within a year after imposing an administrative penalty shall, –

entail a fine on officials in amount of seventy, on subjects of small entrepreneurship or non-profit organizations - in amount of one hundred and fifty, on subjects of medium

entrepreneurship - in amount of two hundred, on subjects of large entrepreneurship - in amount of three hundred monthly calculation indices.

Footnote. Article 86 is in the wording of the Law of the Republic of Kazakhstan dated 23.11.2015 No. 415-V (shall be enforced from 01.01.2016); as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 87. Violation of requirements for remuneration of labor

1. Non-payment of wages in full and within the terms, established by labor legislation of the Republic of Kazakhstan by the employer, as well as the non-charging and non-payment of surcharges for the period of payment delay due to the fault of the employer shall, -

entail a fine on officials in amount of thirty, on subjects of small entrepreneurship or non-profit organizations - in amount of sixty, on subjects of medium entrepreneurship - in amount of one hundred, on subjects of large entrepreneurship - in amount of one hundred and fifty monthly calculation indices.

2. The actions, provided by part one of this Article, committed repeatedly within a year after imposing an administrative penalty shall, -

entail a fine on officials in amount of sixty, on subjects of small entrepreneurship or non-profit organizations - in amount of eighty, on subjects of medium entrepreneurship - in amount of one hundred and fifty, on subjects of large entrepreneurship - in amount of two hundred monthly calculation indices.

3. Violation of requirements of labor legislation of the Republic of Kazakhstan for the payment of overtime work, work on holidays and weekends, as well as work payment at night time shall, -

entail a fine on officials in amount of thirty, on subjects of small entrepreneurship or non-profit organizations - in amount of sixty, on subjects of medium entrepreneurship - in amount of eighty, on subjects of large entrepreneurship - in amount of one hundred and twenty monthly calculation indices.

4. The actions, provided by part three of this Article, committed repeatedly within a year after imposing an administrative penalty, shall, -

entail a fine on officials in amount of sixty, on subjects of small entrepreneurship or non-profit organizations - in amount of eighty, on subjects of medium entrepreneurship - in amount of one hundred, on subjects of large entrepreneurship - in amount of one hundred and fifty monthly calculation indices.

Footnote. Article 87 is in the wording of the Law of the Republic of Kazakhstan dated 23.11.2015 No. 415-V (shall be enforced from 01.01.2016); as amended by the Law of the Republic of Kazakhstan dated 28. 12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 88. Failure to grant leaves

Failure to pay a paid annual leave or its part for two consecutive years by the employer – entail a fine on civil servants in amount of twenty, on subjects of small entrepreneurship or non-profit organizations – in amount of forty, on subjects of medium entrepreneurship – in amount of sixty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

Footnote. Article 88 as amended by the Law of the Republic of Kazakhstan dated 23. 11. 2015 No. 415-V (shall be enforced from 01.01.2016).

Article 89. Illegal excess of standard working time

1. Illegal excess of standard and reduced length of working time and daily work (work shift) by an employer provided by the labour legislation of the Republic of Kazakhstan shall entail a notification.

2. The action provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall entail a fine on civil servants in amount of forty, on subjects of small entrepreneurship or non-profit organizations – in amount of sixty, on subjects of medium entrepreneurship – in amount of eighty, on subjects of large entrepreneurship – in amount of one hundred twenty monthly calculation indices.

Article 90. Admission of discrimination in the scope of labor

1. Admission of discrimination in the scope of labour by an employer expressed in violation of the right of a worker to equal payment for equal labour shall entail a fine on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of thirty, on subjects of medium entrepreneurship – in amount of sixty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

2. The action provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall entail a fine on civil servants, subjects of small entrepreneurship or non-profit organizations in amount of sixty, on subjects of medium entrepreneurship – in amount of eighty, on subjects of large entrepreneurship – in amount of one hundred twenty monthly calculation indices.

3. Placement of information on vacancies for employment containing requirements of a discriminatory character in the scope of labour by employment centre, private employment agency, as well as employer, –

shall entail a fine on individuals in amount of fifteen, on subjects of small entrepreneurship or non-profit organizations – in amount of thirty, on subjects of medium

entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

4. The action provided by a part three of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall entail a fine on individuals in amount of thirty, on subjects of small entrepreneurship or non-profit organizations – in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

Footnote. Article 90 as amended by the Law of the Republic of Kazakhstan No. 147-VI dated 16.04.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 91. Violation of the legislation of the Republic of Kazakhstan on pensions, as well as failure to fulfill obligations to pay state benefits

Footnote. Title of Article 91 is in the wording of the Law of the Republic of Kazakhstan dated 28. 12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Violation of the terms and (or) procedure, and (or) conditions for implementation of pension payments, transfers, as well as the procedure for concluding pension insurance agreements through voluntary pension funds, established by the legislation of the Republic of Kazakhstan on pension provision by a single accumulative pension fund (voluntary accumulative pension fund) contributions -

entail a fine on legal entities in amount of four hundred monthly calculation indices.

Note of ILLI!

Paragraph 2 is amended by the Law of the Republic of Kazakhstan dated 02.08.2015 No. 342-V (shall be enforced from 01.01.2023).

2. Non-submission, untimely submission of information by a single accumulative pension fund of the State Corporation "The Government for Citizens" on depositors who have acceded to the contract on pension provision due to compulsory pension contributions, mandatory professional pension contributions, as well as submission of false information about these depositors –

entail a fine on legal entities in amount of one hundred monthly calculation indices.

3. Acts provided by a part two of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall

entail a fine on legal entities in amount of two hundred monthly calculation indices.

4. Non-fulfillment of the obligations on payment of pensions and state benefits in full and (or) the established terms by officials of the State corporation "Government for Citizens" shall

entail a fine on officials in amount of thirty monthly calculation indices.

5. Consummation of transactions and operations in breach of the legislation of the Republic of Kazakhstan on pension benefits by an integrative accumulative pension fund or voluntary accumulative pension fund shall

entail a fine on legal entities – in amount of four hundred monthly calculation indices.

6. Non-fulfillment or improper fulfillment of obligations by an individual, individual entrepreneur, private notary officer, private officer of justice, attorney for defence, legal entity provided by the legislation of the Republic of Kazakhstan on pension benefits committed in the form of:

Note of ILLI!

Subparagraph 1) is amended by the Law of the Republic of Kazakhstan dated 02.08.2015 No. 342-V (shall be enforced from 01.01.2023).

1) non-presentation of the lists of contributors of an integrative accumulative pension fund to the state revenue body in favor of whom the debts on compulsory pension contributions, compulsory professional pension contributions are recovered;

Note of ILLI!

Subparagraph 2) is amended by the Law of the Republic of Kazakhstan dated 02.08.2015 No. 342-V (shall be enforced from 01.01.2023).

2) non-presentation of the settlements on calculated, dedicated (accrued) and transferred sums of compulsory pension contributions, compulsory professional pension contributions to the state revenue bodies in terms established by the legislation of the Republic of Kazakhstan on pension benefits;

Note of ILLI!

Subparagraph 3) is amended by the Law of the Republic of Kazakhstan dated 02.08.2015 No. 342-V (shall be enforced from 01.01.2023).

3) non-keeping of primary accounting of calculated, dedicated (accrued) and transferred compulsory pension contributions, compulsory professional pension contributions on each worker in accordance with the manner established by the legislation of the Republic of Kazakhstan;

Note of ILLI!

Subparagraph 4) is amended by the Law of the Republic of Kazakhstan dated 02.08.2015 No. 342-V (shall be enforced from 01.01.2023).

4) non-presentation of details to contributors on calculated, dedicated (accrued) and transferred compulsory pension contributions, compulsory professional pension contributions in terms established by the legislation of the Republic of Kazakhstan on pension benefits;

provided for by subparagraph

Note of ILLI!

Paragraph 6 is supplemented with Subparagraph 4-1) in accordance with the Law of the Republic of Kazakhstan dated 02.08.2015 No. 342-V (shall be enforced from 01.01.2023).

Note of ILLI!

Subparagraph 5) is amended by the Law of the Republic of Kazakhstan dated 02.08.2015 No. 342-V (shall be enforced from 01.01.2023).

5) non-transfer, untimely and (or) incomplete calculation, dedication (accrual) and (or) payment (transfer) of compulsory pension contributions, compulsory professional pension contributions in an integrative accumulative pension fund;

6) non-termination of all debit operations on cash register by order of the state revenue bodies in cases provided by the legislation of the Republic of Kazakhstan on pension benefits shall entail notification.

Sub-paragraph two of Paragraph 7 shall be provided amendments by the Law of the Republic of Kazakhstan No. 342-V dated 02.08.2015 (shall be enforced from 01.01.2020).

7. The act provided by a part six of this Article committed repeatedly second time second time within a year after imposition of administrative sanction

Note of ILLI!

Sub-paragraph two of Paragraph 7 is amended by the Law of the Republic of Kazakhstan dated 02.08.2015 No. 342-V (shall be enforced from 01.01.2023).

shall entail a fine on individuals in amount of ten, on subjects of small entrepreneurship or non-profit organizations – in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of fifty percent of a sum of non-transferred, untimely and (or) incompletely calculated, dedicated (accrued) and (or) paid (transferred) compulsory pension contributions, compulsory professional pension contributions.

8. Non-fulfillment of obligations established by the legislation of the Republic of Kazakhstan on pension benefits by banks and organizations carrying out separate types of banking operations, committed in the form of:

1) failure to suspend debit operations on banking accounts of agents – legal entities or individual entrepreneurs, private notary officers, judicial enforcement agent and attorney for defence by order of the state revenue bodies in cases and in the manner provided by the legislation of the Republic of Kazakhstan on pension benefits;

Note of ILLI!

Subparagraph 2) is amended by the Law of the Republic of Kazakhstan dated 02.08.2015 No. 342-V (shall be enforced from 01.01.2023).

2) non-transfer (non-enumeration), untimely transfer (later than the day when transactions were made to debit money from bank accounts or the next day of cash payment to a bank or an organization that carries out certain types of banking operations) or making mistakes in filling in the details of a payment document through the fault of the bank or organization, carrying out certain types of banking operations, when transferring to the State Corporation "Government for Citizens" the sum of compulsory pension contributions, mandatory professional pension contributions and surcharges;

Note of ILLI!

Subparagraph 3) is amended by the Law of the Republic of Kazakhstan dated 02.08.2015 No. 342-V (shall be enforced from 01.01.2023).

3) failure to execute collection orders of the state revenue bodies on recovery of the sums of compulsory pension contributions, compulsory professional pension contributions and late fees in the manner established by the legislation of the Republic of Kazakhstan, shall entail a fine in amount of five percent of the sum of committed debit operations on banking accounts of agents for the period of non-fulfillment of obligations established by the legislation of the Republic of Kazakhstan on pension benefits.

9. Announcement or publication of advertisement by an integrative accumulative pension fund or voluntary pension fund in mass media that does not conform to actuality for a date of publication shall -

entail a fine on legal entities in amount of two hundred monthly calculation indices.

10. Non-conformance of investment declaration of a voluntary accumulative pension fund to requirements provided by the legislation of the Republic of Kazakhstan on pension benefits , to its content shall -

entail a fine on legal entities in amount of one hundred monthly calculation indices.

11. Non-presentation, and equally repeatedly second time second time (two and more times within twelve sequent calendar months) untimely representation of details or another requested information by an integrative accumulative pension fund or voluntary accumulative pension fund, founders (shareholders) of voluntary accumulative pension fund and (or) its affiliated persons shall entail a fine on individuals in amount of one hundred, on legal entities – in amount of two hundred monthly calculation indices.

12. Representation of inaccurate, and equally incomplete reporting, details or another requested information by an integrative accumulative pension fund or voluntary accumulative pension fund, founders (shareholders) of voluntary accumulative pension fund and (or) its affiliated persons, shall -

entail a fine on individuals in amount of one hundred, on legal entities – in amount of two hundred monthly calculation indices.

Note of ILLI!

The note is amended by the Law of the Republic of Kazakhstan dated 02.08.2015 No. 342 -V (shall be enforced from 01.01.2023).

Note. For the purpose of parts six and seven of this Article, the person shall not be subject to bringing to administrative liability in case if a sum of non-transferred, untimely and (or) incompletely calculated, dedicated (accrued) and (or) paid (transferred) compulsory pension contributions, compulsory professional pension contributions is less than one monthly calculation index established in accordance with the Law being in force as on the date of detection of administrative infraction.

Footnote. Article 91 as amended by the laws of the Republic of Kazakhstan dated 17.11.2015 No. 408-V (shall be enforced from 01.03.2016); dated 28.12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 92. Breach of the legislation of the Republic of Kazakhstan on compulsory social insurance

1. Non-fulfillment or improper performance of the requirements, established by the legislation of the Republic of Kazakhstan on compulsory social insurance by officials, committed in the form of:

1) violation of the established terms and completeness of the amount of designated social payments by the state social insurance fund;

2) violation of the established terms and completeness of the amount of payment of social payments by the State corporation "Government for Citizens", -
entail a fine on civil servants in amount of thirty monthly calculation indices.

2. Non-fulfillment or improper fulfillment of obligations provided by the legislation of the Republic of Kazakhstan on compulsory social insurance by a payer of social expenditures, committed in the form of:

1) failure to represent the lists of participants of the system of compulsory social insurance to the state revenue authority in favor of that the debt on social contributions shall be collected;

2) failure to pay (failure to transfer), untimely and (or) incomplete payment (accrual) of social expenditures;

3) failure to terminate all debit operations on cash register by order of the state revenue bodies in cases provided by the legislation of the Republic of Kazakhstan on compulsory social insurance shall entail a notification, -
entail a notification.

3. Acts provided by a part two of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall, –

entail a fine on private notary officers, judicial enforcement agent, attorney for defence, subjects of small entrepreneurship or non-profit organizations in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of fifty percent of a sum of non-paid (non-transferred), untimely and (or) incompletely paid (transferred) social expenditures.

4. Non-fulfillment of obligations by banks and organizations carrying out separate types of banking operations, established by the legislation of the Republic of Kazakhstan on compulsory social insurance, committed in the form of:

1) failure to terminate all debit operations on banking accounts of a payer of social expenditures by order of the state revenue bodies in cases provided by the legislation of the Republic of Kazakhstan on compulsory social insurance;

2) non-transfer (non-enumeration), untimely transfer (later than the day when transactions were made to debit money from bank accounts or the next day of cash payment to a bank or an organization that carries out certain types of banking operations) or making mistakes in filling in details of the payment document through the fault of the bank or organization, carrying out certain types of banking operations, when transferring to the State corporation " Government for Citizens" the sum of social deductions and surcharges;

3) failure to execute collection orders of the state revenue bodies on recovery of the sums of compulsory social expenditures and late fees in the manner established by the legislation of the Republic of Kazakhstan, shall entail a fine in amount of five percent of the sum of committed debit operations on banking accounts of payers for the period of non-fulfillment of obligations established by the legislation of the Republic of Kazakhstan on compulsory social insurance.

Note. For the purpose of parts two and three of this Article, the persons shall not be subject to bringing to administrative liability in case if the sum of non-paid (non-transferred), untimely and (or) incompletely paid (transferred) social expenditures does not exceed amount of one monthly calculation index established in accordance with the Law being in force on a date of detection of administrative infraction.

Footnote. Article 92 as amended by the laws of the Republic of Kazakhstan dated 17.11.2015 No. 408-V (shall be enforced from 01.03.2016); dated 28.12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2019 № 287-VI (shall be enforced from 01.01.2020).

Article 92-1. Violation of the legislation of the Republic of Kazakhstan on compulsory social health insurance

1. Non-fulfillment or improper performance of deductions and (or) contributions to compulsory social health insurance and obligations provided by the legislation of the Republic of Kazakhstan on compulsory social health insurance by the payer, committed in the form of:

1) failure to submit lists of payers of deductions and (or) contributions to compulsory social health insurance to the state revenue authorities;

2) non-payment (non-transfer), untimely and (or) incomplete payment (untimely and (or) incomplete transfer) of deductions and (or) contributions to compulsory social health insurance by employers, individual entrepreneurs, private notaries, private bailiffs, lawyers, professional mediators shall-
entail a notification.

2. The actions, provided by part one of this Article, committed repeatedly within a year after imposing an administrative penalty, shall –

entail a fine on private notaries, private bailiffs, lawyers, professional mediators, subjects of small entrepreneurship or non-profit organizations in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of fifty percent of a sum of unpaid (non-transferred) untimely and (or) incompletely paid (transferred) deductions and (or) contributions to compulsory social health insurance.

3. Failure to perform the duties, established by the legislation of the Republic of Kazakhstan on compulsory social health insurance by banks and organizations, carrying out certain types of banking operations, committed in the form of:

1) non-stop of all spending operations on the bank accounts of the payer of social contributions on the orders of the state revenue bodies in cases provided by the legislation of the Republic of Kazakhstan on compulsory social health insurance;

2) non-fulfillment in the manner, established by the legislation of the Republic of Kazakhstan, of collection orders of state revenue bodies to collect the sums of deductions and (or) contributions to compulsory social health insurance and surcharges, shall entail a fine in amount of five percent of the sum of performed expenditure transactions on bank accounts of payers for the period of duties non-fulfillment, established by the legislation of the Republic of Kazakhstan on compulsory social health insurance.

Note. For the purposes of parts one and two of this Article, a person shall not be subject to administrative liability in event, that the amount of unpaid (non-transferred), untimely and (or) incompletely paid (transferred) deductions and (or) contributions to compulsory social health insurance does not exceed the size of one monthly calculation index, established in accordance with the law in force at the date of an administrative offense detection.

Footnote. Chapter 10 is supplemented with Article 92-1 in accordance with the Law of the Republic of Kazakhstan dated 16.11.2015 No. 406-V (shall be enforced from 01.07.2017).

Article 93. Violation of the rules of safety ensuring and labour protection

1. Absence of safety service (specialist) and labour protection in production organizations in accordance with requirement of the labour legislation of the Republic of Kazakhstan shall entail a notification.

2. Violation of requirements by an employer on conduct of compulsory and periodical medical inspections and pre-shift medical certification of workers in accordance with requirements of the labour legislation of the Republic of Kazakhstan shall entail a notification

3. Failure to supply medicinal and prophylactic food to workers by means of individual and collective protection in accordance with requirement of the labour legislation of the Republic of Kazakhstan shall entail a notification.

4. Failure to perform the requirements of the labour legislation of the Republic of Kazakhstan by an employer on conduct of teaching and training of workers, inspection of knowledge of heads and specialists on the issues of safety and protection of work shall entail a notification.

5. Actions, provided by parts 1, 2, 3, 4 of this Article, committed repeatedly within a year after the notification, shall-

entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of one hundred and twenty monthly calculation indices.

6. Failure to perform the requirements of the labour legislation of the Republic of Kazakhstan by an employer on conduct of instructing (except for introductory briefing) and absence of documents on safety and protection of work shall entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of eighty monthly calculation indices.

7. Acts provided by a part six of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of forty, on subjects of medium entrepreneurship – in amount of sixty, on subjects of large entrepreneurship – in amount of one hundred twenty monthly calculation indices.

Footnote. Article 93 as amended by the Law of the Republic of Kazakhstan dated 28. 12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 94. Violation of requirements of the legislation on conduct of attestation of production facilities on labour conditions

Violation of requirements of the legislation on carrying out of attestation of industrial objects on a state of labor conditions, established by the labor legislation of the Republic of Kazakhstan by the employer shall-

entail a notification or a fine on subjects of small entrepreneurship or non-profit organizations in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty-five, on subjects of large entrepreneurship - in amount of fifty monthly calculation indices.

2. Is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 94 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 95. Failure to investigate accidents related to work activities

Footnote. Title of Article 95 is in the wording of the Law of the Republic of Kazakhstan dated 23.11.2015 No. 415-V (shall be enforced from 01.01.2016).

1. Non-ensuring of investigation of industrial accidents in accordance with a requirement of the labour legislation of the Republic of Kazakhstan shall -

entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of thirty-five, on subjects of medium entrepreneurship – in amount of seventy, on subjects of large entrepreneurship – in amount of one hundred and forty monthly calculation indices.

2. The action provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall -

entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of seventy, on subjects of medium entrepreneurship – in amount of one hundred and forty, on subjects of large entrepreneurship – in amount of two hundred and eighty monthly calculation indices.

Footnote. Article 95 as amended by the laws of the Republic of Kazakhstan dated 23.11.2015 No. 415-V (shall be enforced from 01.01.2016); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 96. Non-reporting the fact of an accident related to work activity

Footnote. Heading of Article 96 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. Non-reporting the fact of an accident related to work activity, –

entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of seventy, on subjects of medium entrepreneurship – in amount of one hundred and five, on subjects of large entrepreneurship – in amount of one hundred and forty monthly calculation indices.

2. Action (omission) provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall -

entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of one hundred and forty, subjects of medium entrepreneurship - in amount of two hundred and ten, on subjects of large entrepreneurship – in amount of two hundred and eighty monthly calculation indices.

Footnote. Article 96 as amended by the laws of the Republic of Kazakhstan dated 23.11.2015 No. 415-V (shall be enforced from 01.01.2016); dated 28.12.2017 No. 127-VI (

shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 97. Violation of requirements of the legislation on conclusion of a collective contract, agreement

1. Evasion from participation in negotiations on concluding, amending or supplementing a collective contract, agreement or violation of the terms of holding the mentioned negotiations, failure to ensure the work of the relevant commission within the terms specified by the parties, shall-

entail a fine on persons authorized to conduct negotiations in amount of four hundred monthly calculation indices.

2. Unreasonable refusal to conclude a collective contract, agreement, shall – entail a fine on persons authorized to conclude a collective contract, agreement, in amount of four hundred monthly calculation indices.

3. Non-fulfillment or violation of obligation under a collective contract, agreement, shall- entail a fine on persons, being guilty in non-fulfilling the obligations under a collective contract, agreement, in amount of four hundred monthly calculation indices.

4. Non-presentation of information necessary for holding of collective negotiations and carrying out control on implementation of collective contracts, agreements, shall – entail a fine on persons, being guilty in non-presentation of information, in amount of eighty monthly calculation indices.

Footnote. Article 97 as amended by the Law of the Republic of Kazakhstan dated 23.11.2015 No. 415-V (shall be enforced from 01.01.2016).

Article 98. Breach of the legislation of the Republic of Kazakhstan on employment of population

1. Breach of the legislation of the Republic of Kazakhstan on employment of population by an employer committed in the form of:

1) failure to provide the authorized body with information on the forthcoming release of employees in connection with liquidation of the employer-legal entity or termination of the employer- an individual, reduction in the number or staff, reduction in the volume of production and performed work and services, which led to the deterioration of economic state of the employer;

2) failure to represent, untimely representation of details on existence of free work positions (vacant positions) to the authorized body;

3) failure to represent, untimely notifying on acceptance for work or refusal in acceptance for work;

4) non-fulfillment of the established quota of jobs for disabled, persons, registered with probation service, as well as persons released from places of deprivation of liberty, and citizens from the youth, who have lost or remained without adult care, who are graduates of educational organizations;

5) Is excluded by the Law of the Republic of Kazakhstan No. 147-VI dated 16.04.2018 (shall be enforced upon expiry of ten calendar days after its first official publication);

entail a notification.

2. Action (omission) provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall -

entail a fine on officials, subjects of small entrepreneurship or non-profit organizations in amount of five, on subjects of medium entrepreneurship – in amount of seven, on subjects of large entrepreneurship - in amount of ten monthly calculation indices.

3. Failure to conclude a contract by an employment agency with a person that referred for rendering of services on labour mediation shall –

entail a notification.

4. An action (inaction), provided by part three of this Article, committed repeatedly within a year after imposing an administrative sanction, shall –

entail a fine in amount of ten monthly calculation indices.

5. Non-presentation of primary statistical data by private employment agencies, as well as employers who have received authorization for employment of foreign national or who have foreign workers who have received employment authorization, –

entail a notification.

6. An action (inaction) provided by part five of this Article, committed repeatedly within a year after imposing an administrative sanction, shall -

entail a fine in amount of ten monthly calculation indices.

Footnote. Article 98 as amended by the laws of the Republic of Kazakhstan dated 06.04.2016 No. 483-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 147-VI dated 16.04.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 99. Breach of the legislation of the Republic of Kazakhstan on state service

1. Violation of a procedure for competitive selection for taking a vacant administrative state position shall -

entail a fine on officials in amount of fifteen monthly calculation indices.

2. Illegal dismissal of persons from administrative state positions shall –

entail a fine on officials in amount of thirty monthly calculation indices.

Footnote. Article 99 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 100. Reversion of a claim to the damage of an individual or legal entity filed by him (her) (it)

Reversion of a claim to the damage of an individual or legal entity that filed reasonable claim or in the interest of whom it was filed, shall –
entail a fine on civil servants in amount of ten monthly calculation indices.

Chapter 11. ADMINISTRATIVE INFRACTIONS INFRINGING ON ELECTORAL RIGHTS (RIGHT TO PARTICIPATE IN REPUBLICAN REFERENDUM)

Article 101. Non-presentation of details and materials to electoral commission (commission of republican referendum) by civil servants or non-execution of commission's decisions

Non-presentation of details and materials to electoral commission (commission of republican referendum) by civil servants on existence or absence of outstanding or unexpunged conviction of a candidate in the manner established by the Law; on a guilt in commission of corruption crime and infraction of a candidate recognized by a court in the manner established by the Law; on a citizenship of a candidate; on credibility of details on incomes and property declared by a candidate or his (her) wife (husband); on lists of electorates on each electoral district or non-execution of the commission's decision by them being adopted within its competition, shall
entail a fine in amount of twenty monthly calculation indices.

Article 102. Conduct of pre-election campaigning during its prohibition

Conduct of pre-election campaigning before completion of the term of registration of a candidate, party list on a date of elections or a date preceding it, as well as conduct of campaigning on a date of conducting republican referendum or a date preceding it, shall entail a fine on individuals in amount of fifteen, on subjects of small entrepreneurship or non-profit organizations – in amount of twenty, on subjects of medium entrepreneurship – in amount of twenty five, on subjects of large entrepreneurship – in amount of thirty five monthly calculation indices.

Article 103. Impeding the right to carry on pre-election campaigning

Impeding to candidates for presidency, deputies or for other elective positions, their authorized representatives, policy parties in the process of exercising the right to carry on pre-election campaigning shall entail a fine on individuals in amount of twenty, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

Article 104. Distribution of knowingly false information on candidates, policy parties

Distribution of knowingly false information on candidates, policy parties or commission of other actions discrediting their honor, dignity and business reputation for the purpose of influence on electoral outcome shall entail a fine on individuals in amount of twenty, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

Article 105. Violation of rights of a member of electoral commission (commission of republican referendum)

Violation of the rights of a member of electoral commission (commission of republican referendum) to act at a session of electoral commission, make proposals on the issues included to the competence of the relevant electoral commission, and require conduct of voting on them, familiarize with documents and materials of electoral commission to which he (she) belongs, receive their certified copies, carry out inspection of activity of inferior electoral commission shall entail a fine in amount of thirty five monthly calculation indices.

Article 106. Violation of the right of a citizen to familiarize with a list of electorates

Violation of the right of a citizen to familiarize with a list of electorates (electors, list of persons having the right to participate in republican referendum) or failure to consider an application to electoral commission on a date of receipt, or refusal to issue a copy of a decision to the citizen in written form with exposure of motives for dismissing the application on applying corrections into the list of electorates (electors, list of persons having the right to participate in republican referendum), or non-execution of the court decision on correction of the list of electorates (electors, list of persons having the right to participate in republican referendum) without delay shall -

entail a notification or a fine in amount of thirty monthly calculation indices.

Footnote. Article 106 as amended by the Law of the Republic of Kazakhstan dated 28. 12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 107. Representation of false details on electorates for drawing lists of electorates (citizens having the right to participate in republican referendum)

1. Representation of false details on electorates (citizens having the right to participate in republican referendum) by civil servants to local executive bodies for drawing the lists of electorates (citizens having the right to participate in referendum) shall entail a fine in amount of twenty five monthly calculation indices.

2. Representation of false lists of electorates (citizens having the right to participate in republican referendum) by civil servants of local executive bodies to the relevant electoral commission shall entail a fine in amount of thirty monthly calculation indices.

Article 108. Violation of requirement on equal electoral right

Violation of requirement on equal electoral right by voting two and more times or for another electorate shall entail a fine in amount of twenty five monthly calculation indices.

Article 109. Carrying out of activity by foreign persons, stateless persons, foreign legal entities and international organizations impeding and (or) promoting nomination and election of candidates, policy parties that nominated party list, achievement of certain results at elections

Carrying out of activity by foreign persons, stateless persons, foreign legal entities and international organizations impeding and (or) promoting nomination and election of candidates, policy parties that nominated party list, achievement of certain results at elections shall entail a fine on individuals in amount of thirty monthly calculation indices with administrative expulsion beyond the borders of the Republic of Kazakhstan or without such, on legal entities – in amount of one thousand monthly calculation indices.

Article 110. Issuance of voting bulletins (bulletins for voting) to citizens for the purpose of provision of a possibility to vote for other persons

Issuance of voting bulletins (bulletins for voting) by a member of electoral commission (commission of republican referendum) to citizens for the purpose of provision of a possibility to vote for other persons shall entail a fine in amount of twenty five monthly calculation indices.

Article 111. Refusal of an employer in provision of a leave for participation in elections (republican referendum)

Refusal of an employer to provide a leave provided by the legislative acts to registered candidate for deputies or for another elective position or to a member of electoral commission for participation in preparation and conduct of elections in bodies of state power, management and in bodies of local self-government (republican referendum), shall entail a fine in amount of thirty monthly calculation indices.

Article 112. Violation of conditions for conduct of pre-election campaigning through mass media

1. Non-objective covering of electoral campaign of candidates, policy parties by mass media that is expressed in distortion of purposes, tasks and results of pre-election actions, as well as events and facts linked with them shall entail a fine on individuals in amount of twenty, on civil servants – in amount of thirty, on legal entities – in amount of fifty monthly calculation indices.

2. Publication of information of campaign materials by means of mass media and another information knowingly discrediting honor, dignity and business reputation of a candidate or policy party, as well as refusal in provision of a possibility to mentioned persons to publish freely rebutment in protection of the honor, dignity and business reputation shall entail a fine on individuals in amount of twenty, on civil servants – in amount of thirty, on legal entities – in amount of fifty monthly calculation indices.

3. Interrupting and commenting speeches of candidates on television and radio immediately after the speech, as well as in printed publications in a same number shall entail a fine on individuals in amount of twenty, civil servants – in amount of thirty, on legal entities – in amount of fifty monthly calculation indices.

4. Violation of requirements by means of mass media on distribution of information on events on nomination of all the candidates and party lists, their registration by electoral commissions in equal volumes of print space, broadcast time shall entail a fine on individuals in amount of twenty, civil servants – in amount of thirty, on legal entities – in amount of fifty monthly calculation indices.

5. Publication or airing of campaigning materials of candidates, policy parties participating in elections by mass media that no later than five days before election campaigning did not announce and did not publish, as well as did not represent details to the electoral commission on amount of payment, conditions and procedure for representing airing and print space, –

shall entail a fine on civil servants o amount of thirty, on legal entities in amount of fifty monthly calculation indices.

6. Refusal of mass media from allocation of a broadcast time, print space to one of candidates, policy party that nominated a party list, in case if the same mass media gave an agreement to another candidate, policy party that nominated the party list for allocation of the

broadcast time, print space, shall entail a fine on civil servants in amount of thirty, on legal entities – in amount of fifty monthly calculation indices.

7. Violation of priority of the speeches of the candidates and policy parties that nominated party lists in mass media, established in the manner of receiving written references or by lot, in case, if the references were received at the same time, shall

entail a fine on civil servants in amount of thirty, on legal entities – in amount of fifty monthly calculation indices.

8. Creation of preferences to one or another candidate, policy party that nominated the party list by conditions of a contract on provision of a broadcast time, print space in mass media to candidates and policy parties that nominated the party lists shall entail a fine on civil servants in amount of thirty, on legal entities – in amount of fifty monthly calculation indices.

Footnote. Article 112 as amended by the Law of the Republic of Kazakhstan No. 163-VI dated 29.06.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 113. Production or distribution of anonymous campaign materials

During preparation and conduct of elections to bodies of the state power and bodies of local self-government (republican referendum), the production or distribution of campaign printed and electronic materials that do not contain information on organizations that issued these materials, place of their printing, circulation, persons that gave order and from which funds they are paid, as well as production of campaign printed materials beyond the borders of the Republic of Kazakhstan, distribution of anonymous campaign materials shall entail a fine in amount of twenty five monthly calculation indices.

Article 114. Intentional destruction, damage of campaign materials

Intentional destruction, damage of campaign materials of candidates for deputies or for other elective position, posted with consent of the owner or another owner on buildings, structures and other objects shall entail a fine in amount of fifteen monthly calculation indices

Article 115. Failure to represent or publish reports on payout of funds for preparation and conduct of elections (republican referendum)

Failure to represent details by a candidate, person being elected as a deputy or for another elective position, or by a policy party on amounts of incomings (charitable gifts) to electoral funds and on sources of creation of electoral funds, as well as report on use of the funds of the

electoral fund shall entail a fine on a candidate, person elected as a deputy or for another elective position, in amount of fifteen, on a legal entity – in amount of fifty five monthly calculation indices.

Article 116. Financing of electoral campaign or rendering of another material assistance besides the electoral funds

Provision of financial or other material assistance, as well as charity assistance provided by charitable organizations and associations to candidates, political parties that nominated party lists, in addition to their electoral funds, -

entail a fine on individuals in amount of twenty five, on subjects of small entrepreneurship – in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices

Footnote. Article 116 as amended by the Law of the Republic of Kazakhstan dated 16.11.2015 No. 403-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 117. Acceptance of charitable gifts by a candidate for elective state position or by a policy party from foreign states, organizations, foreign persons and stateless persons

Acceptance of charitable gifts by a candidate for deputies or for another elective state position or by a policy party in any form from a foreign state, international organization or international public association, foreign state bodies, foreign persons and legal entities created in accordance with the legislation of another state, as well as stateless persons shall entail a fine on a candidate for deputies or for another elective position in amount of fifty, on a legal entity – in amount of one hundred monthly calculation indices, with confiscation of subjects of gifts.

Article 118. Rendering of services by individuals and legal entities to candidates, policy parties without their written agreement

Rendering of services by individuals and legal entities to candidates, policy parties due to their pre-election activity without their written agreement shall entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship or non-profit organizations – in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

Article 119. Failure to represent or publish details on vote returns or on election results (republican referendum)

1. Failure to represent details on vote returns being compulsory for representation in accordance with the legislation of the Republic by a chairman of district election commission for familiarization to the authorized person of a candidate, representative of mass media, spectator shall entail a fine in amount of ten monthly calculation indices.

2. Is excluded by the Law of the Republic of Kazakhstan No. 163-VI dated 29.06.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

3. The act provided by a part one of this Article committed by a chairman of territorial election commission, as well as violation of the terms for publication or incomplete publication of details on vote returns at elections (republican referendum) established by the election legislation (legislation on republican referendum) shall entail a fine in amount of fifteen monthly calculation indices.

4. Acts provided by parts one and three of this Article committed by a Chairman of the Central Election Commission of the Republic of Kazakhstan shall entail a fine in amount of twenty five monthly calculation indices.

Footnote. Article 116 as amended by the Law of the Republic of Kazakhstan No. 163-VI dated 29.06.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 120. Breach of conditions for public opinion polling, elections related

1. Breach of the procedure for publication of results of public opinion polling, forecasts of election results, other researches elections related by mass media, and specifically non-specification of legal entity that conducted the polling, persons that ordered the polling and paid for it, polling time, method of information collection, precise question formulation, number of respondents and a rate of uncertainty on results of the polling -

shall entail a fine on individual in amount of fifteen, on legal entities – in amount of thirty monthly calculation indices.

2. Publication of results of public opinion polling, forecasts of election results, other researches elections related voting in support of candidates or political parties on the Internet in mass media within five days before voting day and on voting day, as well as conduct of public opinion polling on voting day in a premise or voting precinct-

shall entail a fine on individuals in amount of ten, on legal entities – in amount of twenty five monthly calculation indices.

3. Public opinion polling without complying with the requirements of the electoral legislation of the Republic of Kazakhstan –

shall entail a fine on individuals in amount of fifteen, on legal entities – in amount of thirty monthly calculation indices.

Footnote. Article 120 is in the wording of the Law of the Republic of Kazakhstan No. 163 -VI dated 29.06.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 121. Making amendments into the lists of electorates (electors) after beginning of vote tabulation

Making amendments into the lists of electorates (electors) after beginning of vote tabulation shall entail a fine in amount of twenty monthly calculation indices.

Article 122. Violation of conditions of conducting pre-election campaigning

1. Conduct of pre-election campaigning by state bodies, bodies of local self-government, as well as their civil servants upon fulfillment of official obligations, military servants of the Armed Forces of the Republic of Kazakhstan, other forces and military formations of the Republic of Kazakhstan, workers of national security bodies, law enforcement bodies, judges, members of election commissions, religious associations, as well as distribution of any campaign pre-election materials by mentioned persons shall entail a fine on individuals in amount of twenty, on civil servants – in amount of thirty monthly calculation indices.

2. Conduct of pre-election campaigning accompanied by provision of goods, services, securities to electorates without payment, as well as conducting of lotteries, charitable actions, payment of money or promise to provide such shall –
entail a fine in amount of twenty monthly calculation indices.

3. Participation of journalists, civil servants of editors of mass media registered by candidates or their authorized persons in coverage of elections through mass media shall entail a fine in amount of twenty monthly calculation indices.

Article 123. Violation of conditions of providing premises to candidates for meetings with electorates

Refusal of civil servants of local executive bodies and bodies of local self-government in provision of premises to one of the candidates, policy party that nominated the party list on a contractual basis for meetings with electorates, in case if they gave a consent to another candidate, policy party that nominated the party list shall entail a fine in amount of thirty monthly calculation indices.

Article 124. Placement of campaigning materials

Placement of campaigning materials on monuments, obelisks, buildings and structures, having historical, cultural or architectural value, as well as in a premise for voting shall entail a fine in amount of twenty five monthly calculation indices.

Article 125. Violation of procedure for expenditure of the funds allocated from republican budget for conduct of pre-election campaigning

Inappropriate expenditure of the funds by candidates for deputies or for another elective position, allocated from republican budget for conduct of pre-election campaigning, shall entail a fine in amount of five monthly calculation indices.

Article 126. Impeding to legal activity of authorized persons of candidates, policy parties, representatives of mass media and spectators at elections

1. Impeding to the right of authorized persons of candidates, policy parties, spectators of policy parties, other public associations, non-profit organizations of the Republic of Kazakhstan, representatives of mass media to attend at sessions of electoral commission or presence at a polling district on a polling day from the date of its opening and until establishment of vote results upon vote tabulation of electorates, or supervision of the course of voting, procedure for vote tabulation and presentation of vote results at a polling district, in a voting precinct, or presence upon opening and installation of equipment of electronic electoral system, as well as upon inspection of its work in cases when such right is provided by the Law shall entail a fine in amount of thirty monthly calculation indices.

2. Impeding to the right of authorized persons of candidates, policy parties, spectators of policy parties, other public associations, non-profit organizations of the Republic of Kazakhstan to accompaniment of the members of electoral commission for organization of voting outside a voting premise or presence upon conduct of voting of electorates outside the voting premise, or carrying out of photo-, audio- and video-recording, or supervision of procedures for transferring the protocols on vote results to superior electoral commissions, or refusal in receipt of information on a quantity of the electorates that took participation in voting, as well as in voting outside the premise, or appeal of decisions, actions (omission) of the relevant electoral commission and (or) its members in cases when such right is provided by the Law, shall entail a fine in amount of thirty five monthly calculation indices.

3. Refusal in repeated vote tabulation to authorized persons of candidates, policy parties in cases when such right is provided, shall entail a fine in amount of thirty five monthly calculation indices.

4. Impeding to the right of spectators of foreign states and international organizations, representatives of foreign mass media to attend at all the stages of election process or to receive information in electoral commissions on a course of electoral campaign, or to access to voting precincts during conduct of voting and vote tabulation, or to meeting with participants of election process, or to public announcements, or supervision of the procedures for transferring the protocols on vote results to superior electoral commissions in cases when such right is provided, shall entail a fine in amount of thirty five monthly calculation indices.

Chapter 12. ADMINISTRATIVE INFRACTIONS INFRINGING THE RIGHTS OF MINORS

Article 127. Failure to fulfill duties for upbringing and (or) education, protection of the rights and interests of a minor

1. Failure to fulfill duties for upbringing and (or) education, protection of the rights and (or) interests of minor children by parents or other legal representatives, as well as for their care and maintenance -

entail a fine in the amount of ten monthly calculation indices.

2. The action provided by part one of this Article committed repeatedly second time within a year after imposition of administrative sanction shall, –

entail a fine in amount of fifteen monthly calculation indices or administrative arrest for a term up to five days.

3. The action provided by part one of this Article, committed by a parent or other person entrusted with these duties, as well as a teacher or other employee of an educational organization, health care or other organization, who is entrusted with the responsibility for upbringing and (or) education, resulting in the use alcoholic beverages, narcotic drugs, psychotropic substances, their analogues, or engaging in vagrancy or begging, or committing a deliberate action containing signs of a criminal or administrative infraction shall, –

entail a fine in amount of twenty monthly calculation indices or administrative arrest for a term up to ten days.

Footnote. Article 127 is in the wording of the Law of the Republic of Kazakhstan dated 27.12.2019 No. 294-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 127-1. Failure to deliver on unlawful acts committed by minors or in relation to minors

1. Failure to deliver by employees of education organizations, health care, social protection of the public to law enforcement agencies about the facts of commission by minors or in relation to them actions (inaction) of criminal or administrative offence, in education organizations, health care, social protection of the public, as well as the facts that became them known in connection with their professional activities outside education, health care and social protection of the public organizations, if these acts shall not be criminally punishable act provided by Article 434 of the Criminal Code of the Republic of Kazakhstan, –

shall entail a fine on individuals in amount of five, on officials – in amount of ten monthly calculation indices.

2. The same action committed repeatedly second time within a year after the imposition of administrative sanction provided by part one of this Article, –

shall entail a fine on individuals in amount of twenty, on officials – in amount of thirty monthly calculation indices.

Footnote. Chapter 12 supplemented by Article 127-1 in accordance with the Law of the Republic of Kazakhstan No. 240-VI dated 01.04.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 128. Involvement of a minor in commission of administrative infraction

1. Involvement of a minor in commission of an administrative infraction, except for the actions provided by part two of this Article shall, -

entail a fine in the amount of fifty monthly calculation indices.

2. Involvement of a minor in meetings, rallies, processions, demonstrations and other forms of expression of public, group or personal interests and protest, conducted in violation of the legislation of the Republic of Kazakhstan, as well as the use of a minor in the specified forms of expression of public, group or personal interests and protest -

shall entail a fine in the amount of one hundred monthly calculation indices or administrative arrest for a term up to ten days.

Footnote. Article 128 is in the wording of the Law of the Republic of Kazakhstan dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 129. Failure to fulfill the obligation on registration of orphaned children, children left without parental custody, being in need of a dwelling place by persons of local executive bodies and (or) legal representatives of a child

1. Failure to fulfill the obligation on registration of orphaned children, children left without parental custody, being in need of a dwelling place, and equally registration with violation of established term by civil servants of local executive bodies and (or) legal representatives of a child shall entail a fine in amount of one hundred monthly calculation indices.

2. Acts provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall entail a fine in amount of two hundred monthly calculation indices.

Article 130. Failure to fulfill the obligation on preservation of a dwelling place of orphaned children, children left without parental custody by persons of local executive bodies and (or) legal representatives of a child

1. Failure to fulfill the obligation on preservation of a dwelling place of orphaned children, children left without parental custody by civil servants of local executive bodies and (or) legal representatives of a child shall -

entail a fine in amount of one hundred and fifty monthly calculation indices.

2. The act provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall –

entail a fine in amount of two hundred monthly calculation indices.

Footnote. Article 130 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 131. Reduction of a minor to intoxication

Reduction of a minor to intoxication shall entail a fine in amount of twenty monthly calculation indices or administrative arrest for the term up to five years.

Article 132. Admission for minors to stay in entertainment places at night time

1. Admission for minors to stay in entertainment places without accompaniment of legal representatives at night time (from 22 pm to 6 am) shall-

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship or non-profit organizations – in amount of fifteen, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship - in amount of fifty monthly calculation indices.

2. The action provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall –

entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship or non-profit organizations – in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices, with the suspension of activity or certain types of activity.

Footnote. Article 132 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 133. Sale of tobacco and tobacco products to persons and by persons that did not attain eighteen years

1. Sale of tobacco and tobacco products to persons and by persons that did not attain eighteen years shall -

entail a fine on individuals in amount of seven, on subjects of small entrepreneurship – in amount of fifteen, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of eighty monthly calculation indices.

2. The action provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall –

entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship – in amount of thirty, on subjects of medium entrepreneurship – in amount of sixty, on subjects of large entrepreneurship – in amount of one hundred and sixty monthly calculation indices.

Footnote. Article 133 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 134. Dissemination to minors of erotic content subjects or information products containing information prohibited for children

1. Dissemination that is, sale, subscribe, deliver, distribute, display, hire and (or) rent to minors of erotic content subjects or information products containing information prohibited for children, -

shall entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship or non-profit organization – in amount of forty, on subjects of medium entrepreneurship – in amount of sixty, on subjects of large entrepreneurship – in amount of eighty monthly calculation indices, with confiscation of erotic content subjects or information products containing information prohibited for children.

2. The action provided by part one of this Article committed repeatedly second time within a year after imposition of administrative sanction as well as using telecommunications networks, -

shall entail a fine on individuals in amount of forty, on subjects of small entrepreneurship or non-profit organization – in amount of sixty, on subjects of medium entrepreneurship – in amount of eighty, on subjects of large entrepreneurship – in amount of one hundred sixty monthly calculation indices, with confiscation of erotic content subjects or information products containing information prohibited for children.

Footnote. Article 134 is in the wording of the Law of the Republic of Kazakhstan No. 170 -VI dated 02.07.2018 (shall be enforced upon expiry of six months after its first official publication).

Article 135. Violation of the procedure and terms for submitting orphans, children left without parental care, and persons wishing to adopt children for upbringing to their families to the Republican data bank, and disclosure of information about orphans, children left without parental care

Footnote. The title of Article 135 is in the wording of the Law of the Republic of Kazakhstan dated 04.09.2016 No. 501-V (shall be enforced from 01.01.2017).

1. Violation by heads of organizations in which there are children, left without parental care, by officials of the executive bodies of the Republic of Kazakhstan, if this action (inaction) does not contain any signs of a criminal offense, as well as by persons wishing to adopt children for upbringing to their families, committed as:

1) non-observance of the terms for submitting information about orphans and children left without parental care to the Republican data bank for orphans, children left without parental care, and persons wishing to adopt children for upbringing to their families;

2) submission of false information about orphans, children left without parental care, concealing data to be reflected in the Republican data bank for orphans, children left without parental care, and persons wishing to adopt children to their families;

3) illegal disclosure of data about orphans, children left without parental care contained in the Republican data bank for orphans, children left without parental care, and persons wishing to adopt children for upbringing to their families, shall –

entail a fine of thirty monthly calculation indices.

2. The action provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall -

entail a fine for individuals in amount of five, on officials, subjects of small entrepreneurship or non-profit organizations - in amount of thirty, on subjects of medium entrepreneurship – in amount of seventy, on subjects of large entrepreneurship - in amount of one hundred monthly calculation indices.

Footnote. Article 135 as amended by the Law of the Republic of Kazakhstan dated 04.09.2016 No. 501-V (shall be enforced from 01.01.2017).

Chapter 13. ADMINISTRATIVE INFRACTIONS INFRINGING TO PROPERTY

Article 136. Violation of a right of state ownership of land

Illegal occupation or exchange of state land fields or consummation of other transactions directly or indirectly infringing the right of the state ownership of land, as well as untimely return of temporary occupied state lands, shall entail a fine on individuals in amount of seventy five, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of one hundred, on subjects of medium entrepreneurship – in amount of one hundred fifty, on subjects of large entrepreneurship – in amount of seven hundred monthly calculation indices.

Article 137. Breach of the land legislation of the Republic of Kazakhstan upon provision of the right to a land field and upon change of designated purpose of a land field

1. Breach of the land legislation of the Republic of Kazakhstan upon provision of the right to a land field and upon change of designated purpose of a land field, if these actions do not contain signs of criminally punishable act committed in the form of:

1) provision of land fields or the lease rights of land fields being in the state ownership and not provided for land use without holding of biddings (auctions and competitions), with the exception of cases when the auction and competition methods of providing land fields do not apply to the land field or the lease right of land field;

2) violation of established terms of considering the petitions (applications) of individuals and legal entities on provision of the relevant right to land field;

3) adoption of decision by a local executive body on provision of the rights to land fields without a favorable conclusion of the land commission and (or) without approved land surveying project;

4) violation of the term for adoption of decision by a local executive body on refusal to provide the rights to land fields;

5) violation of the term for adoption of decision by a local executive body on provision of the rights to land fields;

6) adoption of decision by a local executive body on provision of the right of private property to land fields that may not be in private ownership;

7) adoption of decision by a local executive body on compulsory alienation of a land field for the state needs in cases not provided by the legislative acts;

8) adoption of decision by a local executive body on free provision of land fields into private ownership with size that is more than a standard provided by the land legislation, as well as repeated free provision;

9) adoption of decision by a local executive body on provision of the right of temporary non-repayable land use for the purpose and in the term not provided by the land legislation;

10) adoption of decision by a local executive body on provision of the right of private ownership to the agricultural lands for foreign persons and stateless persons;

11) adoption of decision by a local executive body on provision of the rights to land fields that are not included into its competence;

12) violation of the term for consideration of an application on change of designated purpose of a land field;

13) violation of the terms for production and issuance of identification documents for a land field;

14) violation of the terms for consideration and approval of a land surveying project;

15) violation of the terms for conclusion of buy and sell contract or contract of temporary compensated (uncompensated) land use shall entail a fine on civil servants in amount of thirty monthly calculation indices.

2. The actions provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall – entail a fine on civil servants in amount of sixty monthly calculation indices.

Article 138. Destruction of special signs

1. Destruction of landmarks of borders of land fields shall - entail a notification or a fine on individuals in amount of three, on officials, subjects of small entrepreneurship or non-profit organizations – in amount of ten, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

2. Destruction or damage of monitoring and observation wells for ground waters, observant regime alignments on water objects, water protection or hydroeconomic signs, forest estimation or forestry-based signs in a forest fund, surveying, geodesic and levelling points and signs, shall -

entail a fine for individuals in amount of five, on officials, subjects of small entrepreneurship or non-profit organizations - in amount of thirty, on subjects of medium entrepreneurship – in amount of seventy, on subjects of large entrepreneurship - in amount of one hundred monthly calculation indices.

Footnote. Article 138 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 139. Violation of the right of state ownership to subsoil

1. Illegal use of subsoil with the exception of ground waters, consummation of transaction violating the right of the state ownership to subsoil in a direct or latent form shall -

entail a fine on individuals in amount of fifty, on civil servants, subjects of small entrepreneurship – in amount of one hundred, on subjects of medium entrepreneurship – in amount of one hundred fifty, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices.

2. The actions provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall entail a fine on individuals in amount of one hundred, on civil servants, subjects of small entrepreneurship – in amount of one hundred fifty, on subjects of medium entrepreneurship – in amount of two

hundred, on subjects of large entrepreneurship – in amount of seven hundred monthly calculation indices, with a confiscation of the property received due to commission of administrative infraction, tools and subjects for commission of the administrative infraction.

Article 140. Selective development of deposit fields

Footnote. Article 140 is excluded by the Law of the Republic of Kazakhstan No. 126-VI dated 27.12.2017 (shall be enforced upon expiry of six months after its first official publication).

Article 141. Violation of the right of state ownership to waters

1. Illegal seizure of water objects, including discharge of sewage and other waters, illegal water use, reassignment of the right of water use, as well as consummation of other transactions, violating the right of the state ownership to waters in direct or latent form, shall – entail a fine on individuals in amount of thirty, on officials, subjects of small entrepreneurship or non-profit organizations – in amount of forty, on subjects of medium entrepreneurship – in amount of sixty, on subjects of large entrepreneurship – in amount of two hundred and sixty monthly calculation indices.

2. Water abstraction with violation of limits, exceeding of permitted volumes, non-observance of established water use regimes, illegal production of hydraulic works, irrational, non-targeted use from water bodies, shall –

entail a fine on individuals in amount of ten, on officials, subjects of small entrepreneurship or non-profit organizations - in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of one hundred and seventy monthly calculation indices.

Footnote. Article 141 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 142. Violation of the right of the state ownership to forests

Buy and sell, giving, pledge, illegal engagement and exchange of fields of the forest fund, as well as illegal reassignment of the right to carry out forest uses violating the right of the state ownership to forests, shall entail a fine on individuals in amount of twenty, on civil servants – in amount of twenty five, on subjects of small entrepreneurship or non-profit organizations – in amount of seventy, on subjects of medium entrepreneurship – in amount of one hundred fifty, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices.

Article 143. Violation of the right of the state ownership to animal and plant world

1. Illegal reassignment of the right of using objects of animal world, as well as commission of other transactions violating the right of the state ownership to animal world in a direct or latent form, as well as illegal use of objects of the plant world in conservations and on other especially protected natural areas, the use of which requires obtainment of permission, shall entail a fine on individuals in amount of ten, on civil servants – in amount of twenty five, on subjects of small entrepreneurship or non-profit organizations – in amount of seventy, on subjects of medium entrepreneurship – in amount of one hundred fifty, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices.

2. Illegal reassignment of the right of using the objects of plant world, as well as consummation of other transactions violating the right of the state ownership to plant world in a direct or latent form, and equally illegal use of objects of the plant world the use of which requires obtainment of permission, shall –

entail a fine on individuals in amount of ten, on civil servants – in amount of twenty, on subjects of small entrepreneurship or non-profit organizations – in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of three hundred monthly calculation indices.

Article 144. Illegal connection, use of energy or waters

Footnote. Article 144 is excluded by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 145. Violation of the legislation of the Republic of Kazakhstan on protection and use of objects of historical and cultural heritage

Violation of the legislation of the Republic of Kazakhstan on protection and use of objects of historical and cultural heritage, committed in the form of:

1) violations of the conditions for maintaining a monument of history and culture, prescribed in the protection obligations;

2) violations of the rules for establishing structures of monumental art;

3) illegal movement and alteration of the monument of history and culture;

4) failure to carry out archaeological work to identify objects of historical and cultural heritage during the development of territories before the allotment of land plots;

5) carrying out works that may pose a threat to the existence of objects of historical and cultural heritage;

6) violations of the regime of land use within protected zones, zones of regulation of development and zones of a protected natural landscape of monuments of history and culture;

7) violations of the conditions for carrying out scientific restoration work on historical and cultural monuments and the conditions for carrying out archaeological work shall, –

entail a fine on individuals in amount of ten, on officials, subjects of small entrepreneurship - in the amount of fifty, on subjects of medium entrepreneurship - in amount of one hundred, on subjects of large entrepreneurship - in amount of two hundred and fifty monthly calculation indices, with suspension of work performed.

Footnote. Article 145 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 No. 289-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 146. Passage on sowings or plantings

Passage on sowings or plantings on a mechanical transport vehicle, animal transport shall –

entail a notification or a fine in amount of five monthly calculation indices.

Article 147. Damage of sowings, hayricks, spoiling or destruction of harvests of gathered agricultural crops being in a field, damage of plantings

1. Damage of sowings, hayricks, spoiling or destruction of harvests of gathered agricultural crops being in a field or damage of plantings of agricultural organizations independently from their legal organizational form, peasant or farm enterprises, personal subsidiary husbandries by livestock or birds, shall –

entail a fine on individuals in amount of twenty, on civil servants – in amount of fifty monthly calculation indices.

2. The same actions committed repeatedly second time second time within a year after imposition of administrative sanction provided by a part one of this Article, shall –

entail a fine on individuals in amount of forty, on civil servants – in amount of seventy monthly calculation indices.

Article 148. Violation of terms for return of the state nature grants

Violation of the terms of return of state natural grants, established by the legislation of the Republic of Kazakhstan in the field of investments, -

entail a fine on subjects of small entrepreneurship in amount of one hundred fifty, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of one thousand monthly calculation indices.

Footnote. Article 148 as amended by the Law of the Republic of Kazakhstan dated 29.10.2015 No. 376-V (shall be enforced from 01.01.2016).

Article 149. Non-fulfillment and (or) improper fulfillment of obligations on ensuring of antiterrorist protection and compliance with adequate level of security of an object being assailable in a terrorist relation

1. Non-fulfillment and (or) improper fulfillment of obligations by the proprietor, owner or the head of an object vulnerable to terrorism, or a subject of security activity, that has concluded a contract on provision of security services for an object, that is vulnerable to terrorism, on ensuring antiterrorist protection and compliance with adequate level of security of the object, entrusted to him/her, shall-

entail a fine on individuals or civil servants in amount of one hundred, on subjects of small entrepreneurship or non-profit organizations – in amount of two hundred, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices.

2. Actions (omission) provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall –

entail a fine on individuals or officials in amount of two hundred, on subjects of small entrepreneurship or non-profit organizations – in amount of three hundred, on subjects of medium entrepreneurship – in amount of five hundred, on subjects of large entrepreneurship – in amount of one thousand monthly calculation indices, with suspension of activities or separate types of activity for a period up to three months or without it.

Footnote. Article 149 as amended by the Law of the Republic of Kazakhstan dated 22.12.2016 No. 28-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 150. Advertising of activity of financial (investment) pyramids

Production, dissemination and positioning of advertising of the activity of financial (investment) pyramids shall –

entail a fine on individuals in amount of one hundred fifty, on civil servants – in amount of one hundred seventy, on subjects of small entrepreneurship or non-profit organizations – in amount of two hundred, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship – in amount of six hundred monthly calculation indices with suspension of release (airing) of mass media for a term up to three months.

Chapter 14. ADMINISTRATIVE INFRACTIONS IN THE FIELD OF ENTREPRENEURSHIP ACTIVITY

Article 151. Violation of the rules for outflow or dispatch of raw materials, food commodities and industrial products beyond the borders of the Republic of Kazakhstan

1. Violation of the rules for outflow or dispatch of raw materials, food commodities, industrial products beyond the borders of the Republic of Kazakhstan shall –
entail a fine on individuals in amount of five, on subjects of small entrepreneurship – in amount of ten, on subjects of medium- entrepreneurship – in amount of twenty, on subjects of large entrepreneurship - in amount of thirty-five monthly calculation indices.

2. The action provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices, with or without confiscation of raw materials or goods.

Footnote. Article 151 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 152. Violation of rules for acceptance of raw materials, food and industrial goods for dispatch beyond the Republic of Kazakhstan

Footnote. Article 152 is excluded by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 153. Illegal entrepreneurship

Engagement in prohibited types of entrepreneurial activity, if this action causes heavy damage to a citizen, organization or the state or connected with deriving revenue in a large amount or production, storage, transfer or selling of sub-excise goods in a considerable amount, if these actions do not contain signs of criminally punishable act, shall –

entail a fine on individuals, subjects of small entrepreneurship in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of fifty percent of a sum of inflicted damage, of a sum of derived revenue and cost of sub-excise goods received in a result of illegal entrepreneurship.

Note.

1. Heavy damage in Articles 153 and 155 of this Code shall be considered as the damage inflicted to a citizen to the sum not exceeding one thousand monthly calculation indices, or

damage inflicted to organization or the state to the sum not exceeding ten thousand monthly calculation indices.

2. Revenue in a large amount in Articles 153 and 155 of this Code shall be considered as the revenue the sum of which does not exceed ten thousand monthly calculation indices.

3. In this Article, the considerable amount is such quantity of goods, the cost of which does not exceed one thousand monthly calculation indices.

Article 154. Engagement in entrepreneurial activity by a person for whom the prohibition to carry out such activity is established by the legislation of the Republic of Kazakhstan

Engagement in entrepreneurial activity by a person for whom the prohibition to carry out such activity is established by the legislation of the Republic of Kazakhstan, shall –

entail a fine on individuals in amount of two hundred monthly calculation indices with confiscation of subjects and (or) tools of committing administrative infractions and (or) revenues (dividends), money, securities received due to commission of the infraction.

Article 155. Illegal banking activity

Carrying out of banking activity (banking operations) without registration or without special permission (license) in cases when such permission (license) is compulsory, that inflicted heavy damage to a citizen, organization or the state or connected with deriving revenues in a large amount, if this action does not contain the signs of criminally punishable act, shall –

entail a fine on individuals, subjects of small entrepreneurship in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of fifty percent of a sum of inflicted damage, of a sum of derived revenue received in a result of illegal activity.

Article 156. Violation of requirements of the legislation of the Republic of Kazakhstan on culture

1. Violation of requirements of the legislation of the Republic of Kazakhstan on culture committed in a form of:

1) distribution of motion pictures in a territory of the Republic of Kazakhstan without distribution certificate for a motion picture;

2) non-informing audience in established manner on age category of a motion picture;

3) non-compliance with established time upon distribution of motion pictures with age categories "18+" and "21+";

4) non-provision of information and (or) provision of distorted information on motion pictures by organizations screening motion pictures to the Unified Automated Information System for monitoring motion pictures;

5) non-compliance with order and conditions of temporary export of cultural values;

6) not providing a compulsory free copy of publication to national libraries and the National state book chamber of the Republic of Kazakhstan, - shall entail a notification.

2. The action provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall –

entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship or non-profit organizations – in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

Footnote. Article 156 as amended by the Law of the Republic of Kazakhstan dated 05.05.2017 No. 60-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 213-VI dated 03.01.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 156-1. Breach of the legislation of the Republic of Kazakhstan on protection of children from information harmful to their health and development

1. Breach of the legislation of the Republic of Kazakhstan on protection of children from information harmful to their health and development, committed in the form of:

1) distribution of printed periodical publications without a sign of age category;

2) non-compliance with established time upon distribution by means of TV and radio broadcasting of information products containing information related to age category "from 18 years";

3) distribution by means of TV and radio broadcasting information products without indicating the sign of age category or without reporting age category at the beginning of a television or radio program, as well as at each resumption after its interruption, – entail a notification.

2. Distribution of audiovisual and (or) printed products without a sign of age category – entail a notification.

3. The act provided by part one and two of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship or non-profit organization – in amount of fifty, on subjects of medium entrepreneurship – in amount of sixty, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

Footnote. Chapter 14 is supplemented by Article 156-1 in accordance with the Law of the Republic of Kazakhstan No. 170-VI dated 02.07.2018 (shall be enforced upon expiry of six months after its first official publication).

Article 157. Knowingly false advertisement

Use of knowingly false information by an advertiser in advertisement that misleads the consumer regarding goods, works and services, as well as their producers, executors or sellers –

shall entail a fine on individuals in amount of one hundred, on subjects of small entrepreneurship – in amount of three hundred and fifty, on subjects of medium entrepreneurship – in amount of five hundred, on subjects of large entrepreneurship – in amount of one thousand monthly calculation indices.

Footnote. Article 157 is provided in the wording of the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

Article 158. Illegal use of another's trademark, service mark, name of place of goods origin or brand name

Illegal use of another's trademark, service mark or name of place of goods origin or designations for homogeneous goods or services, being confusingly similar to them, as well as illegal use of another's brand name, with the exception of cases related to exhaustion of exclusive right to trademark, if these actions shall not contain elements of criminally punishable act, –

shall entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship or non-profit organization – in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of eighty monthly calculation indices, with confiscation of goods containing illegal image of trademark, service mark or name of place of goods origin or designations for homogeneous goods or services, being confusingly similar to them.

Note. The infringing goods, confiscated in accordance with this Article shall be subject to destruction in the manner provided by Article 795 of this Code, with the exception of cases when introduction of such goods into circulation shall be necessary in the public interest and shall not breach the requirements of the legislation of the Republic of Kazakhstan on protection of consumers' rights (pursuant to the removal from the goods and its packaging of an illegally used trademark or designation confusingly similar to it).

Footnote. Article 158 is in the wording of the Law No. 365-V of the Republic of Kazakhstan dated 27.10.2015 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 161-VI dated 20.06.2018 (shall be enforced upon expiry of ten calendar

days after its first official publication); No. 217-VI dated 21.01.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 159. Monopolistic activity

1. Anticompetitive agreements of market entities prohibited by the Entrepreneurial Code of the Republic of Kazakhstan, if these actions do not contain any signs of a criminal offense, shall -

entail a fine on subjects of small or medium entrepreneurship or non-profit organizations in amount of three, on subjects of large entrepreneurship – in amount of five percent of the revenue (profit) received in a result of carrying out of the monopolistic activity, with a confiscation of monopoly income received in a result of carrying out of the monopolistic activity, no more than for one year.

2. Anticompetitive coordinated actions of market entities prohibited by the Entrepreneurial Code of the Republic of Kazakhstan, if these actions do not contain any signs of a criminal offense, shall –

entail a fine on subjects of small or medium entrepreneurship or non-profit organizations in amount of three, on subjects of large entrepreneurship – in amount of five percent of the revenue (profit) received in a result of carrying out of the monopolistic activity, with a confiscation of monopoly income received in a result of carrying out of the monopolistic activity, no more than for one year.

3. Abuse by market entities of their dominant or monopolistic position, by establishing, maintaining monopoly high (low) or monopsony low prices prohibited by the Entrepreneurial Code of the Republic of Kazakhstan, if these actions shall not contain elements of criminally punishable act, –

entail a fine on subjects of small or medium entrepreneurship or non-profit organizations in amount of three, on subjects of large entrepreneurship – in amount of five percent of the revenue (profit) received in a result of carrying out of the monopolistic activity, with a confiscation of monopoly income received in a result of carrying out of the monopolistic activity, no more than for one year.

3-1. Abuse by market entities of their dominant or monopolistic position, with the exception of establishing, maintaining monopoly high (low) or monopsony low prices prohibited by the Entrepreneurial Code of the Republic of Kazakhstan, if these actions shall not contain elements of criminally punishable act, –

entail a fine on subjects of small or medium entrepreneurship or non-profit organizations in amount of three, on subjects of large entrepreneurship – in amount of five percent of the revenue (profit) received in a result of carrying out of the monopolistic activity.

4. The actions provided by parts one, two, three and 3-1 of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

entail a fine on subjects of small or medium entrepreneurship or non-profit organizations in amount of five, on subjects of large entrepreneurship – in amount of ten percent of the revenue (profit) received in a result of carrying out of the monopolistic activity, with a confiscation of monopoly income received in a result of carrying out of the monopolistic activity, no more than for one year.

5. Coordination of economic activity of market entities by individuals and (or) legal entities that may lead, leading or having lead to any form of anticompetitive agreements of market entities prohibited by the Entrepreneurial Code of the Republic of Kazakhstan, shall -

entail a fine on individuals in amount of one hundred and fifty, on subjects of small entrepreneurship or non-profit organizations - in amount of three hundred and fifty, on subjects of medium entrepreneurship – in amount of five hundred, on subjects of large entrepreneurship - in amount of one thousand monthly calculation indices.

6. The action provided by a part five of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of two hundred, on subjects of small entrepreneurship or non-profit organizations - in amount of three hundred and fifty, on subjects of medium entrepreneurship – in amount of seven hundred, on subjects of large entrepreneurship - in amount of one thousand five hundred monthly calculation indices.

Note.

Market entity that committed administrative infraction in the form of anticompetitive agreement or anticompetitive coordinated actions shall be released from administrative liability upon cumulative compliance with the following conditions:

1) at the time, when a market entity applies to the antimonopoly body o anticompetitive agreements or anticompetitive coordinated actions, the antimonopoly body did not receive the information on these anticompetitive agreements or anticompetitive coordinated actions from other sources;

2) market entity takes urgent measures on termination of own participation in anticompetitive agreements or anticompetitive coordinated actions;

3) market entity informs full information on the facts of anticompetitive agreements or anticompetitive coordinated actions during all the investigation from the date of application;

4) market entity compensates damage to consumers on a voluntary basis inflicted in a result of commission of anticompetitive agreements or anticompetitive coordinated actions.

Footnote. Article 159 as amended by the Law of the Republic of Kazakhstan dated 05.05.2015 No. 312-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 29.10.2015 No. 376-V (shall be enforced from 01.01.2016); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 160. Breach of the legislation of the Republic of Kazakhstan on state monopoly

1. Non-compliance of restrictions by a subject of state monopoly established by the legislation of the Republic of Kazakhstan on state monopoly, shall –

entail a fine in amount of three hundred monthly calculation indices.

2. Carrying out of activity related to the scope of the state monopoly by the unauthorized person shall –

entail a fine on individuals in amount of fifty, on subjects of small entrepreneurship – in amount of one hundred, on subjects of medium entrepreneurship – in amount of one hundred and fifty, on subjects of large entrepreneurship – in amount of two hundred and fifty monthly calculation indices, with confiscation of objects and (or) tools of committing an administrative offense or without it.

Footnote. Article 160 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 161. Illegal actions of market entities upon economic concentration

1. Economic concentration of market entities without receipt of agreement of the antimonopoly body in case if such agreement is required, non-fulfillment of requirements and obligations by market entities participating in economic concentration, by whom the decision on giving the agreement for economic concentration is conditioned, shall –

entail a fine on individuals in amount of eighty, on subjects of small entrepreneurship or non-profit organizations – in amount of two hundred, on subjects of medium entrepreneurship – in amount of three hundred twenty, on subjects of large entrepreneurship – in amount of one thousand six hundred monthly calculation indices.

2. Non-provision or untimely provision of a notification to the antimonopoly body on committed economic concentration in case if existence of such notification is required, shall –

entail a fine on individuals in amount of eighty, on subjects of small entrepreneurship or non-profit organizations – in amount of two hundred, on subjects of medium entrepreneurship – in amount of three hundred twenty, on subjects of large entrepreneurship – in amount of one thousand six hundred monthly calculation indices.

Article 162. Non-fulfillment of a prescription of the antimonopoly body. Violation of obligations on provision of information and creation of obstacles to access to premises and in a territory

Non-fulfillment of a prescription or fulfillment not in a full measure, non-provision of information or provision of information not in a full measure to the antimonopoly body within

established terms, provision of inaccurate and (or) false information to the antimonopoly body, creation of obstacles to civil servants of the antimonopoly body prosecuting the investigation to access to premises and in a territory, shall –

entail a fine on individuals in amount of fifty, on officials, subjects of small entrepreneurship or non-profit organizations – in amount of one hundred, on subjects of medium entrepreneurship – in amount of three hundred and sixty, on subjects of large entrepreneurship - in amount of one thousand six hundred monthly calculation indices.

Footnote. Article 162 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 163. Anticompetitive actions (inaction) of state, local executive bodies, organizations, endowed by the government with functions to regulate the activity of market entities, unfair competition

Footnote. Title of Article 163 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2016 No. 34-VI (shall be enforced from 01.01.2017).

1. Anticompetitive actions (inaction) of state, local executive bodies, organizations, endowed by the state with functions to regulate the activity of market entities, shall - entail a fine on officials in amount of three hundred monthly calculation indices.

2. Unfair competition shall –

entail a fine on subjects of small entrepreneurship in amount of two hundred, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship – in amount of one thousand five hundred monthly calculation indices.

3. The action provided by a part two of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall –

entail a fine on subjects of small entrepreneurship in amount of three hundred, on subjects of medium entrepreneurship – in amount of four hundred, on subjects of large entrepreneurship – in amount of two thousand monthly calculation indices.

Footnote. Article 163 as amended by the Law of the Republic of Kazakhstan dated 28.12.2016 No. 34-VI (shall be enforced from 01.01.2017).

Article 163-1. Coordination by organizers of procurement of goods, procurement operators and bidding activities of procurement suppliers, bidders

1. Coordination by the organizers of procurement of goods, procurement operators and bidding activities of procurement suppliers and bidders, if such action leads or may lead to prevention, restriction or elimination of competition and shall not contain elements of criminally punishable act, –

shall entail a fine on officials in amount of one hundred monthly calculation indices.

2. The action provided by part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, –
shall entail a fine on officials in amount of one hundred and fifty monthly calculation indices.

Footnote. Chapter 14 is supplemented by Article 163-1 in accordance with the Law of the Republic of Kazakhstan dated 24.05.2018 No. 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 164. Violation of the legislation of the Republic of Kazakhstan on natural monopolies

Footnote. Title of Article 164 as amended by the Law of the Republic of Kazakhstan dated 28.12.2016 No. 34-VI (shall be enforced from 01.01.2017).

1. Non-provision of information, report and notification of the established forms, as well as provision of information, report, notification of the established forms with violation of the established terms by subject of natural monopoly to authorized agencies, carrying out management in the field of natural monopolies, information and communications, civil aviation –

entail a fine on subjects of small entrepreneurship in amount of two hundred, on subjects of medium entrepreneurship – in amount of two hundred and forty, on subjects of large entrepreneurship - in amount of eight hundred monthly calculation indices.

2. The same actions (omission) committed repeatedly second time second time within a year after imposition of administrative sanction provided by a part one of this Article, shall –
entail a fine on subjects of small entrepreneurship in amount of two hundred forty, on subjects of medium entrepreneurship – in amount of two hundred eighty, on subjects of large entrepreneurship – in amount of one thousand two hundred monthly calculation indices.

3. Non-provision of an application and documents, information on inclusion into the State register on subjects of natural monopolies within fifteen calendar days from the date of the beginning of this activity in the manner established by the legislation on natural monopolies by the persons, carrying out activities, related to the sphere of natural monopoly, to the authorized body, shall –

entail a fine in amount of one hundred percent of a sum of the revenue (profit), received as a result of an administrative offense.

4. Non-compliance with restrictions by subject of natural monopoly, as well as non-fulfillment or improper fulfillment by subject of natural monopoly of obligations, established by the legislation of the Republic of Kazakhstan on natural monopolies, with the exception of obligation to provide information, report, notification the established forms to authorized agencies, carrying out management in the field of natural monopolies, information and communications, civil aviation, –

entail a fine on subjects of small entrepreneurship in amount of two hundred and eighty, on subjects of medium entrepreneurship - in amount of three hundred and twenty, on subjects of large entrepreneurship - in amount of a thousand six hundred monthly calculation indices.

5. An action (inaction), provided in part four of this Article, which entailed the receipt of the revenue (profit), shall -

entail a fine on legal entities in amount of ten percent of the revenue (profit) received in a result of commission of administrative infraction.

Note. The revenue (profit) received in a result of commission of administrative infraction shall be regarded as the difference between the revenue (profit) received by a subject of natural monopoly, and the revenue (profit) that the subject of natural monopoly should receive upon compliance with the legislation of the Republic of Kazakhstan.

Footnote. Article 164 as amended by the laws of the Republic of Kazakhstan dated 29.10.2015 No. 376-V (shall be enforced from 01.01.2016); dated 28.12.2016 No. 34-VI (shall be enforced from 01.01.2017); No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 165. Violation of procedure for sales (disposal) of electric energy

1. Sales (disposal) of electric energy by energy producing organization, with the exception of cases of selling (disposing) on spot-biddings (no more than ten percent of the volumes of produced electric energy), balancing market and for export, according to the tariff exceeding the limiting, individual, calculation tariffs of electric energy respectively, shall –

entail a fine on legal entities in amount of ten percent of the revenue (profit) received in a result of commission of administrative infraction.

2. Sale (disposal) of electric energy by energy producing organization to individuals and legal entities that are not the subjects of wholesale and (or) retail market, with the exception of cases of exporting electric energy, shall –

entail a fine on legal entities in amount of one hundred percent of the sum of the revenue (profit) received in a result of commission of administrative infraction.

3. Illegal acquisition (purchase) of electric energy by energy producing organization from another energy producing organization, shall –

entail a fine on legal entities in amount of one hundred percent of payment for electric energy being acquired (purchased) in a result of commission of administrative infraction.

4. Illegal sale (disposal) of electric energy by energy producing organization to another energy producing organization, and equally its illegal acquisition (purchase) from another energy producing organization shall –

entail a fine on legal entities in amount of one hundred percent of a sum of payment for electric energy being sold (disposed), equally as acquired (purchased) in a result of commission of administrative infraction.

Note.

1. The revenue (profit) received in a result of commission of administrative infraction shall be regarded as:

1) according to part one of this Article: the difference between the revenue (profit) received by energy producing organization, with the exception of cases provided by this Article, and the revenue (profit) calculated respectively on limiting, calculation, individual tariffs of electric energy;

2) according to parts one, three and four of this Article: all the income (profit) received in a result of violation of prohibition for selling (disposing) electric energy established by the legislation of the Republic of Kazakhstan on electric power industry.

2. Composition of revenue (profit) shall include the cost of sold (disposed) electric energy , but not paid on a date of drawing up the protocol on administrative infraction.

Article 166. Violation of obligations by a subject of socially significant market

1. Non-provision of information by a subject of socially significant market on selling prices with attachment of substantiating materials, confirming the level of price, financial reporting in accordance with the legislation of the Republic of Kazakhstan on accounting and financial reporting, as well as information on the volumes of production (sale), the level of profitability and selling prices of monopolistically produced (sold) goods (works, services) within the terms established by the Entrepreneurial Code of the Republic of Kazakhstan, as well as provision of inaccurate and (or) incomplete information to the authorized body, carrying out management in the spheres of natural monopolies, shall -

entail a fine on subjects of small entrepreneurship in amount of three hundred, on subjects of medium entrepreneurship – in amount of four hundred, on subjects of large entrepreneurship - in amount of two thousand monthly calculation indices.

2. Non-execution of an investment program (project), recorded in marginal price by a subject of socially significant market, shall –

entail a fine on subjects of small entrepreneurship, on subjects of medium entrepreneurship, on subjects of large entrepreneurship in amount of ten percent of the sums, not used to implement investment programs (projects).

3. Non-fulfillment of obligation by a subject of socially significant market on return the revenue (profit) received and not used for the implementation of investment programs (projects), recorded in marginal prices, to consumers or in case of impossibility to establish a complete list of consumers by reducing the level of marginal price for the forthcoming period in accordance with the manner of price formation, shall –

entail a fine on subjects of small entrepreneurship in amount of sixty-five, on subjects of medium entrepreneurship – in amount of eighty, on subjects of large entrepreneurship – in

amount of one hundred percent of the sum of the revenue (profit), received as a result of committing an administrative offense.

4. Non-fulfillment of obligation by a subject of socially significant market on return the revenue (profit) received as a result of an unreasonable exceeding of marginal price to consumers or in case of impossibility to establish a complete list of consumers by reducing the level of marginal price for the forthcoming period in accordance with the manner of price formation, shall –

entail a fine on subjects of small entrepreneurship in amount of sixty-five, on subjects of medium entrepreneurship – in amount of eighty, on subjects of large entrepreneurship – in amount of one hundred percent of the sum of the revenue (profit), received as a result of committing an administrative offense.

5. Increase in price and sale of goods (works, services) by a subject of socially significant market without submission of notification on the forthcoming price increase to the authorized body, carrying out management in the spheres of natural monopolies, in terms, established by the legislation of the Republic of Kazakhstan, as well as non-reduction of the current or projected price to the level price, determined by the authorized body, carrying out management in the spheres of natural monopolies, in the manner established by the Entrepreneurial Code of the Republic of Kazakhstan shall –

entail a fine on subjects of small entrepreneurship, on subjects of medium entrepreneurship, on subjects of large entrepreneurship in amount of ten percent of the revenue (profit) received as a result of committing an administrative offense.

Notes.

1. Revenue (profit), received as a result of committing an administrative offense, shall be regarded as:

1) according to part two of this Article: the difference between the revenue (profit), received by a subject of socially significant market and the revenue (profit), calculated at a price that was in effect before the increase, or at a price, the level of which is determined by the authorized body, carrying out management in the spheres of natural monopolies;

2) according to part three of this Article: the difference between the revenue (profit), received by a subject of socially significant market for implementation of investment programs (projects) through the application of marginal price and the revenue (profit), used to implement investment programs (projects);

3) according to part four of this Article: the difference between the revenue (profit), received by a subject of socially significant market and the revenue (profit), formed, based on the level of marginal price.

2. The revenue (profit) should include the cost of sold goods (works, services), but not paid on the day of drawing up the protocol on administrative offence.

Footnote. Article 166 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2016 No. 34-VI (shall be enforced from 01.01.2017).

Article 167. Non-compliance with the procedure for price formation by a subject of socially significant market

Footnote. Title of Article 167 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2016 No. 34-VI (shall be enforced from 01.01.2017).

Non-compliance with the procedure for price formation, established by the authorized body, carrying out management in the spheres of natural monopolies, by a subject of socially significant market, shall -

entail a fine on subjects of small entrepreneurship in amount of three hundred, on subjects of medium entrepreneurship – in amount of four hundred, on subjects of large entrepreneurship – in amount of two thousand monthly calculation indices.

Footnote. Article 167 as amended by the Law of the Republic of Kazakhstan dated 05.05.2015 No. 312-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 28.12.2016 No. 34-VI (shall be enforced from 01.01.2017).

Article 168. Non-execution of investment program by energy producing organization

Non-execution of instructions on implementation of the investment program by the energy producing organization, introduced by the authorized body, carrying out management in the spheres of natural monopolies, shall -

entail a fine in amount of ten percent of the sums received from consumers and not used for the purpose of realization of investment program.

Footnote. Article 168 as amended by the Law of the Republic of Kazakhstan dated 28.12.2016 No. 34-VI (shall be enforced from 01.01.2017).

Article 169. Breach of the legislation of the Republic of Kazakhstan on the state regulation of production and turnover of biofuel

1. Excess of quota standard by producers of biofuel for acquisition of food raw materials for the following its processing into biofuel, shall –

entail a fine on subjects of small entrepreneurship in amount of two hundred fifty, on subjects of medium entrepreneurship – in amount of three hundred forty, on subjects of large entrepreneurship – in amount of one thousand five hundred seventy monthly calculation indices.

2. The action provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on subjects of small entrepreneurship in amount of three hundred, on subjects of medium entrepreneurship – in amount of three hundred ninety, on subjects of large entrepreneurship – in amount of one thousand eight hundred twenty monthly calculation

indices, with a confiscation of products produced from the food raw materials in amount of exceeded quota, and suspension of activity on production of biofuel for the term up to three months.

3. Use of wheat of the classes 1 and 2 as a food raw material upon production of biofuel shall –

entail a fine on subjects of small entrepreneurship in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of seven hundred fifty monthly calculation indices.

4. Sale of biofuel, the composition of which does not conform to the composition established by the technical regulations shall –

entail a fine on subjects of small entrepreneurship in amount of two hundred, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship – in amount of seven hundred fifty monthly calculation indices.

5. Production of turnover of undenatured bioethanol, with the exception of cases of its delivery to the plant on production of biofuel or to the oil processing plant for processing into other types of biofuel, shall –

entail a fine on subjects of small entrepreneurship in amount of two hundred, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship – in amount of seven hundred fifty monthly calculation indices.

6. Carrying out of production of biofuel by two and more producers of biofuel at one and the same plant on production of biofuel, shall –

entail a fine on subjects of small entrepreneurship in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of seven hundred fifty monthly calculation indices.

7. Production of biofuel by producers of the biofuel without production passport, without control instruments for recording the volumes of producing the biofuel or during their state of defect, shall –

entail a fine on subjects of small entrepreneurship in amount of one hundred ten, on subjects of medium entrepreneurship – in amount of two hundred twenty, on subjects of large entrepreneurship – in amount of seven hundred thirty monthly calculation indices, with the confiscation of products produced during this period.

8. Acceptance of biofuel of food raw materials by producers that is genetically modified source (object) or containing genetically modified sources (objects) without scientific substantiated confirmation of their safety and conduct of their state registration, shall –

entail a fine on subjects of small entrepreneurship in amount of one hundred twenty five, on subjects of medium entrepreneurship – in amount of two hundred fifty, on subjects of large entrepreneurship – in amount of nine hundred forty monthly calculation indices.

9. Excluded by the Law of the Republic of Kazakhstan dated 25.12.2017 No. 122-VI (shall be enforced from 01.01.2020).

10. Sale of biofuel by producers of the biofuel to the persons that do not carry out production of biofuel and (or) that do not have a license for compounding of oil products, with the exception of exporting the biofuel upon existence of the relevant documents, shall – entail a fine on subjects of small entrepreneurship in amount of one hundred thirty, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship – in amount of nine hundred ninety monthly calculation indices, with a confiscation of biofuel in a volume equal to the sold batch.

11. Release of produced biofuel by producers of the biofuel for its storage to persons that are not the participants of the biofuel market, with the exception of exporting the biofuel upon existence of the relevant documents, shall –

entail a fine on subjects of small entrepreneurship in amount of one hundred ten, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship – in amount of six hundred monthly calculation indices, with a confiscation of biofuel in a volume equal to the sold batch.

12. Storage of biofuel by persons that are not the participants of the biofuel market and (or) that do not have a license for compounding of oil products, with the exception of exporting biofuel upon existence of the relevant documents, shall –

entail a fine on subjects of small entrepreneurship in amount of one hundred thirty five, on subjects of medium entrepreneurship – in amount of one hundred seventy, on subjects of large entrepreneurship – in amount of two hundred sixty monthly calculation indices, with a confiscation of biofuel in a volume equal to the sold batch.

13. The actions provided by parts seven, eight, ten, eleven of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

– entail a fine on subjects of small entrepreneurship in amount of two hundred, on subjects of medium entrepreneurship – in amount of four hundred, on subjects of large entrepreneurship – in amount of one thousand three hundred monthly calculation indices, with a confiscation of biofuel in a relevant volume.

14. The action provided by a part twelve of this Article committed repeatedly second time second time within a year after imposition of administrative sanction shall –

entail a fine on subjects of small entrepreneurship in amount of one hundred twenty, on subjects of medium entrepreneurship – in amount of two hundred forty, on subjects of large entrepreneurship – in amount of four hundred thirty monthly calculation indices.

Footnote. Article 169 as amended by the Law of the Republic of Kazakhstan dated 25.12.2017 No. 122-VI (shall be enforced from 01.01.2020).

Article 170. Violation of requirements of the legislation of the Republic of Kazakhstan on gas and gas supply

1. Non-provision of details by a subject of gas supply systems on production, transportation (transfer), storage, shipping and sale of sales, liquefied petroleum and (or) liquefied natural gas, as well as provision of details with violation of established terms –

entail a warning.

1-1. The actions, provided in part one of this Article, committed repeatedly within a year after imposing an administrative penalty shall-

entail a fine on subjects of small entrepreneurship in amount of twenty-five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

2. Non-compliance with restrictions on operation of objects of the gas supply systems established by the legislation of the Republic of Kazakhstan on gas and gas supply, shall –

entail a fine on subjects of small entrepreneurship in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of three hundred monthly calculation indices.

Note of RCLI!

Sub-paragraph one of part three shall be provided amendments by the Law of the Republic of Kazakhstan No. 173-VI dated 04.07.2018 (shall be enforced from 01.01.2021).

3. Violation of procedure for recording and (or) sale of commercial and (or) liquefied petroleum gas, established by the legislation of the Republic of Kazakhstan on gas and gas supply, with the exception of cases, provided by parts ten and eleven of this Article, shall –

entail a fine on subjects of small entrepreneurship in amount of seventy-five, on subjects of medium entrepreneurship – in amount of one hundred and fifty, on subjects of large entrepreneurship – in amount of seven hundred monthly calculation indices.

4. Violation of a priority right of the state by a subsurface user to acquisition of raw and (or) commercial gas, shall –

entail a fine on legal entities in amount of one thousand monthly calculation indices.

5. Violation of a priority right of the state by an owner of an object of the gas supply systems to acquisition of objects of the unified commercial gas supply system, shares in a right of common property to objects of the unified commercial gas supply system and (or) blocks of shares (participatory interests) of legal entities-owners of the objects of the unified commercial gas supply system, shall –

entail a fine on legal entities in amount of thousand monthly calculation indices.

6. Non-compliance with established technical operating regimes of the objects of unified commercial gas supply system shall –

entail a fine on subjects of small entrepreneurship in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of one thousand five hundred monthly calculation indices.

7. The action provided by a part three of this Article that lead receipt of the revenue (profit), shall –

entail a fine on legal entities – in amount of thirty percent of the revenue (profit) received in a result of commission of administrative infraction, with suspension of the action or deprivation of accreditation certificate.

Note of RCLI!

Part eight shall be provided exclude by the Law of the Republic of Kazakhstan No. 173-VI dated 04.07.2018 (shall be enforced from 01.01.2021).

8. Violation of the rules of accreditation of gas network organizations shall – entail a fine on subjects of small entrepreneurship in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices, with suspension of validity term of the accreditation certificate.

Note of RCLI!

Part nine shall be provided exclude by the Law of the Republic of Kazakhstan No. 173-VI dated 04.07.2018 (shall be enforced from 01.01.2021).

9. Provision of knowingly inaccurate information by an applicant upon receipt of accreditation certificate, and equally the actions (omission) provided by a part seven of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, as well as non-elimination of the violations of rules of accreditation that lead bringing to administrative liability, upon expiry of the term for suspension of validity term of accreditation certificate, shall –

entail a fine on subjects of small entrepreneurship in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship - in amount of five hundred monthly calculation indices, with deprivation of the accreditation certificate.

Note. The revenue (profit) received in a result of commission of administrative infraction shall be regarded as the difference between the revenue (profit) received by a person that committed the administrative infraction, and the revenue (profit) that this person should receive upon compliance with the legislation of the Republic of Kazakhstan.

10. Illegal sale of liquefied petroleum gas outside the Republic of Kazakhstan, if these actions do not contain signs of a criminal offense, shall-

entail a fine on subjects of small entrepreneurship in amount of two hundred, on subjects of medium entrepreneurship in amount of five hundred, on subjects of large entrepreneurship - in amount of one thousand monthly calculation indices, with confiscation of revenues, received as a result of committing an administrative offense.

Note of RCLI!

Part eleven shall be provided exclude by the Law of the Republic of Kazakhstan No. 173-VI dated 04.07.2018 (shall be enforced from 01.01.2021).

11. Wholesale sales of liquefied petroleum gas between gas network organizations shall- entail a fine on subjects of small entrepreneurship in amount of two hundred, on subjects of medium entrepreneurship in amount of five hundred, on subjects of large entrepreneurship - in amount of one thousand of monthly calculation indices, with confiscation of revenues, received as a result of committing an administrative offense.

Note of RCLI!

Sub-paragraph one of part twelve shall be provided amendments by the Law of the Republic of Kazakhstan No. 173-VI dated 04.07.2018 (shall be enforced from 01.01.2021).

12. The action, provided by parts ten and eleven of this Article, committed repeatedly within a year, shall –

entail a fine on subjects of small entrepreneurship in amount of five hundred, on subjects of medium entrepreneurship in amount of eight hundred, on subjects of large entrepreneurship - in amount of one thousand three hundred monthly calculation indices, with confiscation of revenues, received as a result of committing an administrative offense and suspension of action or deprivation of the accreditation certificate.

Footnote. Article 170 as amended by the laws of the Republic of Kazakhstan dated 28.04.2016 No. 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 173-VI dated 04.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 171. Excess of limit prices of selling oil products, commercial liquefied petroleum gas to which the state regulation of prices is established

1. Excess of limit price of retail sale of oil products by retail sellers of oil products established in accordance with the legislation of the Republic of Kazakhstan on the state regulation of production and turnover of separate types of oil products, shall –

entail a fine on subjects of small entrepreneurship in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of one thousand monthly calculation indices.

2. Excess of limit prices of wholesale trade of sales gas in the domestic market of the Republic of Kazakhstan or limit prices of liquefied petroleum gas sold under the plan for supply of liquefied petroleum gas in the domestic market of the Republic of Kazakhstan outside electronic trading platforms by persons carrying out trade of sales gas or liquefied petroleum gas established in accordance with the legislation of the Republic of Kazakhstan on gas and gas supply, –

entail a fine on subjects of small entrepreneurship in amount of one hundred and fifty, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship – in amount of two thousand monthly calculation indices.

3. The actions provided by parts one and two of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on legal entities in amount of one hundred percent of the revenue (profit) received in a result of commission of administrative infraction, with suspension of the validity term or deprivation of accreditation certificate.

Note. The revenue (profit) received in a result of commission of administrative infraction shall be regarded as the difference between the revenue (profit) received by a person that committed the administrative infraction, and the revenue (profit) that this person should receive upon compliance with the legislation of the Republic of Kazakhstan.

Footnote. Article 171 as amended by the Law of the Republic of Kazakhstan No. 173-VI dated 04.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 172. Breach of the legislation of the Republic of Kazakhstan on electric power industry

1. Non-publication, untimely, inaccurate or incomplete publication of details in mass media by energy producing organization on a volume and directions of investments or fulfillment of investment obligations provided by the legislation of the Republic of Kazakhstan on electric power industry, shall –

entail a fine on subjects of medium entrepreneurship in amount of one hundred sixty, on subjects of large entrepreneurship – in amount of eight hundred monthly calculation indices.

2. Non-provision, untimely, inaccurate or incomplete provision of reports on expenses for production and sale of electric energy and on volumes of production and sale of electric energy provided by the legislation of the Republic of Kazakhstan on electric power industry by energy producing organization, shall –

entail a fine on subjects of medium entrepreneurship in amount of three hundred twenty, on subjects of large entrepreneurship – in amount of one thousand six hundred monthly calculation indices.

3. Non-provision, untimely, inaccurate or incomplete provision of information by energy producing, power transmission organizations, requested by the state bodies, required for carrying out of their powers provided by the legislation of the Republic of Kazakhstan on electric power industry, shall –

entail a fine on subjects of small entrepreneurship in amount of one hundred and fifty, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship - in amount of one thousand six hundred monthly calculation indices.

4. Non-fulfillment of investment obligations by energy producing organization determined by the agreement, with the exception of cases provided by the legislation of the Republic of Kazakhstan on electric power industry, shall –

entail a fine on subjects of medium entrepreneurship in amount of five, on subjects of large entrepreneurship – in amount of ten percent of the sums not used for realization of investment obligations provided by the agreement.

5. Illegal restriction and (or) cutoff of electric and (or) heat energy shall –

entail a fine on officials, subjects of small entrepreneurship in amount of twenty-five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of seventy-five monthly calculation indices.

6. Refusal of energy producing organization from conclusion of individual contract of energy supply with a consumer, shall –

entail a fine on subjects of small entrepreneurship in amount of twenty five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of seventy five monthly calculation indices.

Footnote. Article 172 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 173. Illegal interference of civil servants in entrepreneurial activity

Illegal interference of civil servants of the state bodies carrying out supervisory and control functions, as well as of the local executive bodies in activity of individual entrepreneurs, legal entities by issuance of illegal acts and giving of illegal orders impeding their entrepreneurial activity, shall –

entail a fine in amount of one hundred monthly calculation indices.

Article 174. Bribery of participants and organizers of professional sporting competitions and entertaining commercial tenders

1. Bribery of sportsmen, sport judges, trainers, team leaders and other participants or organizers of professional sporting competitions, and equally organizers or award panels of entertaining commercial tenders for the purpose of influencing on results of these competitions or tenders, shall –

entail a fine in amount of two hundred monthly calculation indices.

2. The action provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine in amount of two hundred monthly calculation indices.

3. Illegal receipt of money, securities or another property by sportsmen, transferred to them for the purpose of influencing on results of competitions, and equally illegal use of the services of property character by the sportsmen, rendered to them for the same purposes shall –

entail a fine in amount of two hundred monthly calculation indices.

4. Illegal receipt of money, securities or another property, illegal use of services of property character by sports judges, trainers, team leaders and other participants or organizers of professional sports competitions, and equally by organizers or award panels of entertaining commercial tenders for the purposes mentioned in a part three of this Article, shall –

entail a fine in amount of four hundred monthly calculation indices.

Footnote. Article 174 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 175. Violation of the procedure for conduct of inspection of subjects of private entrepreneurship

1. Violation of the procedure for inspection of subjects of private entrepreneurship, including:

- 1) absence of grounds for conduct of inspection;
- 2) absence of the act on assignment of inspection and preventive control and supervision to the subject (object) of control and supervision visit;
- 3) non-notification, as well as non-compliance with the terms of notification of inspection and preventive control and supervision to the subject (object) of control and supervision visit provided by Paragraph 1 of Article 147 of the Entrepreneurial Code of the Republic of Kazakhstan;
- 4) inspection of performing the requirements not established in the checklists of this control and supervision agency, if such requirements lies beyond the scope of the state agency on whose behalf these officials act;
- 5) requirement on presenting documents, information, samples of products, samples of surveying environmental objects and industrial environment objects, if they shall not be the objects of inspection or not relate to the subject of inspection;
- 6) selection of samples of the products, samples of surveying environmental objects and industrial environment objects for conduct of their research, test, metering without drawing up of the protocols on selection of mentioned samples, samples on established form and (or) quantity exceeding the norms, established by the national standards, rules of selecting the samples, samples and methods of their research, test, metering, technical regulations or other regulatory technical documents, rules and methods of research, test, metering being valid up to the date of their entering into force;
- 7) divulgation and (or) distribution of information received in a result of conduct of inspection and preventive control and supervision to the subject (object) of control and supervision visit and that is commercial or another secret protected by the Law, with the exception of cases provided by the legislation of the Republic of Kazakhstan;
- 8) excess of established terms for conduct of inspection and preventive control and supervision to the subject (object) of control and supervision visit, provided by Article 148 of the Entrepreneurial Code of the Republic of Kazakhstan;
- 9) conducting inspection and preventive control and supervision to the subject (object) of control and supervision visit, that was previously inspected or preventive control and

supervision to the subject (object) of control and supervision visit by its higher (lower) agency or another state agency on the same issue for the same period, except for the cases provided by subparagraphs 3), 4), 8), 9) and 10) of paragraph 3 of Article 144 of the Entrepreneurial Code of the Republic of Kazakhstan;

10) conduct of measures having cost-based character for the purpose of the state control on account of subjects of private entrepreneurship;

11) violation of periodicity to conduct of inspection by special procedure for conducting of inspection and preventive control and supervision to the subject (object) of control and supervision visit provided by Article 141 of the Entrepreneurial Code of the Republic of Kazakhstan;

12) non-presentation of the act of inspection to a subject being under inspection, – shall entail a fine on official in amount of twenty monthly calculation indices.

2. The action provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall – entail a fine on a civil servant in amount of twenty five monthly calculation indices.

Footnote. Article 175 as amended by the Law of the Republic of Kazakhstan dated 29.10.2015 No. 376-V (shall be enforced from 01.01.2016); No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 175-1. Unjustified carrying out of other forms of control and supervision with visiting of subjects of private entrepreneurship

1. Unjustified carrying out of other forms of control and supervision with visiting of subjects of private entrepreneurship shall- entail a fine on officials in amount of twenty monthly calculation indices.

2. The action, provided by part one of this Article, committed repeatedly within a year after imposing an administrative penalty, shall – entail a fine on officials in amount of twenty-five monthly calculation indices.

Footnote. Chapter 14 is supplemented by Article 175-1 in accordance with the Law of the Republic of Kazakhstan dated 29.10.2015 No. 376-V (shall be enforced from 01.01.2016).

Article 176. Unlawful actions upon rehabilitation and bankruptcy

1. Concealing a property or property obligations, details on the property, its size, location or another information on the property, transfer of the property to another possession, alienation or destruction of the property, and equally concealing, destruction, falsification of bookkeeping and (or) accounting documentation or other documents, reflecting economic activity, if these actions committed by an individual entrepreneur - a debtor, a founder (

participant), an official of a legal entity - a debtor, as well as a temporary or bankrupt or rehabilitation manager, if these actions committed during rehabilitation and bankruptcy and not have the signs of criminally punishable action, shall, –

entail a fine on an individual in amount of two hundred monthly calculation indices.

2. Illegal satisfaction of the property claims of individual creditors by an an individual entrepreneur - a debtor, a founder (participant), an official of a legal entity - a debtor, as well as a temporary or bankrupt or rehabilitation manager knowingly to the detriment of other creditors, if these actions do not contain any signs of a criminally punishable action, shall –

entail a fine on an individual in amount of one hundred and fifty, on subjects of small entrepreneurship - in amount of three hundred and fifty, on subjects of medium entrepreneurship – in amount of six hundred, on subjects of large entrepreneurship - in amount of two thousand monthly calculation indices.

Footnote. Article 176 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2019 No. 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 177. Breach of the legislation of the Republic of Kazakhstan on rehabilitation and bankruptcy by a temporary manager

1. Non-fulfillment or improper fulfillment of the obligation to represent a conclusion on financial status of a debtor to the court, shall –

entail a fine in amount of thirty monthly calculation indices.

2. Non-fulfillment or improper fulfillment of the obligation to conduct inventory of a property mass of a bankrupt and (or) to represent a report on the inventory, shall –

entail a fine in amount of thirty monthly calculation indices.

3. Non-fulfillment or improper fulfillment of the obligation to direct a notice to the authorized body in the field of rehabilitation and bankruptcy on initiation of a case on bankruptcy and procedure for applying requirements by the creditors for its placing on a website, shall –

entail a fine in amount of fifteen monthly calculation indices.

4. Excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

5. Non-fulfillment or improper fulfillment of the obligation to represent current and requested information to the authorized authority in the field of rehabilitation and bankruptcy on a course of carrying out the procedure for bankruptcy, shall –

entail a warning.

6. Untimely notification of creditors on decision adopted following the results of considering the requirements applied in accordance with the legislation of the Republic of Kazakhstan on rehabilitation and bankruptcy, shall –

entail a fine in amount of five monthly calculation indices.

7. Non-fulfillment or improper fulfillment of the obligation on notifying the creditors on a date, time and place of holding the meeting of creditors, shall –

entail a fine in amount of five monthly calculation indices.

8. Excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

9. Non-fulfillment or improper fulfillment of the obligation to accept from the officials of the bankrupt the constituent documents, accounting documentation, documents of title to the property of the bankrupt, seals (if any), stamps, material and other values belonging to the bankrupt, shall -

entail a fine in amount of fifteen monthly calculation indices.

10. Non-fulfillment or improper fulfillment of the obligation to transfer constituent documents, accounting documents, documents of title to the property of the bankrupt (debtor), seals (if any), stamps, material and other valuables belonging to the bankrupt (debtor), upon transfer of powers from the interim manager to a bankruptcy manager or a debtor in the event of cancellation of a court decision on declaring the debtor bankrupt, shall -

entail a fine in amount of fifteen monthly calculation indices.

11. Non-fulfillment or improper fulfillment of the obligation to provide information on the basis of a written request of a creditor and an individual entrepreneur - bankrupt, the owner of property (the authorized authority), the founder (participant) of a legal entity – bankrupt, shall -

entail a warning.

12. Non-fulfillment or improper fulfillment of the obligation to form a register of creditors ' claims, shall -

entail a fine in amount of thirty monthly calculation indices.

13. Excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

14. Selling of property, the value of which will significantly decrease (perishable goods, livestock and other goods requiring urgent sale) during the period before the appointment of a bankruptcy manager, in violation of the procedure established by the Law of the Republic of Kazakhstan "On Rehabilitation and Bankruptcy", shall –

entail a fine in amount of fifteen monthly calculation indices.

15. Actions (inaction) provided by parts one, two and twelve of this Article, committed repeatedly second time within a year after imposition of administrative sanction, shall -

entail a fine in amount of sixty monthly calculation indices.

16. Actions (inaction) provided by parts three, five, six, seven and eleven of this Article, committed repeatedly second time within a year after imposition of administrative sanction, shall -

entail a fine in amount of fifteen monthly calculation indices.

17. Actions (inaction) provided by parts nine, ten and fourteen of this Article, committed repeatedly second time within a year after imposition of administrative sanction, shall-

entail a fine in amount of thirty monthly calculation indices.

Footnote. Article 177 as amended by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 178. Violation of established procedure for conduct of public biddings, auctions and tenders

Violation of established procedure for conduct of public biddings, auctions and tenders that inflicted heavy damage to the property owner, organizer of biddings or auctions, customer or another economic entity, shall –

entail a fine in amount of one hundred fifty monthly calculation indices.

Note. Heavy damage in this Article shall be considered as the damage inflicted to an individual to the sum one hundredfold exceeding the monthly calculation index, or the damage inflicted to an organization or the state to the sum, five hundredfold exceeding monthly calculation index.

Article 179. Breach of the legislation of the Republic of Kazakhstan on rehabilitation and bankruptcy by a bank manager

1. Non-fulfillment or improper fulfillment of the obligation to conduct inventory and (or) represent a report on inventory to the Committee of creditors, shall –

entail a fine in amount of thirty monthly calculation indices.

2. Non-fulfillment or improper fulfillment of the obligation to ensure security and control of the property of a bankrupt, shall –

entail a fine in amount of thirty monthly calculation indices.

3. Non-fulfillment or improper fulfillment of the obligation to specify requirements on recovery of a debt from the persons having debts before a bankrupt in a judicial procedure, with the exception of cases established by the legislation of the Republic of Kazakhstan on rehabilitation and bankruptcy, shall –

entail a fine in amount of fifteen monthly calculation indices.

4. Non-fulfillment or improper fulfillment of the obligation to represent current information to the authorized authority in the field of rehabilitation and bankruptcy on the course of carrying out the procedure for bankruptcy, shall –
entail a warning.

5. Non-notification or improper notification of a creditor on a date, time and place of holding meetings of and committee of creditors in the procedure of bankruptcy, shall –
entail a fine in amount of fifty monthly calculation indices.

6. Excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

7. Non-fulfillment or improper fulfillment of the obligation to draw up a plan for the sale of bankruptcy property or to implement it, shall -
entail a fine in amount of fifteen monthly calculation indices.

8. Non-fulfillment or improper fulfillment of the obligation to carry out settlements with creditors after the receipt of money in favor of the debtor, as well as settlements with creditors in violation of the established procedure for satisfying creditors' claims, shall –
entail a fine in amount of fifteen monthly calculation indices.

9. Non-reporting on available data to law enforcement agencies indicating the presence of signs of deliberate bankruptcy, shall –
entail a fine in amount of fifty monthly calculation indices.

10. Non-fulfillment or improper fulfillment of the obligations to detect transactions committed by a debtor or a person authorized by him (her) with violation of requirements provided by the civil legislation of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan “On rehabilitation and bankruptcy”, and non-specification of requirements on recognizing them invalid or return of the property in a judicial proceeding to the property mass of a bankrupt, shall –
entail a fine in amount of thirty monthly calculation indices.

11. Payment of administrative expenses without a decision of the creditors' committee, shall –
entail a fine in amount of fifteen monthly calculation indices.

12. Non-fulfillment or improper fulfillment of the obligations to transfer constitutive documents, accounting documentation, documents of title to the property of the bankrupt, seals (if any), stamps, material and other values belonging to the bankrupt, newly appointed bankrupt manager - upon removal (release) of a bankruptcy manager, to a debtor or a rehabilitation manager - upon cancellation of a court decision on declaring the debtor bankrupt, to a buyer - upon sale of a bankrupt enterprise, shall –
entail a fine in amount of fifteen monthly calculation indices.

13. Non-representation, untimely presentation or presentation of final report that does not conform to requirements of the legislation of the Republic of Kazakhstan on rehabilitation and bankruptcy to the court, shall –

entail a fine in amount of fifteen monthly calculation indices.

14. Non-fulfillment or improper fulfillment of the obligations to provide the requested information to the authorized authority in the field of rehabilitation and bankruptcy, shall –

entail a warning.

15. Failure to notify or untimely notice of a creditor on the course of carrying out the procedure for bankruptcy, financial status of the debtor on the basis of his (her) written request, shall –

entail a warning.

16. Untimely application to a creditor on setoff of requirements on the basis of decision of the creditors' committee, shall –

entail a fine in amount of five monthly calculation indices.

17. Non-fulfillment or improper fulfillment of the obligations on request of information from the state authorities, individuals and legal entities on a bankrupt, property belonging to him/her (belonged) and copies of confirming documents, shall –

entail a warning.

18. Non-reference to the court in the cases established by the Law of the Republic of Kazakhstan "On Rehabilitation and Bankruptcy", with a claim for bringing persons to subsidiary liability and collecting amounts, shall –

entail a fine in amount of thirty monthly calculation indices.

19. Non-fulfillment or improper fulfillment of the obligations on provision of a copy of the court act to the creditors' committee concerning the interests of a bankrupt and his (her) creditors for consideration of the question of appealing, unless otherwise established by the agreement on conducting bankruptcy proceedings with a bankrupt manager, shall, –

entail a fine in amount of five monthly calculation indices.

20. Non-fulfillment or improper fulfillment of obligations on acceptance of constituent documents, accounting documents, entitling documents for a bankrupt's property, seals (if any), stamps, material and other values belonging to the bankrupt, shall –

entail a fine in amount of fifteen monthly calculation indices.

21. Untimely sending applications for closing bankrupt bank accounts, destruction of the seal (if any) of a bankrupt to a bank, an organization carrying out certain types of banking operations, shall –

entail a fine in amount of fifteen monthly calculation indices.

22. The actions (inaction), provided by parts four, five, fourteen, - seventeen and nineteen of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, –

entail a fine in amount of fifteen monthly calculation indices.

23. Actions (inaction) provided by parts three, seven, eight, eleven, twelve, thirteen, twenty and twenty one of this Article, committed repeatedly second time within a year after the imposition of an administrative sanction, shall –

entail a fine in amount of thirty monthly calculation indices.

24. Actions (inaction), provided by parts one, two, ten and eighteen of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, shall –

entail a fine in amount of sixty monthly calculation indices.

25. Action provided by part nine of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, shall –

entail a fine in amount of one hundred monthly calculation indices.

Footnote. Article 179 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2019 No. 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 180. Breach of the legislation of the Republic of Kazakhstan on rehabilitation and bankruptcy by a temporary administrator

1. Non-fulfillment or improper fulfillment of the obligation to announcements on the initiation of rehabilitation proceedings and procedure for filing claims by creditors to the authorized authority in the field of rehabilitation and bankruptcy for placing on its website, shall –

entail a fine in amount of five monthly calculation indices.

2. Violation of the procedure for formation of a register of creditors' claims established by the legislation of the Republic of Kazakhstan on rehabilitation and bankruptcy, shall –

entail a fine in amount of thirty monthly calculation indices.

3. Non-fulfillment or improper fulfillment of the obligation to direct an opinion on financial stability of the debtor, shall –

entail a fine in amount of thirty monthly calculation indices.

4. Excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

5. Excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

6. Non-fulfillment or improper fulfillment of the obligation to consider requirements of the creditors and bring the results of consideration to them, shall –

entail a fine in amount of five monthly calculation indices.

7. Non-fulfillment or improper fulfillment of the obligation to notify the creditors on place and date of holding the creditors' meeting, shall –
entail a fine in amount of five monthly calculation indices.

8. Excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 № 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

9. Actions (inaction), provided by parts one, six and seven of this Article, committed repeatedly second time within a year after the imposition of an administrative sanction, shall –
entail a fine in amount of fifteen monthly calculation indices.

10. Actions (inaction) provided by parts two and three of this Article, committed repeatedly second time within a year after the imposition of an administrative sanction, shall –
entail a fine in amount of sixty monthly calculation indices.

Footnote. Article 180 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2019 No. 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 181. Breach of the legislation of the Republic of Kazakhstan on rehabilitation and bankruptcy by a rehabilitation manager

1. Excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication)

2. Excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

3. Non-fulfillment or improper fulfillment of the obligation to accept a debtor's property in management and to ensure its protection and control, shall –
entail a fine in amount of thirty monthly calculation indices.

4. Non-fulfillment or improper fulfillment of a rehabilitation plan, shall –
entail a fine in amount of fifty monthly calculation indices.

5. Non-fulfillment or improper fulfillment of the obligation to provide current information to the authorized authority in the field of rehabilitation and bankruptcy on the course of carrying out the rehabilitative procedure, shall –
entail a warning.

6. Non-notifying or improper notification of a creditor on date, time and place of holding the meeting and creditors committee in rehabilitative procedure, shall –
entail a fine in amount of five monthly calculation indices.

7. Non-fulfillment or improper fulfillment of the obligation to transfer of constituent documents, accounting documents, entitling documents for a bankrupt's property, seals (if any), stamps, material to the newly appointed rehabilitation manager or bankruptcy manager and other values belonging to the bankrupt, shall –

entail a fine in amount of fifteen monthly calculation indices.

8. Commission of transactions outside regular commercial operations not provided by the rehabilitation plan, in a rehabilitative procedure without a consent of the creditors' meeting, shall –

entail a fine in amount of thirty monthly calculation indices.

9. Non-representation, untimely presentation or presentation of final report to the court that does not conform to requirements of the legislation of the Republic of Kazakhstan on rehabilitation and bankruptcy, shall –

entail a fine in amount of fifteen monthly calculation indices.

10. Excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

11. Non-fulfillment or improper fulfillment of the obligation to represent information to a debtor's creditor on the course of carrying out the activity, financial status of the debtor on the basis of his (her) written request, shall –

entail a warning.

12. Non-fulfillment or improper fulfillment of the obligation to provide requested information to the authorized authority in the field of rehabilitation and bankruptcy, shall —

entail a warning.

13. Non-fulfillment or improper fulfillment of the obligation to file a petition in court on introduction of amendments and additions in a rehabilitation plan, shall –

entail a fine in amount of thirty monthly calculation indices.

14. Excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

15. Non-fulfillment or improper fulfillment of the obligation to bring the information to the notice of members of the creditors' committee on financial status, transactions made for the previous month, as well as on provision of information at the request of the creditors' committee, shall –

entail a fine in amount of fifteen monthly calculation indices.

16. Non-fulfillment or improper fulfillment of the obligation to detect transactions committed by a debtor or a person authorized by him (her) with a violation of requirements provided by the civil legislation of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan “On rehabilitation and bankruptcy”, and non-specification of requirements on recognizing them invalid or return of the property in a judicial proceeding, shall –

entail a fine in amount of thirty monthly calculation indices.

17. Excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

18. Commission of transactions entailing increase of credit indebtedness, if a total sum of the credit indebtedness that occurred after applying rehabilitative procedure increases five percent of the total sum of the credit indebtedness to the date of introduction of rehabilitative procedure without approval of the creditors' meeting, shall –

entail a fine in amount of fifty monthly calculation indices.

19. Actions (inaction), provided by parts five, six, eleven and twelve of this Article, committed repeatedly second time within a year after the imposition of an administrative sanction, shall –

entail a fine in amount of fifteen monthly calculation indices.

20. Actions (inaction) provided by parts seven, nine and fifteen of this Article, committed repeatedly second time within a year after the imposition of an administrative sanction, shall –

entail a fine in amount of thirty monthly calculation indices.

21. Actions (inaction) provided by parts three, eighth, thirteenth and sixteenth of this Article, committed repeatedly second time within a year after the imposition of an administrative sanction, shall –

entail a fine in amount of sixty monthly calculation indices.

22. Actions (inaction) provided by parts four and eighteen of this Article, committed repeatedly second time within a year after the imposition of an administrative sanction, shall –

entail a fine in amount of one hundred monthly calculation indices.

Footnote. Article 181 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2019 No. 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 182. Premeditated bankruptcy

Premeditated bankruptcy, i.e. the actions of a founder (participant), an official, a person performing the functions of managing a legal entity, as well as an individual entrepreneur, committed in the personal interests or interests of other persons in order to evade the fulfillment of obligations to creditors by alienating or hiding property during three years before a legal entity or an individual entrepreneur shall be declared bankrupt, if this act does not contain signs of criminally punishable act, shall –

entail a fine on an individual in amount of two hundred monthly calculation indices, on a legal entity - in amount of four hundred monthly calculation indices.

Footnote. Article 182 is in the wording of the Law of the Republic of Kazakhstan dated 27.12.2019 No. 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 183. False bankruptcy

Footnote. Article 183 is excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 184. Breach of the legislation of the Republic of Kazakhstan on valuation activity

1. Late submission or non-submission, as well as submission of unreliable information in the form established by the authorized agency in the field of valuation activity, –

shall entail a fine in amount of twenty monthly calculation indices.

2. Non-elimination by the Chamber of Evaluators of breaches of the legislation of the Republic of Kazakhstan on valuation activity identified during the inspection by the authorized agency in the field of valuation activities, –

shall entail a fine in amount of forty monthly calculation indices.

3. The actions (inactions) committed repeatedly second time within a year after imposition of administrative sanction, provided by part two of this Article, –

shall entail a fine in amount of eighty monthly calculation indices.

Footnote. Article 184 is in the wording of the Law of the Republic of Kazakhstan No. 134 -VI dated 10.01.2018 (shall be enforced upon expiry of six months after its first official publication).

Article 185. Violation of the obligation to protect commercial, banking secret, details of credit reports or information from database of creditor histories of a credit bureau

Violation of the obligation to protect details containing commercial, banking secret, details of credit reports or information received from database of creditor histories of a credit bureau without the consent of their owner by a person who became known due to professional or official activity, if this action does not contain the signs of criminally punishable act, shall –

entail a fine in amount of fifty monthly calculation indices.

Footnote. Article 185 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 186. Violation of the obligation to protect secret of insurance or pension savings or secret of extending microcredit

Violation of the obligation to protect details containing secret of insurance or pension savings or secret of extending microcredit without the consent of their owner by a person that became known on them due to professional or official activity, shall –

entail a fine in amount of fifty monthly calculation indices.

Article 187. Breach of the legislation of the Republic of Kazakhstan on tourist activity

1. Non-presentation, untimely presentation or incomplete presentation of details by persons carrying out touristic activity on special aspects of the travels, dangers that they may face upon travelling mentioned in rules of rendering of touristic services, or non-carrying out of prevention measures oriented to safety ensuring of the tourists, shall –

entail a fine on subjects of small entrepreneurship in amount of seventeen, on subjects of medium entrepreneurship – in amount of twenty five, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

2. Rendering of touristic services by persons carrying out the touristic activity without conclusion of written contract for tourist services, shall –

entail a fine on subjects of small entrepreneurship in amount of seventeen, on subjects of medium entrepreneurship – in amount of twenty five, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices, with suspension of license validity term.

3. Action (omission) provided by parts one and two of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on subjects of small entrepreneurship in amount of thirty five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices, with deprivation of a license.

4. Non-provision or untimely provision of information by persons carrying out touristic activity to the state bodies concerned and a family of a tourist on emergency situations with tourists during travels, shall –

entail a fine on subjects of small entrepreneurship in amount of thirty five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices, with deprivation of a license.

5. Action (omission) provided by a part four of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on subjects of small entrepreneurship in amount of seventy five, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large

entrepreneurship – in amount of one hundred fifty monthly calculation indices, with deprivation of a license.

Article 188. Non-provision or untimely provision of information on initiation of a case in court on a corporate dispute

Footnote. Article 188 is excluded by the RK Law dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 189. Violation of the procedure and terms for considering references of individuals and legal entities

1. Violation of procedure and terms for considering references of individuals and legal entities by a subject of large entrepreneurship established by the legislation of the Republic of Kazakhstan on procedure for consideration of references of individuals and legal entities, shall –

entail a fine on legal entities in amount of thirty monthly calculation indices.

2. The same action (omission) committed repeatedly second time second time within a year after imposition of administrative infraction, provided by a part one of this Article, shall –

entail a fine on legal entities in amount of sixty monthly calculation indices.

Chapter 15. ADMINISTRATIVE INFRACTIONS IN THE FIELD OF TRADE AND FINANCES

Article 190. Consumer fraud

1. False measurement, false weighting, cheating in accounts, false suggestion in respect of application characteristics or quality of goods (services) or another consumer fraud by individual entrepreneurs or organizations carrying out trading activity and rendering of services, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

2. The actions provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of thirty, on subjects of small entrepreneurship – in amount of fifty, on subjects of medium entrepreneurship - in amount of seventy-five, on

subjects of large entrepreneurship – in amount of one hundred monthly calculation indices, with deprivation of a license and suspension or prohibition of activity for a period up to three years.

3. The actions provided by a part one of this Article that entailed infliction of substantial damage, shall –

entail a fine on individuals in amount of thirty, on subjects of small entrepreneurship – in amount of fifty, on subjects of medium entrepreneurship – in amount of seventy-five, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices, with deprivation of a license, either suspension or prohibition of activity for a period up to three years.

4. The actions provided by a part one of this Article that entailed infliction of heavy damage, shall –

entail a fine on individuals in amount of fifty, on subjects of small entrepreneurship – in amount of seventy-five, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices, with deprivation of a license either suspension or prohibition of activity for a period up to three years.

Note. As applied to this Article, the substantial damage shall be regarded as a sum exceeding one monthly calculation index, heavy damage – the sum that is no less than three monthly calculation indices.

Footnote. Article 190 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 190-1. Violation of the requirements of the legislation of the Republic of Kazakhstan for the sale of jewelry and other items made of precious metals and precious stones

1. Violation of requirements of the legislation of the Republic of Kazakhstan, committed in the form of sale of jewelry and other items made of precious metals and precious stones without the presence of a hallmark, as well as an imprint of the nameplate, given by the subject of production of jewelry and other items made of precious metals and precious stones on produced by them jewelry and other items, made of precious metals and precious stones, shall -

entail a fine on individuals in amount of fifty, on officials, subjects of small entrepreneurship – in amount of eighty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of one hundred and fifty monthly calculation indices.

2. The action, provided by part one of this Article, committed repeatedly within a year after imposing an administrative penalty, shall-

entail a fine on individuals in amount of eighty, on officials, subjects of small entrepreneurship – in amount of one hundred, on subjects of medium entrepreneurship – in amount of one hundred and fifty, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

Footnote. Chapter 15 is supplemented by Article 190-1 in accordance with the Law of the Republic of Kazakhstan dated 14.01.2016 No. 445-V (shall be enforced upon expiry of six months after its first official publication).

Article 191. Violation of the procedure for acquisition, storage, recording, transportation and trade of civil and service weapons and cartridges to them

Footnote. Title of Article 191 is in the wording of the Law of the Republic of Kazakhstan dated 22.12.2016 No. 28-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Violation of the procedure for acquisition, storage, recording, transportation and trade of civil and service weapons and cartridges to them by legal entities, having the appropriate licenses, -

entail a fine in amount of fifty monthly calculation indices with suspension of license validity term.

2. The action provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine in amount of eighty monthly calculation indices with deprivation of a license.

Footnote. Article 191 as amended by the Law of the Republic of Kazakhstan dated 22.12.2016 No. 28-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 192. Violation of procedure for selling special technical means

Sale of special technical means intended for conduct of the special operational-investigative means to persons that do not have the relevant permission, except for the state bodies authorized to carry out operative-investigative activity, shall –

entail a fine in amount of forty monthly calculation indices.

Article 193. Breach of the legislation of the Republic of Kazakhstan on regulation of trading activity

1. Non-provision of required information upon request of a consumer on goods, place of origin, producers, application characteristics, guarantee obligations and procedure for submission of claims, shall –

entail a notification or fine on individuals in amount of two, on subjects of small entrepreneurship – in amount of six, on subjects of medium entrepreneurship – in amount of ten, on subjects of large entrepreneurship – in amount of thirty monthly calculation indices.

2. Unlawful use of official document certifying conformance of the goods to safety requirements, shall –

entail a fine on individuals in amount of seven, on subjects of small entrepreneurship – in amount of fifty five, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of one hundred fifty monthly calculation indices, with a confiscation of goods or without such.

3. Commission of actions (omission) provided by parts one and two of this article repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of sixty five, on subjects of medium entrepreneurship – in amount of one hundred twenty, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices, with a confiscation of goods or without such.

4. Indication of price of goods not in tenge upon sale it in the Republic of Kazakhstan on the terms of public contract

shall entail a fine on subjects of small entrepreneurship in amount of six, on subjects of medium entrepreneurship – in amount of ten, on subjects of large entrepreneurship – in amount of thirty monthly calculation indices.

5. The action provided by part four of this Article, committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail a fine on subjects of small entrepreneurship in amount of sixty five, on subjects of medium entrepreneurship – in amount of one hundred and twenty, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

Footnote. Article 193 as amended by the Law of the Republic of Kazakhstan No. 215-VI dated 08.01.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 194. Refusal in acceptance of payments with use of charge cards

1. Refusal to accept payments and (or) transfers, using payment cards by an individual entrepreneur or a legal entity, obliged to accept them when carrying out trade activities (performing work, rendering services) on the territory of the Republic of Kazakhstan, shall - entail a notification.

2. The act provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on subjects of small entrepreneurship in amount of forty, on subjects of medium entrepreneurship – in amount of sixty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

Footnote. Article 194 as amended by the Law of the Republic of Kazakhstan dated 30.11.2016 No. 26-VI (shall be enforced from 01.01.2017).

Article 195. Absence of equipment (device) at an individual entrepreneur or legal entity intended for making payments with use of charge cards

1. Absence of equipment (device) at an individual entrepreneur or legal entity being obliged to accept payments with use of charge cards upon carrying out of trading activity (performance of works, rendering of services) in a territory of the Republic of Kazakhstan, intended for making payments with use of charge cards, shall –

entail a notification.

2. The act provided by a part one of this Article committed by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on subjects of small entrepreneurship in amount of fifty, on subjects of medium entrepreneurship – in amount of sixty, on subjects of large entrepreneurship – in amount of eighty monthly calculation indices.

Article 196. Illegal trade in goods or other subjects

Trade in goods and other subjects, the open trade of which is prohibited or restricted by the legislation of the Republic of Kazakhstan, shall – entail a fine in amount of twenty five monthly calculation indices.

Article 197. Use of mark of tobacco product

1. Intended distribution, exhibition, sale of any goods having a mark of tobacco product, except for the tobacco products themselves or any package, packing in which the tobacco product is sold or transported, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of twenty five, on subjects of medium entrepreneurship – in amount of forty, on subjects of bug entrepreneurship – in amount of fifty monthly calculation indices.

2. The actions provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of fifteen, on subjects of small entrepreneurship – in amount of forty, on subjects of medium entrepreneurship – in amount of seventy, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

Article 198. Violation of requirements of the legislation on information on tobacco and tobacco products

1. Violation of requirements of the legislation on information on tobacco and tobacco products, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of twenty five, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

2. The action provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of fifteen, on subjects of small entrepreneurship – in amount of forty, on subjects of medium entrepreneurship – in amount of seventy, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

Article 199. Violation of requirements of the legislation of the Republic of Kazakhstan on selling tobacco and tobacco products, sponsorship of tobacco, tobacco products, as well as on production, sale and distribution of goods imitating tobacco products

Footnote. Title of Article 199 is in the wording of the Law of the Republic of Kazakhstan dated 06.04.2015 No. 299-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

1. Violation of requirements of the legislation of the Republic of Kazakhstan on selling tobacco and tobacco products, with the exception of a case provided by Article 133 of this Code, shall –

entail a notification or fine on individuals in amount of five, on subjects of small entrepreneurship – in amount of twenty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of sixty monthly calculation indices.

2. The action provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of forty, on subjects of medium entrepreneurship – in amount of seventy, on subjects of large entrepreneurship – in amount of ninety monthly calculation indices, with suspension of activity or separate types of activity.

3. Sponsorship of tobacco, tobacco products, as well as production, sale, distribution of goods imitating tobacco products, shall –

entail a fine on individuals in amount of three, on subjects of small entrepreneurship – in amount of five, on subjects of medium entrepreneurship – in amount of eight, on subjects of large entrepreneurship – in amount of twenty monthly calculation indices.

4. The actions provided by a part three of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of five, on subjects of small entrepreneurship – in amount of ten, on subjects of medium entrepreneurship – in amount of fifteen, on subjects of large entrepreneurship – in amount of forty monthly calculation indices.

Footnote. Article 199 as amended by the Law of the Republic of Kazakhstan dated 06.04.2015 No. 299-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 200. Violation of requirements of the legislation of the Republic of Kazakhstan on selling alcoholic products

1. Sale of alcoholic products to persons under twenty one years, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of forty, on subjects of medium entrepreneurship – in amount of eighty, on subjects of large entrepreneurship - in amount of one hundred and twenty monthly calculation indices, with suspension of a license.

2. The action provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship - in amount of eighty, on subjects of medium entrepreneurship – in amount of one hundred and forty, on subjects of large entrepreneurship - in amount of one hundred and eighty monthly calculation indices, with deprivation of a license.

3. Retail sale of alcoholic beverages, with the exception of it sales in restaurants, bars and cafes, as well as on passenger aircraft, passenger ships of sea transport, in restaurant carriages of passenger trains:

from 23 to 8 hours of next day;

with ethyl alcohol volume ratio more than thirty percent from 21 to 12 hours of next day, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of forty, on subjects of medium entrepreneurship – in amount of eighty, on subjects of large entrepreneurship - in amount of one hundred and twenty monthly calculation indices, with suspension of a license.

4. The action provided by a part three of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship - in amount of eighty, on subjects of medium entrepreneurship – in amount of one hundred and forty, on subjects of large entrepreneurship - in amount of one hundred and eighty monthly calculation indices, with deprivation of a license.

Footnote. Article 200 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 28. 12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 19.04.2019 No. 249-VI (shall be enforced upon expiry of twenty one calendar days after the day of its first official publication).

Article 201. Access restriction of goods to the trade networks or large retail facilities

1. Access restriction of goods to the trade networks or large retail facilities by subjects of trade activity carrying out the activity on selling the goods by organizing the trade network or large retail facilities, being expressed in unreasonable refusal from conclusion of agreement for supply of goods or in conclusion of the contract having knowingly discriminatory character and containing conditions on:

1) prohibition for a subject of trade activity to conclude the agreements for supply of goods with other subjects of the trade activity carrying out the same activity, as well as with other subjects of trade activity on the same or another conditions;

2) requirement to provide details by a subject of trade activity carrying out supply of goods on concluded contracts with other subjects of trade activity carrying out the same activity, shall –

entail a fine in amount of one hundred monthly calculation indices.

2. The action provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine in amount of two hundred monthly calculation indices.

Footnote. Article 201 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 202. Excess of size of maximum admissible consumer prices to socially significant food commodities

1. Excess of size of maximum admissible consumer prices to socially significant food commodities by subjects of internal trade in accordance with the legislation of the Republic of Kazakhstan on regulation of trade activity,–

shall entail a fine in amount of one hundred monthly calculation indices.

2. The action provided by part one of this Article, committed repeatedly second time within a year after imposition of administrative sanction, -shall entail a fine in amount of two hundred monthly calculation indices.

Footnote. Article 202 is in the wording of the Law of the Republic of Kazakhstan No. 241 -VI dated 02.04.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 203. Sale of goods without documents

1. Sale of goods by individual entrepreneurs and organizations carrying out trade activity without documents containing details on the country of origin, producer, supplier or seller or trustworthy and sufficient information on goods (service) in Kazakh and Russian languages, with the exception of the cases provided by Articles 415 and 416 of this Code, shall –

entail a fine on subjects of small entrepreneurship in amount of forty five, on subjects of medium entrepreneurship – in amount of seventy, on subjects of large entrepreneurship – in amount of one hundred fifty monthly calculation indices.

2. The action provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on subjects of small entrepreneurship in amount of ninety, on subjects of medium entrepreneurship – in amount of one hundred fifty, on subjects of large entrepreneurship – in amount of three hundred monthly calculation indices.

Article 204. Trade at undisclosed places

1. Trade outside the places established by a local executive body, shall – entail a notification or fine in amount of five monthly calculation indices.

2. The action provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine in amount of ten monthly calculation indices.

Article 205. Untimely or incomplete payment of non-tax payments and proceeds from the sale of fixed capital to the budget, except for proceeds from related grants

1. Untimely payment of non-tax payments and proceeds from the sale of fixed capital to the budget, except for proceeds from related grants, shall – entail a warning.

2. Incomplete payment of non-tax payments and proceeds from the sale of fixed capital to the budget, except for proceeds from related grants, shall –

entail a fine on individuals in amount of ten percent of the sum of unfulfilled obligation, but not less than five monthly calculation indices, on subjects of small entrepreneurship or

non-profit organizations – in amount of thirty percent of the sum of unfulfilled obligation, but not less than fifteen monthly calculation indices, on subjects of medium entrepreneurship - in amount of fifty percent of the sum of unfulfilled obligation, but not less than thirty monthly calculation indices, on the subjects of large entrepreneurship - in amount of one hundred percent of the sum of unfulfilled obligation, but not less than fifty monthly calculation indices

3. Action provided by part one of this Article, committed repeatedly second time within a year after the imposition of an administrative sanction, shall –

entail a fine on individuals in amount of ten percent of the sum of unfulfilled obligation, but not less than five monthly calculation indices, on subjects of small entrepreneurship or non-profit organizations – in amount of thirty percent of the sum of unfulfilled obligation, but not less than fifteen monthly calculation indices, on subjects of medium entrepreneurship - in amount of fifty percent of the sum of unfulfilled obligation, but not less than thirty monthly calculation indices, on the subjects of large entrepreneurship - in amount of one hundred percent of the sum of unfulfilled obligation, but not less than fifty monthly calculation indices

Footnote. Article 205 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar d

Article 206. Refusal to accept banknotes and coins of national currency

1. Refusal to accept banknotes and coins of national currency at face value, being in circulation on the territory of the Republic of Kazakhstan, that are legal means of payment, shall –

entail a notification.

2. The action, provided by part one of this Article, committed repeatedly within a year after imposing an administrative penalty, shall -

entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of five, on subjects of medium entrepreneurship – in amount of ten, on subjects of large entrepreneurship - in amount of twenty-five monthly calculation indices.

3. Refusal to accept, change and exchange banknotes and coins of national currency, being in circulation on the territory of the Republic of Kazakhstan and subject to acceptance on all types of payments by banks, the National post operator shall –

entail a fine in amount of fifty monthly calculation indices.

Notes.

1. Banknotes and coins of national currency of the Republic of Kazakhstan shall not be legal means of payment in the following cases:

- 1) if they have obvious signs of forgery;
- 2) if the banknotes and coins are non-payment ones.

2. Subjects of private entrepreneurship (with the exception of banks, the National post operator), non-profit organizations do not bear liability, provided in this Article for refusing to accept worn banknotes and defective (damaged) coins.

3. Banks and the National post operator shall not be subject to administrative liability, provided in parts one and two of this Article for refusing to accept notes and coins of national currency, being in circulation on the territory of the Republic of Kazakhstan, which are legal means of payment.

Footnote. Article 206 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 207. Breach of the legislation of the Republic of Kazakhstan on state procurements

1. Breach of requirements of the legislation of the Republic of Kazakhstan on state procurements to the tender documentation (auction documentation) or in the information, placed upon carrying out of state procurements by a method of requesting price proposals, by establishing any non-measured quantitatively and (or) non-administered requirements for potential suppliers or specifying characteristics, determining the ownership of the acquired goods, works, services to individual potential suppliers, with the exception of cases, provided by the legislation of the Republic of Kazakhstan on state procurements, –

shall entail a fine on officials in amount of fifty monthly calculation indices.

2. Non-consideration or untimely consideration of comments to the draft of tender documentation (auction documentation), requests for clarification of the provisions of tender documentation (auction documentation), received in the framework of preliminary discussion of the draft of tender documentation (auction documentation), as well as non-placement or untimely placement of the protocol of preliminary discussion of the draft of tender documentation (auction documentation) upon availability of comments and requests for clarification to them, on the web portal of state procurements, as well as of the text of tender documentation (auction documentation), with the exception of cases provided by the legislation of the Republic of Kazakhstan on state procurements, -

shall entail a fine on officials in amount of thirty monthly calculation indices.

3. Refusal to carry out state procurements in cases not provided by the legislation of the Republic of Kazakhstan on state procurements, –

shall entail a fine on officials in amount of one hundred monthly calculation indices.

4. Direction of a request and other actions of the tender commission (auction commission) associated with the addition of the application for participation in the tender (auction) with missing documents, replacement of documents submitted in the application for participation in the tender (auction), bringing in compliance of inadequately filled documents, after the expiry of the term for bringing applications for participation in the tender (auction) in

accordance with the qualification requirements and requirements of the tender documentation (auction documentation), provided by the legislation of the Republic of Kazakhstan on state procurements, –

shall entail a fine on officials in amount of one hundred monthly calculation indices.

5. Establishment of qualification requirements, not provided by the legislation of the Republic of Kazakhstan on state procurements in tender documentation (auction documentation) to potential suppliers and (or) subcontractors (co-executors) of works or services, –

shall entail a fine on officials in amount of fifty monthly calculation indices.

6. Violation of the requirements of the legislation of the Republic of Kazakhstan on state procurements in part of non-application of criteria, affecting the competitive price proposal as well as their miscalculation –

shall entail a fine on officials in amount of fifty monthly calculation indices.

7. Recognition of the potential supplier and (or) attracted by him subcontractors (co-executors) of the works or services, with inadequate qualification requirements and (or) requirements of the competitive documentation (auction documentation) on the grounds not provided by the legislation of the Republic of Kazakhstan on state procurements, –

shall entail a fine on officials in amount of one hundred monthly calculation indices.

8. Non-separation of goods, works, services into lots according to their homogeneous types and place of their delivery (performance, rendering), upon carrying out state procurements except for the cases provided by the legislation of the Republic of Kazakhstan on state procurement,–

shall entail a fine on officials in amount of ten monthly calculation indices.

9. Preparation by an expert commission or an expert of deliberately false expert opinion, on the basis of which an illegal decision was made by a tender commission (auction commission), –

shall entail a fine in amount of fifty monthly calculation indices.

10. Non-appeal or untimely appeal of the customer to the court with a claim on recognition of potential suppliers, suppliers as dishonest participants of state procurements in the following cases:

1) provision of unreliable information on qualification requirements and (or) documents affecting the competitive price proposal by a potential supplier or supplier;

2) non-fulfillment of obligations under the concluded contract on state procurements by the supplier;

3) improper fulfillment of obligations under the concluded contract on state procurements by the supplier, with the exception of cases provided by the legislation of the Republic of Kazakhstan on state procurement, –

shall entail a fine on officials in amount of thirty monthly calculation indices.

11. State procurements in one-source way by direct concluding of a contract on state procurements in cases not provided by the legislation of the Republic of Kazakhstan on state procurements, as well as acquisition of goods, works, services not provided by approved annual state procurement plan (preliminary annual state procurement plan), except for cases provided by the legislation of the Republic of Kazakhstan on state procurement, –

shall entail a fine on officials in amount of one hundred monthly calculation indices.

12. Non-indication in the protocols of the preliminary admission to participate in the tender (auction), on the results of state procurements in the manner of the tender (auction), of a detailed description of the reasons for rejecting the application of the potential supplier for participation in the tender (auction), including information and documents confirming its non-compliance with qualification requirements and requirements of the competitive documentation (auction documentation), –

shall entail a fine on officials in amount of ten monthly calculation indices.

13. Non- placement or untimely placement of annual state procurement plan (preliminary annual state procurement plan) or amendments and (or) additions to the annual state procurement plan (preliminary annual state procurement plan) on state procurement web portal, with the exception of accordance with the legislation of the Republic of Kazakhstan on classified information and (or) containing information of limited distribution, as well as approval (clarification) of annual state procurement plan in amount not in line with the budget (development plan) or individual financing plan in aggregate according to the specifics of economic classification (expenditure items) for which state procurement contracts shall be required, –

shall entail a fine on officials in amount of fifteen monthly calculation indices.

14. Late consideration of applications from potential suppliers for participation in the tender (auction), as well as untimely placement of the preliminary admission protocol and (or) the results of protocol –

shall entail a fine on officials in amount of thirty monthly calculation indices.

15. The actions (inaction), provided by parts one and six of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, –

shall entail a fine on officials in amount of one hundred monthly calculation indices.

16. The actions (inaction), provided by parts two, ten and thirteen of this Article, committed repeatedly second time within a year after imposition of an administrative sanction , –

shall entail a fine on officials in amount of sixty monthly calculation indices.

17. The action, provided by part nine of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, –

shall entail a fine on officials in amount of one hundred monthly calculation indices.

18. The actions (inaction), provided by parts three and eleven of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, –

shall entail a fine on officials in amount of two hundred monthly calculation indices.

Notes.

1. The officials in this Article shall be understood as follows:

1) in part one - the first leader or responsible secretary or another exercising the powers of a responsible secretary of an official, determined by the President of the Republic of Kazakhstan, organizer of state procurements, single organizer of state procurement, customer or persons performing their duties, and (or) persons directly involved in development of tender documentation (auction documentation);

2) in part two - the first leaders of the organizer of state procurements, single organizer of state procurement, customer or persons performing their duties, responsible for implementation of procedures for organizing and conducting state procurements;

3) in parts three, eight, ten, eleven, thirteen - the first leader or responsible secretary or another exercising the powers of a responsible secretary of an official, determined by the President of the Republic of Kazakhstan, customer or person performing his duties;

4) in parts four and fourteen - the chairman of the tender commission (auction commission), as well as members and secretary of the tender commission (auction commission);

5) in part five - the first leader or responsible secretary or another exercising the powers of a responsible secretary of an official, determined by the President of the Republic of Kazakhstan, customer or person performing his duties, first leader of single organizer of state procurement or person performing his duties;

6) in parts six, seven and twelve - the chairman of the tender commission (auction commission), as well as members of the tender commission (auction commission).

2. An official shall not be brought to administrative responsibility, provided by this Article in event of self-imposed elimination of violations, revealed on the results of desk control within ten working days from the date, following the day of delivery of a notification on elimination of violations, identified on the results of a desk control to the control object.

Footnote. Article 207 is in the wording of the Law of the Republic of Kazakhstan No. 202 -VI dated 26.12.2018 (shall be enforced from 01.01.2019).

Article 207-1. Violation of the procedure for procurement of goods, works, services of national management holdings, national holdings, national companies and organizations, fifty or more percent of the voting shares (stakes in the authorized capital) of which directly or indirectly belong to the national management holding, national holding, national company

1. Establishment in the tender documentation (auction documentation) for potential suppliers of qualification requirements not provided by the procurement procedure, or an indication in the tender documentation (auction documentation) or in the information posted

when making procurement by requesting price proposals for characteristics that determine the belonging of the purchased goods works, services to individual potential suppliers, except for the cases provided by the procurement procedure, shall –

entail a fine for officials in amount of fifty monthly calculation indices.

2. Refusal to carry out procurement in cases not provided by the procurement procedure, – entail a fine for officials in amount of fifty monthly calculation indices.

3. Recognition of a potential supplier and (or) the subcontractors (co-executors) of work or services attracted by him as inappropriate to qualification requirements and (or) the requirements of tender documents (auction documents) on grounds not provided by the procurement procedure, shall –

entail a fine for officials in amount of fifty monthly calculation indices.

4. Non-division in the procurement of goods, works, services into lots according to their homogeneous types and the place of their delivery (execution, provision), except for the cases provided by the procurement procedure, shall–

entail a fine for officials in amount of ten monthly calculation indices.

5. Preparation by the procurement expert commission or procurement expert of a knowingly false expert opinion, on the basis of which an illegal decision was made by the tender commission (auction commission), shall –

entail a fine for officials in amount of fifty monthly calculation indices.

6. Carrying out purchases from a single source by directly concluding a procurement contract in cases not provided by the procurement procedure, shall –

entail a fine for officials in amount of fifty monthly calculation indices.

Note.

1. The procurement procedure in this Article should be understood as the rules for making procurement provided by the Law of the Republic of Kazakhstan "On State Property", or the procurement procedure provided by the Law of the Republic of Kazakhstan "On the National Welfare Fund".

2. Under officials in this Article should be understood:

1) in part one - the chief executive officers of the procurement organizer, the customer or persons performing their duties, and (or) persons directly involved in the development of tender documents (auction documents);

2) in parts two, four and six - the chief executive officers of the procurement organizer, the customer or the persons performing their duties, responsible for the procedures for organizing and conducting procurement;

3) in part three - the chairman of the tender commission (auction commission) and his deputy, as well as members of the tender commission (auction commission), created by the organizer of the procurement of goods, works and services by national managing holdings,

national holdings, national companies and organizations, fifty or more percent of voting shares (stakes in the authorized capital) of which directly or indirectly belong to the national management holding, national holding, national company.

3. An official shall not be subject to the administrative responsibility provided by this Article in case of self-elimination of violations revealed by the results of the control carried out by the National Welfare Fund, the centralized procurement control service, within ten working days from the day following the day of delivery to the object of control, notifications on the elimination of violations revealed by the results of control carried out by the National Wealth Fund, the centralized procurement control service.

Footnote. Chapter 16 is supplemented by Article 207-1 in accordance with the Law of the Republic of Kazakhstan dated 26.12.2018 No. 202-VI (shall be enforced from 01.01.2020).

Article 208. Violation of the requirements of the legislation of the Republic of Kazakhstan on credit bureaus and formation of credit histories

1. Violation by the credit bureau of the legislation of the Republic of Kazakhstan on credit bureaus and formation of credit histories, shall -

entail a fine for legal entities in amount of two hundred monthly calculation indices.

2. Provision of information about the subject of credit history by the supplier to credit bureaus (except for a credit bureau with state participation) for formation of a credit history without the consent of the subject of credit history, except for the cases of providing negative information about the subject of credit history, as well as incorrect execution of such consent, shall -

entail a fine for individuals in amount of twenty, for officials - in amount of fifty, on subjects of small entrepreneurship - in amount of one hundred, on subjects of medium entrepreneurship - in amount of one hundred and fifty, on subjects of large entrepreneurship - in amount of two hundred monthly calculation indices.

2-1. Submission of a request by the recipient of the credit report for submission of a credit report without the consent of the subject of credit history, except for cases of receiving negative information about the subject of credit history, as well as incorrect execution of such consent, shall -

entail a fine for individuals in amount of twenty, for officials - in amount of fifty, on subjects of small entrepreneurship - in amount of one hundred, on subjects of medium entrepreneurship - in amount of one hundred and fifty, on subjects of large entrepreneurship - in amount of two hundred monthly calculation indices.

3. Failure to submit, as well as untimely submission of information to the credit bureau by the supplier of information received from the subject of credit history, the submission of which is required in accordance with the legislation of the Republic of Kazakhstan on credit bureaus and formation of credit histories, or submission of inaccurate information, shall -

entail a fine for individuals in amount of twenty, for officials - in amount of fifty, on subjects of small entrepreneurship - in amount of one hundred, on subjects of medium entrepreneurship - in amount of one hundred and fifty, on subjects of large entrepreneurship - in amount of two hundred monthly calculation indices.

Note. Information shall be understood as information regarding subjects of credit histories in electronic and paper form, transmitted by participants in the system for formation of credit histories and their use, if necessary, certified by an electronic digital signature.

Footnote. Article 208 as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 209. Breach of the legislation of the Republic of Kazakhstan on concessions

Introduction of amendments into conditions of a tender at the choice of a concessionary, as well as into initial parameters and characteristics of a concessionary application in the course of holding negotiations with a participant of the tender, the concessionary application of whom is recognized as the best on adjusting a concessionary project and conditions of concession agreement, shall –

entail a fine on civil servants in amount of one hundred monthly calculation indices.

Note. The civil servants in this Article shall be regarded as the chief executive officers of an organizer of the tender on concession or the persons fulfilling their obligations being liable for carrying out of the procedures for organizing and holding the tender.

Article 210. Making payments and (or) money transfers on currency operations without presentation of currency agreement in the manner provided by the currency legislation of the Republic of Kazakhstan

1. Making payments and (or) money transfers by authorized bank on currency operations without presentation of currency agreement or currency agreement with an assigned account number when the presentation of such currency agreement shall be mandatory in accordance with the regulatory legal acts of the National Bank of the Republic of Kazakhstan, – shall entail a notification.

2. The action provided by part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, – shall entail a fine in amount of fifty monthly calculation indices.

Footnote. Article 210 shall be provided in the wording of the Law of the Republic of Kazakhstan No. 168-VI dated 02.07.2018 (shall be enforced from 01.07.2019).

Article 210-1. Failure to comply with the requirement of the National Bank of the Republic of Kazakhstan by the authorized bank to eliminate the identified violations of the currency legislation of the Republic of Kazakhstan

1. Failure to comply with the requirement of the National Bank of the Republic of Kazakhstan by the authorized bank to eliminate the identified violations of the currency legislation of the Republic of Kazakhstan, shall -

entail a warning.

2. Act provided by part one of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, shall -

entail a fine in amount of four hundred and fifty monthly calculation indices.

Note. Responsibility for commission of an infraction provided by part two of this Article shall arise in case that an authorized bank commits a similar violation for which the authorized bank was brought to administrative responsibility under part one of this Article.

Footnote. Chapter 15 is supplemented by Article 210-1 in accordance with the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

Article 211. Violation of the requirements of the legislation of the Republic of Kazakhstan on microfinance activity

Footnote. Heading of Article 211 as amended by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

1. Carrying out of the types of activity by microfinance organizations not provided by the Law of the Republic of Kazakhstan “On microfinance activity”, shall –

entail a fine in amount of one hundred monthly calculation indices.

2. Dissemination or placement of advertisements in the media by a microfinance organization that does not conform to actuality on the day of its publication, as well as advertisements related to the offer of microcredit on terms that do not comply with the legislation of the Republic of Kazakhstan on microfinance activities, if this action does not have signs of a criminal offense, shall –

entail a fine in amount of one hundred fifty monthly calculation indices.

3. Submission of unreliable financial or other reports by microfinance organizations, shall –

entail a warning.

3-1. Act provided by part three of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, shall –

entail a fine in amount of fifty monthly calculation indices.

4. Repeated (two and more times within twelve sequential calendar months) violation of the same prudential standards by microfinance organizations and (or) other mandatory norms and limits established by the authorized authority for regulation, control and supervision of the financial market and financial organizations, shall -

entail a fine in amount of three hundred monthly calculation indices.

5. Non-indication, inaccurate indication of the amount of annual effective interest rate by microfinance organizations, persons to whom the right (claim) under the microcredit agreement was assigned, in microcredit agreements concluded with customers, calculated in the manner, established by the legislation of the Republic of Kazakhstan, as well as the excess of maximum annual effective interest rate by a microfinance organization, a person, to whom the right (claim) under the microcredit agreement was assigned, determined by the regulatory legal act of the authorized authority for regulation, control and supervision of the financial market and financial organizations, shall –

entail a fine on legal entities in amount of fifty monthly calculation indices.

6. Loss of payment documents of clients by microfinance organizations, shall –
entail a fine on legal entities in amount of one hundred monthly calculation indices.

7. Loss of originals of title documents for property that is a guarantee under a microcredit agreement, by a microfinance organization, a person to whom the right (claim) under the microcredit agreement was assigned, shall –

entail a fine in amount of one hundred monthly calculation indices.

Note.

1. Responsibility for committing an infraction provided by part 3-1 of this Article occurs in cases of submission of the same form of periodic reporting, the submission of which shall be required by the regulatory legal act of the National Bank of the Republic of Kazakhstan.

2. For the purposes of parts five and seven of this Article, the persons to whom the right (claim) under a microcredit agreement was assigned shall be understood as a second-tier bank, collection agency, a microfinance organization, a special financial company, established in accordance with the legislation of the Republic of Kazakhstan on project financing and securitization, under a securitization transaction, a legal entity - a pledgee of the rights of claim under a microcredit agreement when a microfinance organization issues secured bonds or receives loans.

Footnote. Article 211 as amended by the Law of the Republic of Kazakhstan dated 06.05.2017 No. 63-VI (shall be enforced upon expiry of twenty-one calendar days after its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

Article 211-1. Violation of the requirements of the legislation of the Republic of Kazakhstan on collection activities

1. Performance of the following dishonest actions by a collection agency, if these actions do not contain any signs of a criminal offense:

1) use of other methods of interaction with the debtor and (or) his/her representative, and (or) a third person, not provided by the Law of the Republic of Kazakhstan "On collection activity";

2) acceptance of money (in cash or non-cash form) from the debtor, as well as other property to repay the debt when providing services to the creditor on collection activities under the relevant contract;

3) demand for the repayment of debts by other property, except money, when rendering services to the creditor on collection activities within the framework of the relevant contract;

4) disclosure of commercial or other secrets, protected by the laws of the Republic of Kazakhstan received from the creditor and (or) his/her representative and (or) third parties, with the exception of cases provided by the laws of the Republic of Kazakhstan, shall –

entail a fine on subjects of small entrepreneurship in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of three hundred monthly calculation indices.

2. Violation of rules for implementation of collection activities by a collection agency, with the exception of dishonest actions, provided by the Law of the Republic of Kazakhstan "On collection activity", shall -

entail a fine on subjects of small entrepreneurship in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship - in amount of one hundred and fifty monthly calculation indices.

3. Untimely provision of the information by a collection agency to the authorized authority for regulation, control and supervision of the financial market and financial organizations required in accordance with the legislation of the Republic of Kazakhstan on collection activities, shall -

entail a warning.

3-1. Action provided by part three of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, shall –

entail a fine on subjects of small entrepreneurship - in amount of fifty, on subjects of medium entrepreneurship - in amount of seventy, on subjects of large entrepreneurship - in amount of one hundred monthly calculation indices.

3-2. Failure to provide the information to the authorized authority for regulation, control and supervision of the financial market and financial organizations required in accordance with the legislation of the Republic of Kazakhstan on collection activities by a collection agency, shall –

entail a fine on subjects of small entrepreneurship - in amount of one hundred, on subjects of medium entrepreneurship - in amount of one hundred and fifty, on subjects of large entrepreneurship - in amount of two hundred monthly calculation indices.

3-3. Provision of information to the authorized authority for regulation, control and supervision of the financial market and financial organizations that does not contain information, the provision of which shall be required in accordance with the legislation of the Republic of Kazakhstan on collection activity, or provision of inaccurate information or knowingly inaccurate information by a collection agency, shall –

entail a fine on subjects of small entrepreneurship - in amount of one hundred, on subjects of medium entrepreneurship - in amount of one hundred and fifty, on subjects of large entrepreneurship - in amount of two hundred monthly calculation indices.

4. Submission of inaccurate, as well as incomplete reporting by collection agencies, shall

–

entail a warning.

5. Action provided by part four of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, shall –

entail a fine in amount of one hundred monthly calculation indices.

Note. Responsibility for commission of an infraction provided by part five of this Article occurs in cases of submission of an unreliable, as well as incomplete, one and the same reporting form, the submission of which shall be required by a regulatory legal act of the National Bank of the Republic of Kazakhstan.

Footnote. Chapter 15 is supplemented with Article 211-1 in accordance with the Law of the Republic of Kazakhstan dated 06.05.2017 No. 63-VI (shall be enforced upon expiry of twenty-one calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan No. 168-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

Article 211-2. Violation of requirements and restrictions, imposed by the legislation of the Republic of Kazakhstan on the relationship between the creditor and the borrower, by a person to whom the right (claim) under the bank loan agreement or microcredit agreement was assigned

1. Amendments to the terms of the bank loan agreement or microcredit agreement without observing the requirements, provided by the banking legislation of the Republic of Kazakhstan or the legislation of the Republic of Kazakhstan on microfinance activity, shall – entail a fine in amount of one hundred and fifty monthly calculation indices.

2. Assignment by a person to whom a right (claim) under a bank loan agreement or a microcredit agreement was assigned, concluded with an individual or other persons, not provided by the laws of the Republic of Kazakhstan "On banks and banking activity in the Republic of Kazakhstan" and "On microfinance organizations", shall –

entail a fine in amount of one hundred and fifty monthly calculation indices.

3. Charges of commissions and payments when transferring the rights (claims) of the creditor under the contract of assignment of the right of claim from the debtor, not provided by the bank loan agreement or by the microcredit agreement, shall –

entail a fine in amount of one hundred and fifty monthly calculation indices.

Notes.

1. For the purposes of this Article, a person to whom a right (claim) under a bank loan agreement was assigned shall be understood as a collection agency, a bank, an organization, performing certain types of banking operations, a subsidiary of the bank, acquiring a dubious and hopeless assets of a parent bank, an organization specializing in improving the quality of loan portfolios of second-tier banks, a special financial company established in accordance with the legislation of the Republic of Kazakhstan on project financing and securitization, under a securitization transaction.

2. For the purposes of this Article, the person to whom the right (claim) under the microcredit agreement was assigned shall be understood as a collection agency, a microfinance organization, a special financial company, established in accordance with the legislation of the Republic of Kazakhstan on project financing and securitization, under a securitization transaction.

Footnote. Chapter 15 is supplemented with Article 211-2 in accordance with the Law of the Republic of Kazakhstan dated 06. 05.2017 No. 63-VI (shall be enforced upon expiry of twenty-one calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

Note of RCLI!

Article 212 is amended by the Law of the Republic of Kazakhstan dated 24.11.2015 No. 422-V (shall be enforced from 16.12.2020).

Article 212. Violation of terms for presentation financial or other reporting by financial organizations and other persons

Footnote. Heading of Article 212 as amended by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

1. Violation of terms for presentation financial or other reporting by financial organizations, an organization guaranteeing the insurance payments, microfinance organizations, collection agencies, credit bureaus and payment organizations provided by the regulatory legal acts of the National Bank of the Republic of Kazakhstan, shall – entail a warning.

2. Act provided by part one of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, shall –

entail a fine on subjects of small entrepreneurship, non-profit organizations - in amount of twenty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

3. Excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

Note. Responsibility for commission of an infraction provided by part two of this Article occurs in cases of violation of term for presentation of the same form of periodic reporting,

the presentation of which shall be required by the regulatory legal act of the National Bank of the Republic of Kazakhstan, provided by the regulatory legal acts of the National Bank of the Republic of Kazakhstan.

Footnote. Article 212 is in the wording of the Law of the Republic of Kazakhstan No. 168 -VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

Note of RCLI!

Article 213 is provided for amendments by the Law of the Republic of Kazakhstan No. 422-V dated 24.11.2015 (shall be enforced from 16.12.2020).

Article 213. Violation of requirements of banking legislation of the Republic of Kazakhstan

1. Is excluded by the Law of the Republic of Kazakhstan No. 168-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

2. Is excluded by the Law of the Republic of Kazakhstan No. 168-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

3. Is excluded by the Law of the Republic of Kazakhstan No. 168-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

4. Repeated (two and more times within twelve sequential calendar months) violation of the same prudential standards by banks, organizations carrying out certain types of banking operations established by the National Bank of the Republic of Kazakhstan and (or) other standards and limits compulsory for compliance established by the authorized authority for regulation, control and supervision of the financial market and financial organizations, shall – entail a fine on legal entities in amount of three hundred monthly calculation indices.

5. Repeated (two and more times within three sequential calendar months) violation of minimum reserve requirements by banks established by the National Bank of the Republic of Kazakhstan, shall –

entail a fine on legal entities in amount of three hundred monthly calculation indices.

6. Carrying out of operations and transactions by banks, banking holdings, organizations carrying out separate types of banking operations, prohibited in accordance with the bank legislation of the Republic of Kazakhstan in breach of the bank legislation of the Republic of Kazakhstan, and equally that are beyond their legal capacity, shall –

entail a fine on legal entities in amount of one tenth percent of a sum of transaction, but no less than two hundred and no more than one thousandth monthly calculation indices.

7. The action provided by a part six of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on legal entities in amount of one percent of a sum of transaction, but no less than four hundred and no more than two thousand monthly calculation indices.

8. Preparation of reporting by banks, organizations carrying out certain types of banking operations that lead to distortion of details on performance of prudential standards and (or) other norms and limits compulsory for compliance, determined by the bank legislation of the Republic of Kazakhstan, –

entail a fine on legal entities in amount of two hundred monthly calculation indices.

9. The action provided by a part eight of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on legal entities in amount of six hundred monthly calculation indices.

10. Non-fulfillment of obligation by banks, organizations, carrying out certain types of banking operations, persons who were assigned the right (claim) under a bank loan agreement , on indicating the interest rate in a reliable, annual, effective, comparable calculation in agreements, concluded with customers, as well as upon distribution of information on the amounts of remuneration on loans and deposits (with the exception of interbank), including its publication, -

entail a fine on legal entities in amount of fifty monthly calculation indices.

11. Announcement or publication of advertisement by bank in mass media that does not conform to reality on a date of publication, shall –

entail a fine in amount of two hundred monthly calculation indices.

12. Excess of the limit size of annual effective rate of remuneration, determined by the regulatory legal act of the authorized authority for regulation, control and supervision of the financial market and financial organizations by banks, organizations, carrying out certain types of banking operations, by persons to whom the right (claim) under the bank loan agreement was assigned, shall –

entail a fine on legal entities in amount of fifty monthly calculation indices.

13. Violation of a calculation procedure, conditions for the effect of floating rate of remuneration under bank loan agreements, including under mortgage loan agreements, concluded with individuals, by banks, organizations, carrying out certain types of banking operations, by persons to whom the right (claim) under the bank loan agreement was assigned , -

entail a fine on legal entities in amount of fifty monthly calculation indices.

14. Loss of originals of title documents for the property that is a guarantee under a bank loan agreement, by a bank, an organization, carrying out certain types of banking operations, by a person to whom the right (claim) under the bank loan contract was assigned, shall -

entail a fine in amount of one hundred monthly calculation indices.

Note of ILLI!

Paragraph 1 is provided in the wording of the Law of the Republic of Kazakhstan on 03.07.2019 No. 262-VI (shall be enforced from 16.12.2020).

Note of ILLI!

This edition of paragraph 1 is valid from 01.01.2020 to 16.12.2020 in accordance with the Law of the Republic of Kazakhstan on 03.07.2019 No. 262-VI.

1. For the purposes of part eight of this Article, administrative responsibility arises when a correction by a distorted information reveals a violation by bank, organization carrying out certain types of banking operations, established by the National Bank of the Republic of Kazakhstan prudential standards and (or) other norms and limits compulsory for compliance established by the authorized authority for regulation, control and supervision of the financial market and financial organizations.

2. For the purposes of parts ten, twelve, thirteen and fourteen of this Article, a person to whom the right (claim) under a bank loan agreement was assigned shall be understood as a collection agency, a bank, an organization, carrying out certain types of banking operations, a subsidiary of the bank acquiring doubtful and uncollectible assets of the parent bank, an organization, specializing in improving the quality of loan portfolios of second-tier banks, a special financial company created in accordance with the legislation of the Republic of Kazakhstan on project financing and securitization, under a securitization transaction.

Footnote. Article 213 as amended by the Law of the Republic of Kazakhstan dated 06.05.2017 No. 63-VI (shall be enforced upon expiry of twenty-one calendar days after its first official publication); No. 168-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

Article 214. Breach of the legislation of the Republic of Kazakhstan on counteraction to legalization (laundering) of incomes received by illegal means, and financing of terrorism

1. Violation by the subjects of financial monitoring of the legislation of the Republic of Kazakhstan on counteraction to legalization (laundering) of incomes, received by criminal means and financing of terrorism in terms of documenting, storing and providing information on transactions, subject to financial monitoring, their clients, due diligence of clients (their representatives) and beneficiary owners, taking measures to freeze operations with money and (or) other property, refusal to establish business relations and conducting operations with money and (or) other property, suspension of operations subject to financial monitoring, protection of documents, obtained in the process of its activities -

entail a fine on individuals in amount of one hundred, on civil servants, notary officers and advocates, subjects of small entrepreneurship or non-profit organizations – in amount of one hundred forty, on subjects of medium entrepreneurship – in amount of two hundred twenty, on subject of large entrepreneurship – in amount of four hundred monthly calculation indices.

2. Non-fulfillment of obligations by the subjects of financial monitoring on development, adoption and (or) execution of internal control rules and programs for its implementation, or non-compliance of internal control rules with the requirements of the legislation of the Republic of Kazakhstan on counteraction to legalization (laundering) of incomes, received by criminal means and financing terrorism shall –

entail a fine on individuals in amount of one hundred, on civil servants, notary officers and advocates, subjects of small entrepreneurship or non-profit organizations – in amount of one hundred sixty, on subjects of medium entrepreneurship – in amount of two hundred fifty, on subject of large entrepreneurship – in amount of nine hundred monthly calculation indices.

3. Notification of own clients and other persons on information provided to the authorized agency on financial monitoring by subjects of financial monitoring –

entail a fine in amount of one hundred fifty monthly calculation indices.

4. Actions (omission) provided by parts one, two and three of this Article, committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of one hundred fifty, on civil servants, notary officers and advocates, subjects of small entrepreneurship or non-profit organizations – in amount of one hundred eighty, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship – in amount of one thousand two hundred monthly calculation indices.

5. Actions (omission) provided by parts one, two and three of this Article committed three and more times within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of two hundred, on officials, lawyers, notaries, individual entrepreneurs - in amount of four hundred, on commodity exchanges, legal entities, carrying out entrepreneurial activities in provision of accounting services, microfinance organizations, operators of electronic money systems, that are not banks, gambling organizers and lotteries, post operators, audit organizations - in amount of two thousand monthly calculation indices, with suspension of the license or temporary deprivation of the qualification certificate (certificate) for a period up to six months or by deprivation or suspension of activities of a legal entity for a period up to three months.

Footnote. Article 214 as amended by the laws of the Republic of Kazakhstan dated 02.08.2015 No. 343-V (shall be enforced from 20.04.2016); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 166-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

Article 215. Violation of a procedure for formation of risk management and internal control systems

Footnote. Article 215 is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

Article 216. Non-achievement of results of budget investments by subjects of quasi-public sector

1. Non-achievement of results of budget investments by branch, related and other legal entities that are affiliated in accordance with the legislative acts of the Republic of Kazakhstan, by participation of the state in their charter capital provided in a financial feasibility study, shall –

entail a fine on civil servants – chief executive officers in amount of four hundred monthly calculation indices.

2. Non-achievement of results of budget investments by the state enterprises, limited liability partnerships, joint stock companies, the participant or shareholder of which is the state, by participation of the state in their charter capital provided in a financial feasibility study, shall –

entail a fine on civil servants – chief executive officers in amount of four hundred monthly calculation indices.

Article 217. Violation of a procedure for presentation of reporting on clients currency operations by agents of currency control

1. Violation of term for presentation of report on notification of made currency operations by agent of currency control provided by the regulatory legal act of the National Bank of the Republic of Kazakhstan –

shall entail a notification.

2. The action provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail a fine in amount of fifteen monthly calculation indices.

3. Presentation of incomplete and (or) unreliable report on notification of made currency operations by agent of currency control provided by the regulatory legal act of the National Bank of the Republic of Kazakhstan, –

shall entail a notification.

4. The action provided by part three of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail a fine in amount of fifteen monthly calculation indices.

5. Violation of term for presentation of report on currency agreements of export and import by agent of currency control provided by the regulatory legal act of the National Bank of the Republic of Kazakhstan –

shall entail a notification.

6. The action provided by part five of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail a fine in amount of fifteen monthly calculation indices.

7. Presentation of incomplete and (or) unreliable report on currency agreements of export and import by agent of currency control provided by the regulatory legal act of the National Bank of the Republic of Kazakhstan, –

shall entail a notification.

8. The action provided by part seven of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail a fine in amount of fifteen monthly calculation indices.

9. Violation of term for presentation of report on currency agreements, on the basis of and (or) in pursuance of which shall be made capital operations by agent of currency control provided by the regulatory legal act of the National Bank of the Republic of Kazakhstan, –

shall entail a notification.

10. The action provided by part nine of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail a fine in amount of fifteen monthly calculation indices.

11. Presentation of incomplete and (or) unreliable report on currency agreements, on the basis of and (or) in pursuance of which shall be made capital operations by agent of currency control provided by the regulatory legal act of the National Bank of the Republic of Kazakhstan, –

shall entail a notification.

12. The action provided by part eleven of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail a fine in amount of fifteen monthly calculation indices.

Footnote. Article 217 is provided in the wording of the Law of the Republic of Kazakhstan No. 168-VI dated 02.07.2018 (shall be enforced from 01.07.2019).

Article 218. Violation of a procedure for presentation of reports for monitoring of demand and supply sources at internal currency market of the Republic of Kazakhstan or reports on activities for organizing of exchange operations with cash foreign currency

1. Violation of terms for presentation reports for monitoring of demand and supply sources at internal currency market of the Republic of Kazakhstan by an authorized bank or a professional securities market participant for currency operations on behalf of clients, provided by the regulatory legal act of the National Bank of the Republic of Kazakhstan –

shall entail a notification.

2. The action provided by part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail a fine in amount of fifteen monthly calculation indices.

3. Presentation of incomplete and (or) unreliable report for monitoring of demand and supply sources at internal currency market of the Republic of Kazakhstan by an authorized bank or a professional securities market participant for currency operations on behalf of clients, provided by the regulatory legal act of the National Bank of the Republic of Kazakhstan, –

shall entail a notification.

4. The action provided by part three of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail a fine in amount of fifteen monthly calculation indices.

5. Violation of terms for presentation reports on activities for organizing of exchange operations with cash foreign currency by an authorized bank or an authorized organization provided by the regulatory legal act of the National Bank of the Republic of Kazakhstan –

shall entail a notification.

6. The action provided by part five of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail a fine in amount of fifteen monthly calculation indices.

7. Presentation of incomplete and (or) unreliable report on activities for organizing of exchange operations with cash foreign currency by an authorized bank or an authorized organization, provided by the regulatory legal act of the National Bank of the Republic of Kazakhstan, –

shall entail a notification.

8. The action provided by part seven of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail a fine in amount of fifteen monthly calculation indices.

Footnote. Article 218 is provided in the wording of the Law of the Republic of Kazakhstan No. 168-VI dated 02.07.2018 (shall be enforced from 01.07.2019).

Article 219. Excess of natural norms on administrative costs

Excess of natural norms on administrative costs by the state enterprises, joint stock companies and limited liability partnerships controlled by the state, established by the regulatory legal acts, shall –

entail a fine on chief executive officers in amount of fifty monthly calculation indices.

Note of RCLI!

Article 220 is provided the amendments of the Law of the Republic of Kazakhstan dated 24.11.2015 No. 422-V (shall be enforced from 16.12.2020).

Article 220. Violation of the legislation of the Republic of Kazakhstan on payments and payment systems, requirements, related to banking service of customers

Footnote. Title of Article 220 is in the wording of the Law of the Republic of Kazakhstan dated 26. 07.2016 No. 12-VI (shall be enforced upon expiry of thirty calendar days after its first official publication).

1. Violation of terms for execution of instructions on payment and (or) money transfer or refusal to execute instructions on payment and (or) money transfer by banks, organizations carrying out certain types of banking operations, established by the Law of the Republic of Kazakhstan "On payments and payment systems", shall –

entail a fine on legal entities in amount of five percent of the sum of instruction on payment and (or) transfer of money, but not more than one hundred monthly calculation indices on subjects of medium entrepreneurship and two hundred monthly calculation indices on subjects of large entrepreneurship.

2. Execution of instruction on payment or money transfer by banks, organizations carrying out separate types of banking operations, committed in a favor of a beneficiary being different from that stated in the instruction, or on a sum different from that stated in the instruction, –

entail a fine on legal entities in amount of five percent of the sum of instruction on payment and (or) transfer of money, but not more than one hundred monthly calculation indices on subjects of medium entrepreneurship and two hundred monthly calculation indices on subjects of large entrepreneurship.

3. Loss of payment documents of clients by banks, organizations carrying out separate types of banking operations, shall –

entail a fine on legal entities in amount of one hundred monthly calculation indices for each payment document.

4. Unreasonable refusal in execution of the instruction on payment and (or) transfer of money in the absence of grounds for refusal in execution of the instruction, determined by the Law of the Republic of Kazakhstan "On payments and payment systems" by banks, organizations, carrying out certain types of banking operations, shall –

entail a fine on legal entities in amount of five percent of the sum of instruction on payment and (or) transfer of money, but not more than one hundred monthly calculation indices on subjects of medium entrepreneurship and two hundred monthly calculation indices on subjects of large entrepreneurship.

4-1. Execution of instructions on payment and (or) transfer of money in cases when the Law of the Republic of Kazakhstan "On payments and payment systems" provides refusal in execution the instruction on payment and (or) transfer of money by banks, organizations, carrying out certain types of banking operations, shall –

entail a fine on legal entities in amount of five percent of the sum of instruction on payment and (or) transfer of money, but not more than one hundred monthly calculation indices on subjects of medium entrepreneurship and two hundred monthly calculation indices on subjects of large entrepreneurship.

5. Violation of order of priority of withdrawing money from bank account of a client by banks, organizations carrying out separate types of banking operations, established by the Civil Code of the Republic of Kazakhstan, shall –

entail a fine on legal entities in amount of one hundred monthly calculation indices.

6. Is excluded by the Law of the Republic of Kazakhstan dated 26. 07.2016 No. 12-VI (shall be enforced upon expiry of thirty calendar days after its first official publication).

7. Non-compliance of requirements, established by the Law of the Republic of Kazakhstan "On payments and payment systems", when providing payment services through payment agents and (or) payment subagents by banks, organizations, carrying out certain types of banking operations, payment organizations –

entail a fine on legal entities in amount of fifty monthly calculation indices.

8. The action (inaction), provided by part seven of this Article, committed repeatedly within a year after imposing an administrative penalty, shall –

entail a fine on legal entities in amount of one hundred monthly calculation indices.

Notes.

1. The requirements of this Article shall not apply on actions (inaction), responsibility for which is provided by part eight of Article 91, part four of Article 92, part three of Article 92-1 and Article 285 of this Code.

Note of ILLI!

Paragraph 2 is provided in the wording of the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 16.12.2020).

Note of ILLI!

This wording of Paragraph 2 shall remain in force from 01.01.2020 until 16.12.2020 in accordance with the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI.

2. For the purposes of part one of this Article, banks, organizations carrying out certain types of banking operations, deprived of a permit issued by the authorized authority for regulation, control and supervision of the financial market and financial organizations, and (or) in the correspondent account opened with the National Bank of the Republic of Kazakhstan having outstanding requirements or restrictions on management of money that impede for conduct of expenditure operations of which, on the date on which the instruction for payment and (or) money transfer was subject to execution in accordance with the terms established by the Law of the Republic of Kazakhstan "On Payments and Payment Systems" shall not be subject to administrative responsibility.

Footnote. Article 220 as amended by the laws of the Republic of Kazakhstan dated 26.07.2016 No. 12-VI (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 16.11.2015 No. 406-V (shall be enforced from 01.07.2017); No. 168-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

Article 221. Issuance of accommodation, prime and financial bills in a territory of the Republic of Kazakhstan

Issuance of accommodation, prime and financial bills in a territory of the Republic of Kazakhstan, shall –

entail a fine on individuals in amount of forty, on subjects of small entrepreneurship – in amount of one hundred twenty, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of four hundred monthly calculation indices.

Article 222. Violation of requirements of creation, use and disbursement of electronic money

1. Issuance of electronic money by an emitter to the sum that does not conform to the sum of imposed obligations, shall –

entail a notification.

2. The action, provided by part one of this Article, committed repeatedly within a year after imposing an administrative penalty, shall –

entail a fine on subjects of medium entrepreneurship in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

3. Creation of electronic money by an emitter to the sum exceeding one hundred monthly calculation indices without identifying the owner of electronic money, as well as admission of using electronic money by the emitter in a system of electronic money upon commission of operations to the sum that exceeds established limitations on a maximum sum of one operation, shall –

entail a notification.

4. The actions, provided by part three of this Article, committed repeatedly within a year after imposing an administrative penalty, shall -

entail a fine on subjects of medium entrepreneurship in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

5. Non-disbursement, untimely and incomplete disbursement of electronic money by an emitter received by an individual entrepreneur or legal entity from individuals upon payment on civil transactions, shall –

entail a notification.

6. The actions, provided by part five of this Article, committed repeatedly within a year after imposing an administrative penalty, shall -

entail a fine in amount of one hundred monthly calculation indices.

Footnote. Article 222 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 223. Violations related to the unlawful acquisition, directly or indirectly, of ten or more percent of the shares of a financial organization without obtaining the written consent of the authorized authority for regulation, control and supervision of financial market and financial organizations

Footnote. Heading of Article 223 as amended by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

Acquisition by a person, directly or indirectly, of shares of a financial organization in amount of ten or more percent of the outstanding (minus preferred and repurchased) shares of a financial organization, as well as control or the ability to influence decisions made by a financial organization in amount of ten or more percent of the outstanding (less preferred and repurchased) shares of a financial organization without the written consent of the National Bank of the Republic of Kazakhstan, shall –

entail a fine on individuals in amount of two hundred, on legal entities - in amount of one thousand monthly calculation indices.

Footnote. Article 223 as amended by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

Article 224. Violations linked with unlawful acquisition of participatory shares in charter capitals of legal entities or shares by banks, insurance (reinsurance) organizations, banking holdings, insurance holdings

1. Acquisition of participatory shares in charter capitals of legal entities or shares by banks, insurance (reinsurance) organizations in violation of requirements of the legislative acts of the Republic of Kazakhstan, with the exception of acts provided by a part three of this Article, shall –

entail a fine on legal entities in amount of two thousand monthly calculation indices.

2. Acquisition of participatory shares in charter capitals of legal entities or shares by banking holdings, insurance holdings in violation of requirements of the legislative acts of the Republic of Kazakhstan, with the exception of acts provided by a part three of this Article, shall –

entail a fine on legal entities in amount of two thousand monthly calculation indices.

3. Creation or acquisition of a subsidiary by a bank, insurance (reinsurance) company, bank holding company, insurance holding company without the prior permission of the

authorized authority for regulation, control and supervision of the financial market and financial organizations, shall –

entail a fine on legal entities in amount of two thousand monthly calculation indices.

Footnote. Article 224 as amended by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

Article 225. Inappropriate use of pension assets

1. Violation of conditions and procedure for investing pension assets, established by the legislation of the Republic of Kazakhstan, by the manager of the investment portfolio, as well as by the members of the investment committee, shall –

entail a fine on an individual in amount of two hundred, on legal entities in amount of eight hundred monthly calculation indices.

2. Non-carrying out of control of appropriate placement of pension assets of voluntary pension saving fund by a bank-custodian, shall –

entail a fine on legal entities in amount of two hundred monthly calculation indices.

Note. For the purpose of a part two of this Article, the bank-custodian shall be regarded as the second tier bank.

Footnote. Article 225 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 226. Violation of requirements linked with liquidation of banks, insurance (reinsurance) organizations

1. Avoidance of a chairman or head of the division of liquidation commission from conduct of inspection of activity of the liquidation commission by the authorized authority for regulation, control and supervision of the financial market and financial organizations or impeding its conduct, shall –

entail a fine in amount of twenty five monthly calculation indices.

2. Repeated (two and more times within six sequential calendar months) representation of inaccurate reporting and information established by the bank legislation of the Republic of Kazakhstan, legislation of the Republic of Kazakhstan on insurance and insurance activity, untimely representation, non-representation of reporting and additional information established by the bank legislation of the Republic of Kazakhstan, legislation of the Republic of Kazakhstan on insurance and insurance activity by a chairman, head of the division of liquidation commission to the authorized authority for regulation, control and supervision of the financial market and financial organizations, shall –

entail a fine in amount of fifty monthly calculation indices.

Footnote. Article 226 as amended by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

Note of RCLI!

Article 227 is provided amendments of the Law of the Republic of Kazakhstan 24.11.2015 No. 422-V (shall be enforced from 16.12.2020).

Article 227. Non-fulfillment, untimely fulfillment of obligations, accepted and (or) imposed by applying supervisory response measures, restricted enforcement measures

1. Non-fulfillment, untimely fulfillment of obligations by banks, large participants of banks, banking holdings, organizations included into the composition of banking conglomerate, Development Bank of Kazakhstan, organizations carrying out separate types of banking operations, accepted by them and (or) imposed on them by applying supervisory response measures in the form of a written prescription and (or) a written agreement, –

entail a fine on individuals in amount of fifty, on subjects of small entrepreneurship – in amount of two hundred fifty, on subjects of medium entrepreneurship – in amount of three hundred fifty, on subjects of large entrepreneurship – in amount of four hundred fifty monthly calculation indices.

2. Non-fulfillment, untimely fulfillment of obligations by insurance (reinsurance) organizations, insurance broker, insurance holding, large participants of insurance (reinsurance) organization, legal entities included into the composition of insurance group, organization guaranteeing for insurance payments, actuary having a license for actuarial activities in the insurance market, professional participants of the securities market, large participants of a manager of investment portfolio, accepted by them and (or) imposed on them by applying supervisory response measures in the form of a written prescription and (or) a written agreement, shall –

shall entail a fine on individuals in amount of fifty, on subjects of small entrepreneurship or non-profit organization – in amount of one hundred twenty, on subjects of medium entrepreneurship – in amount of one hundred ninety, on subjects of large entrepreneurship – in amount of two hundred fifty monthly calculation indices.

3. Non-fulfillment, untimely fulfillment of obligations by issuers, unified pension savings fund, voluntary pension savings funds, microfinance organizations, payment systems operators, payment system operating centers and payment service providers, accepted by them and (or) imposed on them by applying restricted enforcement measures, shall –

shall entail a fine on subjects of small entrepreneurship or non-profit organizations – in amount of one hundred twenty, on subjects of medium entrepreneurship – in amount of one hundred ninety, on subjects of large entrepreneurship – in amount of two hundred fifty monthly calculation indices.

4. Non-execution of written prescription by a chairman of the bank's liquidation commission, insurance (reinsurance) organization within the term established by the authorized authority for regulation, control and supervision of the financial market and

financial organizations on elimination of violations of the legislation of the Republic of Kazakhstan, shall –

shall entail a fine on individuals in amount of forty monthly calculation indices.

5. Non-fulfillment, untimely fulfillment of obligations by the collection agency, accepted by it and (or) assigned to it by applying restricted enforcement measures, shall – shall entail a fine in amount of one hundred fifty monthly calculation indices.

Note of ILLI!

Note is provided in the wording of the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 16.12.2020).

Note of ILLI!

This wording of note shall remain in force from 01.01.2020 until 16.12.2020 in accordance with the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI.

Note. For the purposes of part three of this Article, by payment system operators, payment system operating centers and payment service providers shall be understood payment system operators, payment system operating centers and payment service providers shall not be banks and organizations carrying out certain types of banking operations.

Footnote. Article 227 is in the wording of the Law of the Republic of Kazakhstan No. 168 -VI dated 02.07.2018 (shall be enforced from 01.01.2019); as amended by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

Note of RCLI!

Article 228 is provided amendments of the Law of the Republic of Kazakhstan dated 24.11.2015 No. 422-V (shall be enforced from 16.12.2020).

Article 228. Violation of requirements established by the legislation of the Republic of Kazakhstan on insurance and insurance activity

1. Is excluded by the Law of the Republic of Kazakhstan No. 168-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

2. Is excluded by the Law of the Republic of Kazakhstan No. 168-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

3. Excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced from 06.01.2020).

4. Is excluded by the Law of the Republic of Kazakhstan No. 168-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

5. Repeatedly (two or more times during the twelve consecutive calendar months) violation of the same prudential standards by the insurance (reinsurance) organization, the branch of the insurance (reinsurance) company - a non-resident of the Republic of

Kazakhstan, parent organization of the insurance group, established by the authorized authority for regulation, control and supervision of the financial market and financial organizations and (or) other norms and limits compulsory for compliance, shall –

shall entail a fine on legal entities in amount of three hundred monthly calculation indices.

6. Is excluded by the Law of the Republic of Kazakhstan No. 168-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

7. Excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced from 06.01.2020).

8. Is excluded by the Law of the Republic of Kazakhstan No. 168-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

9. An untimely information by an insurance company in accordance with the procedure established by the legislation of the Republic of Kazakhstan about the change of the location of its permanently operating body, a separate subdivision or change of a name –

shall entail a fine on legal entities in amount of fifty monthly calculation indices.

10. Violation of the conditions by insurance (reinsurance) organization, insurance broker established by the legislation of the Republic of Kazakhstan on insurance and insurance activities, for proper documentation, accounting and storage of documents, related to their activities, –

shall entail a fine on legal entities in amount of fifty monthly calculation indices.

11. Is excluded by the Law of the Republic of Kazakhstan No. 168-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

12. Preparation of reporting by an insurance (reinsurance) organization, the branch of the insurance (reinsurance) organization - non-resident of the Republic of Kazakhstan as a result of distorted information on compliance with prudential standards and (or) other norms and limits established by the authorized authority for regulation, control and supervision of the financial market and financial organizations compulsory for compliance, shall –

shall entail a fine on legal entities in amount of two hundred monthly calculation indices.

13. The action provided by a part twelve of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine in amount of six hundred monthly calculation indices.

13. Is excluded by the Law of the Republic of Kazakhstan No. 168-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

14. Is excluded by the Law of the Republic of Kazakhstan No. 168-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

15. Is excluded by the Law of the Republic of Kazakhstan No. 168-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

16. Non-payment, late payment or payment of compulsory or emergency contributions in incomplete volume to the Guarantee fund of insurance payments, shall –

entail a fine on legal entities in amount of two hundred fifty monthly calculation indices.

17. Violation by insurance (reinsurance) organization, insurance broker of the requirement on compulsory publication financial reporting and other information in mass media in accordance with the laws of the Republic of Kazakhstan –

shall entail a fine on legal entities in amount of fifty monthly calculation indices.18. Violation of the normative legal act of the National Bank of the Republic of Kazakhstan by an insurance (reinsurance) organization in assessing the amount of damage caused to the vehicle, shall –

entail a fine in amount of twenty monthly calculation indices.

18. Is excluded by the Law of the Republic of Kazakhstan No. 168-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

19. Violation of the requirement by an insurance company on mandatory of concluding agreements on provision of information and obtaining insurance reports with an organization for the formation and maintenance of a database on insurance with state participation and registration in this organization shall –

shall entail a fine on legal entities in amount of one hundred monthly calculation indices.

20. Acted until 01.01.2018 in accordance with the Law of the Republic of Kazakhstan dated 24.11.2015 No. 422-V.

Note of ILLI!

Note is provided in the wording of the Law of the Republic of Kazakhstan dated PK 03.07.2019 No. 262-VI (shall be enforced from 16.12.2020).

Note of ILLI!

This wording of note shall remain in force from 01.01.2020 until 16.12.2020 in accordance with the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI.

Note. For the purposes of part twelve of this Article, administrative responsibility arises when, as a result for correction of distorted information, revealed the violation of prudential standards by the insurance (reinsurance) organization and (or) other norms and limits established by the authorized authority for regulation, control and supervision of the financial market and financial organizations compulsory for compliance.

Footnote. Article 228 as amended by the Law of the Republic of Kazakhstan dated 24.11.2015 No. 422-V (see Article 2 for the procedure of enactment); dated 02.07.2018 No. 168-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced from 06.01.2020); dated 28.10.2019 No. 268 -VI (shall be enforced from 06.01.2020).

Article 229 is provided amendments by the Law of the Republic of Kazakhstan No. 422-V dated 24.11.2015 (shall be enforced from 16.12.2020).

Article 229. Violation of requirements by insurance organization related for insurance payment

Footnote. Heading of Article 229 as amended by the Law of the Republic of Kazakhstan No. 168-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Failure to make, as well as untimely making of insurance payment or incorrect making of insurance payment –

entail a fine on legal entities in amount of one hundred monthly calculation indices.

2. Loss of documents presented by a client for making of insurance payment, –

entail a fine on legal entities in amount of fifty monthly calculation indices.

Footnote. Article 229 as amended by the Law of the Republic of Kazakhstan No. 168-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 230. Breach of the legislation of the Republic of Kazakhstan on compulsory insurance

1. Avoidance of an insurance organization from conclusion of compulsory insurance contract provided by the legislative acts of the Republic of Kazakhstan, shall –

entail a fine on a legal entity in amount of three hundred monthly calculation indices.

2. Failure to conclude compulsory insurance contract by a person being liable to conclude the compulsory insurance contract in accordance with the legislative act of the Republic of Kazakhstan on compulsory insurance, –

entail a fine on individuals in amount of ten, on officials, private notaries, private bailiffs, subjects of small entrepreneurship or non-profit organizations - in amount of one hundred and sixty, on subjects of medium entrepreneurship - in amount of four hundred, on subjects of large entrepreneurship - in amount of one thousand monthly calculation indices.

3. Violation of requirements of legislative acts of the Republic of Kazakhstan, expressed in non-fulfillment or improper fulfillment of requirements on providing information to the insurance database by an insurance (reinsurance) company, shall –

entail a fine on a legal entity in amount of three hundred monthly calculation indices.

4. Conclusion of compulsory insurance contract by an insurance (reinsurance) organization on terms that do not conform to requirements of the legislation of the Republic of Kazakhstan consisting in:

1) establishment of amounts of insurance sums being other than those determined by the Laws of the Republic of Kazakhstan on compulsory types of insurance;

2) establishment of amounts of insurance premiums being other than those determined by the Laws of the Republic of Kazakhstan on compulsory types of insurance, and equally incorrect (unreasonable) applying the rates upon calculation of insurance premiums;

3) insurance of objects on compulsory types of insurance that are not subject to insurance, shall –

entail a fine on legal entities in amount of one tenth percent of a sum of transaction or one hundred percent of a sum of earned revenue on operations, or one hundred percent of a sum of insurance premiums received on operations, but no less than two hundred and no more than two thousand monthly calculation indices.

4. The conclusion of an obligatory insurance contract by an insurance (reinsurance) company on conditions that do not comply with the requirements of the legislation of the Republic of Kazakhstan, expressed in setting the amounts of insurance sums other than those, specified in the laws of the Republic of Kazakhstan on compulsory types of insurance, shall – entail a fine on legal entities in amount of one hundred percent of the sum of insurance premiums under insurance contracts, but not more than one thousand monthly calculation indices.

5. The conclusion of an obligatory insurance contract by an insurance (reinsurance) company on conditions that do not comply with the requirements of the legislation of the Republic of Kazakhstan, expressed in setting the amounts of insurance premiums other than those, specified in the laws of the Republic of Kazakhstan on compulsory types of insurance, as well as incorrect (unreasonable) application of coefficients in calculating insurance premiums shall -

entail a fine on legal entities in amount of one hundred percent of the sum of insurance premiums under insurance contracts, but not more than one thousand monthly calculation indices.

6. The conclusion of an obligatory insurance contract by an insurance (reinsurance) company on conditions that do not comply with the requirements of the legislation of the Republic of Kazakhstan, expressed in the insurance of objects on compulsory types of insurance, that are not subject to insurance, shall –

attracts a fine on legal entities in amount of one hundred percent of the sum of insurance premiums under insurance contracts, but not more than one thousand monthly calculation indices.

7. Is excluded by the Law of the Republic of Kazakhstan No. 241-VI dated 02.04.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 230 as amended by the Law of the Republic of Kazakhstan dated 27.04.2015 No. 311-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 166-VI dated 02.07.2018 (shall be enforced from 01.01.2019); No. 241-VI dated 02.04.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).

Note of RCLI!

Article 231 is provided amendments of the Law of the Republic of Kazakhstan dated 24.11.2015 No. 422-V (shall be enforced from 16.12.2020).

Article 231. Violation of the terms established by the legislation of the Republic of Kazakhstan for coordination of leading employees of financial organizations, banking and insurance holdings, Guarantee fund of insurance payments

1. Violation of the terms for coordination of a leading employee of a financial organization, banking and insurance holding, Guarantee fund of insurance payments by a financial organization, banking and insurance holding, Guarantee fund of insurance payments, shall –

entail a fine on legal entities in amount of ninety monthly calculation indices.

2. The action provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on legal entities in amount of two hundred monthly calculation indices.

Article 232. Non-fulfillment of the obligation on notification, as well as untimely notification of the authorized authority for regulation, control and supervision of the financial market and financial organizations on opening or termination of the activity of branches and (or) representations of financial organizations

Footnote. Heading of Article 232 as amended by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

Non-fulfillment of the obligation on notification, as well as untimely notification of the authorized authority for regulation, control and supervision of the financial market and financial organizations on opening or termination of the activity of branches and (or) representations of financial organizations shall –

entail a fine on legal entities in amount of one hundred monthly calculation indices.

Footnote. Article 232 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (effective 10 calendar days after the day of its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

Article 233. Obtaining or use of credit, loan with breach of the legislation of the Republic of Kazakhstan

1. Obtaining of credit or preferential terms by an individual entrepreneur or organization for crediting by representing knowingly false details to the bank or organization carrying out separate types of banking operations on household status, financial status or pledged assets of the individual entrepreneur or organization or on other circumstances having essential significance for obtaining of the credit, preferential terms for crediting, and equally failure to

deliver information to the bank or another creditor on occurrence of circumstances that may entail termination of the crediting, repeal of benefits or limitation of amounts of allocated credit, if these actions did not inflict heavy damage, shall –

entail a fine in amount of fifty monthly calculation indices.

2. Use of budget credit not for intended purpose, if this action did not inflict heavy damage to an individual, organization or the state, shall –

entail a fine in amount of one hundred monthly calculation indices.

3. Use of the funds of loans being guaranteed by the state and of the loan attracted under surety of the state for the purposes not provided by conditions of the loan and not provided by the contract of guarantee, as well as for crediting of the state bodies, shall –

entail a fine on the chief executive officers of a relevant legal entity-loan debtor on the loan having the state guarantee, their deputies or persons substituting them on which the relevant orders imposed the fulfillment of obligations, in amount of one hundred monthly calculation indices.

Article 234. Untimely, incomplete crediting of revenues into republican and local budgets

1. Untimely, incomplete crediting of the funds coming into republican and local budgets, shall –

entail a fine on civil servants in amount of one hundred monthly calculation indices.

2. Untimely, incomplete crediting of the funds transferred on accounts of recipients of budget funds in the relevant banks or organizations carrying out separate types of banking operations, shall –

entail a fine on civil servants in amount of seventy monthly calculation indices.

Article 234-1. Ineffective planning and (or) ineffective use of budget funds

Ineffective planning and (or) ineffective use of budget funds, expressed in:

exceeding the approved natural standards;

absence of documents stipulated by the budgetary legislation of the Republic of Kazakhstan (feasibility study, financial and economic justification, design and estimate documentation) and (or) decisions (opinions) on them of authorities and (or) organizations authorized by the legislation of the Republic of Kazakhstan to submit such decisions (conclusions), shall -

entail a fine on officials in amount of one hundred monthly calculation indices.

Note.

For the purposes of this Article, officials should be understood as the head of the central state authority - the administrator of budget programs, the head of the local executive

authority - the administrator of budget programs, the head of the budget program, the head of the subject of the quasi-public sector.

Footnote. Chapter 15 is supplemented by Article 234-1 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 235. Violation of rules for keeping budgetary accounting, preparation and representation of reporting

Violation of rules for keeping budgetary accounting, preparation and representation of reporting, shall –

entail a fine on civil servants in amount of two hundred monthly calculation indices.

Article 236. Violation of conditions and procedures for extending budget credits, state guarantees and warrantees of the state

Violation of conditions and procedures for extending budget credits, state guarantees and warrantees of the state, shall –

entail a fine on civil servants in amount of four hundred monthly calculation indices.

Article 237. Violation of rules for compensation of expenses

1. Violation of rules for compensation of the expenses by administrators of budget programs on rendering of guaranteed volume of gratuitous medical assistance, shall –

entail a fine on civil servants in amount of fifty monthly calculation indices.

2. The same act committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on civil servants in amount of one hundred of monthly calculation indices.

Article 238. Breach of the legislation of the Republic of Kazakhstan on business accounting and financial statement by individuals and civil servants

1. Non-fulfillment and (or) improper fulfillment of the obligations by individuals and civil servants provided by the legislation of the Republic of Kazakhstan on business accounting and financial statement committed in the form of:

1) avoidance from accounting, if this action does not contain any signs of a criminal offense;

2) compilation of distorted financial reporting, concealing data to be reflected in accounting, as well as destruction of accounting documentation, if these actions do not contain any signs of a criminal offense; shall;

3) appointment of a person to a position of senior accountant of public organization that does not have a certificate of professional accountant, shall –
entail a fine in amount of fifty monthly calculation indices.

2. Acts provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –
entail a fine in amount of two hundred monthly calculation indices.

Notes.

1. An official shall not be brought to an administrative responsibility provided in this Article in event of self-imposed elimination of violations, revealed on the results of a desk control within ten working days from the day following the date of delivery to the auditee of a notification on elimination of violations, revealed on the results of a desk control.

2. The distortion of the financial reporting for the purposes of this Article shall be a distortion in amount of more than twenty monthly calculation indices.

Footnote. Article 238 as amended by the laws of the Republic of Kazakhstan dated 12.11.2015 No. 393-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 239. Violation of the legislation of the Republic of Kazakhstan on accounting and financial reporting

Footnote. Heading of Article 239 as amended by the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

1. Breach of the legislation of the Republic of Kazakhstan on business accounting and financial statement by a legal entity committed in the form of:

1) avoidance from maintenance of business accounting, if this action does not contain signs of criminally punishable act;

2) representation of knowingly false financial statement, refusal from representing financial statement, presentation with violation of established term or its non-representation without justifiable reason to founders (participants) of organizations in accordance with the constitutive documents, to the authorized body in the field of the state statistics at place of registration, to bodies of state control and supervision in accordance with their competence, to the depositary of financial statement;

3) preparation of distorted financial reporting, concealing of data subjected to reflection in business accounting, and equally destruction of accounting documents;

4) signing of financial statement by a senior accountant of the organization of public interest that is not a professional accountant, shall –

entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices.

2. The act provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of two hundred, on subjects of medium entrepreneurship – in amount of four hundred, on subjects of large entrepreneurship – in amount of one thousand monthly calculation indices.

Note of ILLI!

Sub-paragraph one of Paragraph 3 is provided in the wording of the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 16.12.2020).

Note of ILLI!

This wording of sub-paragraph one of Paragraph 3 shall remain in force from 01.01.2020 until 16.12.2020 in accordance with the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI.

3. Conducting operations without appropriate reflection of their results in accounting reporting by financial organizations, microfinance organizations, shall –

entail a fine in amount of twenty percent of a sum that was not considered, but no less than one hundred and no more than four thousand monthly calculation indices.

Note of ILLI!

Sub-paragraph one of Paragraph 4 is provided in the wording of the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 16.12.2020).

Note of ILLI!

This wording of sub-paragraph one of Paragraph 4 shall remain in force from 01.01.2020 until 16.12.2020 in accordance with the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI.

4. Accounting in violation of requirements established by the legislation of the Republic of Kazakhstan on accounting and financial reporting, and accounting methods (principles) resulted to distortion of financial reporting of financial organizations, microfinance organizations by financial organizations, microfinance organizations, shall –

entail a fine in amount up to five percent of a sum that was considered improperly, but no less than one hundred and no more than four thousand monthly calculation indices.

5. Non-submission, untimely submission of reports on its activity to the authorized body by accredited professional organizations of accountants and (or) organizations for professional certification of accountants in manner, established by the legislation of the Republic of Kazakhstan shall -

entail a fine on legal entities in amount of one hundred and fifty monthly calculation indices.

Note of ILLI!

Note is provided amendments of the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 16.12.2020).

Note. The distortion of financial reporting for the purposes of parts one, two and four of this Article shall be a distortion of more than one hundred monthly calculation indices.

Footnote. Article 239 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 168-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

Article 239-1. Violation of the procedure on conducting examinations by organizations for professional certification of accountants

1. Conducting of examinations on examination modules that do not comply with the requirements of the legislation of the Republic of Kazakhstan on accounting and financial reporting by the accredited organizations on the professional certification of accountants - counting indicators.

2. The action, provided by part one of this Article, committed repeatedly within a year after the imposing an administrative penalty, shall – entail the deprivation of the certificate of accreditation.

Footnote. Chapter 15 is supplemented by Article 239-1 in accordance with the Law of the Republic of Kazakhstan dated 12.11.2015 No. 393-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 28.12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 240. Divulgence of secrecy of accounting information

Divulgence of accounting information that is commercial secret by persons having an access to it, that did not inflict heavy damage, shall – entail a fine in amount of one hundred fifty monthly calculation indices.

Article 241. Violation of rules for accreditation established by the legislation of the Republic of Kazakhstan on business accounting and financial statement

1. Violation of rules for accreditation established by the legislation of the Republic of Kazakhstan on business accounting and financial statement, shall – entail a notification on a legal entity.

2. The action provided by this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –
entail a fine on a legal entity in amount of two hundred monthly calculation indices.

Footnote. Article 241 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 242. Failure to perform the prudential regulations and (or) other norms and limits being compulsory for compliance by a manager of investment portfolio

Footnote. Article 242 is excluded by the Law of the Republic of Kazakhstan No. 166-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 243. Violation of a procedure for presenting reports for purposes of monitoring currency operations by branches (representative offices) of foreign non-financial organizations

1. Violation of terms for presentation of report on operations with residents of the Republic of Kazakhstan and non-residents of the Republic of Kazakhstan by branch (representative office) of a foreign non-financial organization provided by regulatory legal act of the National Bank of the Republic of Kazakhstan –
shall entail a notification.

2. The action provided by part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, –
shall entail a fine in amount of ten monthly calculation indices.

3. Presentation of incomplete and (or) unreliable report on operations with residents of the Republic of Kazakhstan and non-residents of the Republic of Kazakhstan by branch (representative office) of a foreign non-financial organization, provided by regulatory legal act of the National Bank of the Republic of Kazakhstan, –
shall entail a notification.

4. The action provided by part three of this Article committed repeatedly second time within a year after imposition of administrative sanction, –
shall entail a fine in amount of ten monthly calculation indices.

Footnote. Article 243 in the wording of the Law of the Republic of Kazakhstan No.168-VI dated 02.07.2018 (shall be enforced from 01.07.2019).

Article 244. Violation of a procedure for receiving an identification number for currency agreement or an account in foreign bank and providing information, documents and reports on them

1. Violation of the term for applying to assign identification number to currency agreement or account in foreign bank by individual, individual entrepreneur or legal entity provided by regulatory legal act of the National Bank of the Republic of Kazakhstan – shall entail a notification.

2. The action provided by part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail a fine on individuals in amount of ten, on subjects of small entrepreneurship, non-profit organizations - in amount of twenty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

3. Violation of the term for presentation of information by individual entrepreneur or legal entity provided by regulatory legal act of the National Bank of the Republic of Kazakhstan, and (or) documents confirming the occurrence, performance and termination of obligations and (or) circumstances that affect the terms and (or) conditions of repatriation of national and (or) foreign currency, –

shall entail a notification.

4. The action provided by part three of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail a fine on subjects of small entrepreneurship in amount of twenty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

5. Violation of the term for presentation of report on currency contract by an individual, individual entrepreneur or legal entity provided by regulatory legal act of the National Bank of the Republic of Kazakhstan, on the basis and (or) for execution of which capital operations , or an account in foreign bank with identification number shall be carried out –

shall entail a notification.

6. The action provided by part five of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail a fine on individuals in amount of five, on subjects of small entrepreneurship - in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of forty monthly calculation indices.

7. Presentation of incomplete and (or) unreliable report on currency contract by an individual, individual entrepreneur or legal entity, provided by regulatory legal act of the National Bank of the Republic of Kazakhstan on the basis and (or) for execution of which capital operations, or an account in foreign bank with identification number shall be carried out, –

shall entail a notification.

8. The action provided by part seven of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail a fine on individuals in amount of five, on subjects of small entrepreneurship - in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of forty monthly calculation indices.

Footnote. Article 244 in the wording of the Law of the Republic of Kazakhstan No.168-VI dated 02.07.2018 (shall be enforced from 01.07.2019).

Article 245. Concealing a fact of the breach of the legislation of the Republic of Kazakhstan on business accounting and financial statement by an auditor from the customers of conducting audit

Concealing a fact of the breach of the legislation of the Republic of Kazakhstan on business accounting and financial statement by an auditor from the customers of conducting audit, detected upon conduct of inspection, shall –

entail a fine in amount of fifty monthly calculation indices with deprivation of the qualification certificate "auditor".

Footnote. Article 245 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 246. Preparation of inaccurate audit report, as well as inaccurate audit opinion on taxes by an auditor and audit organization

Footnote. Title of Article 246 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015).

1. Preparation of inaccurate audit report by an auditor and audit organization, with the exception of the case provided by Article 249 of this Code, shall –

entail a fine on auditors in amount of eighty, on audit organization – in amount of one hundred eighty monthly calculation indices, with suspension of the license validity term for carrying out of audit activity or without such.

2. Preparation of knowingly inaccurate audit report by an auditor and audit organization, shall –

entail a fine on auditors in amount of one hundred ten monthly calculation indices with the deprivation of qualification certificate, on audit organizations – in amount of two hundred twenty monthly calculation indices with the suspension of the license validity term for carrying out of audit activity.

3. The actions, provided by parts one or two of this Article, committed repeatedly by the auditor within a year after imposing an administrative penalty, shall -

entail deprivation of the qualification certificate.

4. The actions, provided by parts one or two of this Article, committed repeatedly by the audit organization within a year after imposing an administrative penalty, shall - entail deprivation of a license to carry out audit activity.

5. Compilation of an unreliable audit report on taxes by an audit organization shall - entail a fine on an audit organization in amount of two hundred percent of the sum of the contract on carrying out taxes audit, but not less than five hundred monthly calculation indices.

6. The action, provided by part five of this Article, committed repeatedly within a year after imposing of an administrative penalty, shall –

entail a fine on an audit organization in amount of two hundred and fifty percent from the sum of the contract on carrying out taxes audit, but not less than six hundred monthly calculation indices.

Footnote. Article 246 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015); dated 12.12.2017, No. 122-VI (shall be enforced from 01.01.2018); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 246-1. Violation of the procedure for carrying out taxes audit, special purpose audit of subjects of quasi-state sector by audit organization

Violation of the procedure for carrying out taxes audit, special purpose audit of subjects of quasi-state sector by audit organization, with the exception of violations, entailing recognition of an audit report on taxes inadequate, shall –

entail a fine on an audit organization in amount of one hundred and fifty monthly calculation indices.

Notes.

1. Violation of the procedure for carrying out taxes audit in this Article shall be understood as non-compliance by the auditor organization with the obligations, established by the procedure for carrying out taxes audit by an audit organization, determined by the authorized state body, that regulates audit activity.

2. Violation of the procedure for carrying out an audit of a special purpose of subjects of the quasi-state sector in this Article shall be understood as non-compliance by an audit organization with the obligations, established by the procedure for conducting a special purpose audit of subjects of the quasi-state sector and submitting an audit report on the audit of a special purpose of subjects of the quasi-state sector, determined by the Counting committee for monitoring the execution of the Republican budget in agreement with the authorized internal state audit bodies, state property management and central authorized body for state planning.

Footnote. Chapter 15 is supplemented by Article 246-1 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015); in the wording of the Law of the Republic of Kazakhstan dated 12.11.2015 No. 393-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 247. Breach of the legislation of the Republic of Kazakhstan on audit activity

1. Carrying out of the types of activity by an audit organization not provided by the legislation of the Republic of Kazakhstan on audit activity, shall –

entail a notification.

2. The action provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine in amount of eighty monthly calculation indices.

3. Conduct of audit in the cases prohibited by the Law of the Republic of Kazakhstan “On audit activity”, shall –

entail a fine on legal entities in amount of one hundred and twenty monthly calculation indices with suspension of the license.

4. Failure to deliver the authorized authority for regulation, control and supervision of the financial market and financial organizations and failure to notify the audited financial organizations for which the conduct of audit shall be compulsory on violations of the legislation of the Republic of Kazakhstan regulating the activity of financial market and financial organizations detected in a result of audit of these organizations, shall –

entail a fine on legal entities in amount of one hundred and twenty monthly calculation indices.

5. Untimely representation or non-representation, and equally representation of inaccurate details by accredited professional audit organizations to the relevant authorized bodies, information the provision of which is required in accordance with the legislation of the Republic of Kazakhstan on audit activity, shall –

entail a fine in amount of one hundred and twenty monthly calculation indices.

6. Non-notification by audited entities represented by state institutions and state enterprises, legal entities with participation of the state, as well as subjects of the quasi-state sector to state audit and financial control bodies on violations of the legislation of the Republic of Kazakhstan when using budget funds, loans, related grants, state assets and subjects of the quasi-state sector, state and guaranteed loans, as well as loans attracted under the guarantee of the state, identified as a result of the audit of these organizations, as well as a special purpose audit of quasi-state sector entities, shall –

entail a fine on the first leaders in amount of one hundred and twenty monthly calculation indices.

7. Untimely representation or non-representation of reporting by audit organizations to the authorized body in accordance with qualification requirements and (or) information on insurance of own civil liability in the form approved by the authorized body, shall –

entail a fine on legal entities in amount of one hundred and twenty monthly calculation indices.

7-1. The action, provided in part seven of this Article, committed repeatedly within a year after imposing an administrative penalty, shall-

entail the deprivation of the license for audit activity.

8. Non-representation of audit report to the authorized authority for regulation, control and supervision of the financial market and financial organizations by audit organizations, shall –

entail a fine on legal entities in amount of one hundred and seventy monthly calculation indices.

9. Violations of the legislation of the Republic of Kazakhstan on audit activities by accredited professional audit organizations, committed in the form of:

1) presence of deprivation of a license to carry out audit activity without a petition from such a professional organization at ten percent of the average number, but not less than five audit organizations - members of a professional organization for twelve calendar months;

2) non-elimination of the reasons, for which the notification of the authorized body was issued within three months;

3) non-compliance of attestation performance of candidates for auditors with the procedure, established by the legislation of the Republic of Kazakhstan;

4) violations of the Rules of accreditation systematically (more than twice in a row) during the year;

5) non-creation of the Qualification commission for the attestation of candidates for auditors within six months from the receipt of accreditation, shall –

entail a fine in amount of one hundred and twenty monthly calculation indices with the deprivation of the accreditation certificate.

10. Conducting of an obligatory audit by an audit organization, not complying with the minimum requirements for audit organizations that conduct compulsory audit, shall –

entail a fine in amount of one hundred monthly calculated indices.

11. Non-entry and (or) untimely entry of an audit organization into a professional audit organization within the terms provided by the Law of the Republic of Kazakhstan "On Auditing activity", shall –

entail a fine in amount of two hundred monthly calculated indices with the deprivation of the license.

Footnote. Article 247 as amended by the laws of the Republic of Kazakhstan dated 12.11.2015 No. 393-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten

calendar days after its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

Article 248. Violations linked with use and storage of personal seal of an auditor

1. Violation of requirements by an auditor on a proper storage and use of personal seal established by the legislation of the Republic of Kazakhstan on audit activity, shall – entail a fine in amount of one hundred monthly calculation indices.

2. The action provided by a part one of this Article committed repeatedly second time second time by an audit within a year after imposition of administrative sanction, shall – entail a fine in amount of two hundred monthly calculation indices.

Article 249. Provision of untimely, inaccurate or incomplete information by the audited subject to audit organization

Provision of untimely, inaccurate or incomplete information by the audited subject to audit organization in the course of conduct of audit, that lead to preparation of inaccurate audit report, shall –

entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of twenty, on subjects of medium entrepreneurship – in amount of twenty five, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

Article 250. Avoidance from conduct of compulsory audit

Avoidance from conduct of compulsory audit or impeding its conducting, shall –

entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of fifteen, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

Article 251. Failure to comply with requirement of repatriation of the national and (or) foreign currency

Failure to comply with requirement of repatriation of the national and (or) foreign currency by individual entrepreneur or legal entity, committed in the form of non-crediting of the national and (or) foreign currency to banking accounts in the authorized banks:

1) the national and (or) foreign currency revenue from export;

2) national and (or) foreign currency transferred by resident of the Republic of Kazakhstan in favor of non-resident of the Republic of Kazakhstan for calculations on import subjected to return due to non-fulfillment or incomplete fulfillment of the obligations by the non-resident of the Republic of Kazakhstan, –

shall entail a fine in amount of twenty percent of a sum of not credited national and (or) foreign currency, but no more than two thousand monthly calculation indices.

Note. Responsibility for commission of offences provided by this Article shall occur in cases when after expiration term of repatriation, the sum of not credited national and (or) foreign currency exceeds the threshold value, over which currency contracts for export or import shall be subject to compliance with the requirement of repatriation in accordance with the regulatory legal act of the National Bank of the Republic of Kazakhstan, and if these actions (inaction) shall not contain the elements of criminally punishable act.

Footnote. Article 251 in the wording of the Law of the Republic of Kazakhstan No.168-VI dated 02.07.2018 (shall be enforced from 01.07.2019).

Article 252. Conducting of currency operations with breach of currency legislation of the Republic of Kazakhstan

1. Conducting of prohibited currency operations between residents of the Republic of Kazakhstan, making payments and (or) money transfers not through the banking accounts in the authorized banks, when such requirement shall be established by the currency legislation of the Republic of Kazakhstan, violation of the procedure for buy and (or) sale of foreign currency in the Republic of Kazakhstan –

shall entail a notification.

2. The actions provided by part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, -

shall entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship, non-profit organizations – in amount of fifty, on subjects of medium entrepreneurship – in amount of seventy, on subjects of large entrepreneurship – in amount of one hundred percent of a sum of the operation conducted with violation of established procedure.

Footnote. Article 252 is in the wording of the Law of the Republic of Kazakhstan No. 168 -VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 253. Violation of special currency regime

Violation of special currency regime in a part of:

1) failure to perform the requirement to receive special permission of the National Bank of the Republic of Kazakhstan for conduct of currency operation;

2) failure to perform the requirement of compulsory sale of foreign currency received by residents;

3) use of accounts in foreign banks;

4) failure to perform the requirements to the procedure for conduct of currency operations

;

5) non-compliance with other temporary currency restrictions introduced by the Government of the Republic of Kazakhstan, –

entail a fine on individuals and legal entities in amount of one hundred percent of a sum of the operation conducted with violation of special currency regime.

Footnote. Article 253 as amended by the Law of the Republic of Kazakhstan No. 168-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 254. Illegal use of insider information

Footnote. Article 254 is excluded by the Law of the Republic of Kazakhstan No. 166-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 255. Unfair advertisement of activity at securities market

Unfair advertisement of activity at securities market by representation and distribution of inaccurate details by securities market entities on a date of publication of advertisement, shall –

entail a fine on individuals and legal entities in amount of one hundred monthly calculation indices.

Article 256. Violation of requirements on provision of reporting, information, data by a professional participant of the securities market and other persons

1. Repeated (two or more times during the twelve consecutive calendar months) non-provision and (or) untimely provision of reporting, data and (or) other requested information to the authorized body by a professional participant of the securities market, its participants (shareholders) and (or) affiliated persons shall –

entail a fine on individuals in amount of fifty, on subjects of small entrepreneurship – in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

2. Repeated (two or more times during the twelve consecutive calendar months) provision of unreliable and (or) incomplete reporting, data and (or) other requested information, including during the conduct of inspections of the activities of securities market entities to the authorized body by a professional participant of the securities market, its participants (shareholders) and (or) affiliated persons, shall–

entail a fine on individuals in amount of fifty, on subjects of small entrepreneurship – in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

Notes.

1. Reporting in part one of this Article means: reporting submitted by a representative of bondholders, reporting containing information about qualified investors, reporting of a major participant in the investment portfolio manager.

2. A professional participant of the securities market, its participants (shareholders) and (or) affiliated persons shall not be subject to administrative liability, provided in part one of this Article, in case of provision of reporting, data and (or) other requested information not later than one day from the end of period of provision reporting, data and (or) other requested information.

3. A professional participant of the securities market, its participants (shareholders) and (or) affiliated persons shall not be subject to administrative liability, provided in part two of this Article, in case of elimination of violations, liability for which is provided in part two of this Article, until the date of receipt of notification of the authorized body on committed violation.

Footnote. Article 256 is in the wording of the law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 257. Violation of rights of securities holders

1. Violation of shareholders' rights, provided in Article 14 of the Law of the Republic of Kazakhstan "On joint-stock companies", and (or) violation of the procedure for calling and holding the general meeting of shareholders, established by the legislation of the Republic of Kazakhstan, shall –

entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of two hundred, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship - in amount of four hundred monthly calculation indices.

2. Violation of procedure and conditions for payment of remuneration on bonds and (or) their redemption established by the legislation of the Republic of Kazakhstan, shall –

entail a fine on legal entities in amount of four hundred monthly calculation indices.

3. Violation by the issuer of securities of the procedure and conditions of redemption of the placed securities, established by the legislation of the Republic of Kazakhstan and (or) the prospectus of issue of these securities, and (or) failure to purchase of the securities placed by it in cases, established by the legislation of the Republic of Kazakhstan and (or) the prospectus of issue of these securities, shall –

entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of two hundred, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship - in amount of four hundred monthly calculation indices.

Footnote. Article 257 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 258. Violation of a procedure for consummation of transactions with securities and (or) derivative financial instruments, as well as conditions for conclusion of transactions

Footnote. Article 258 is excluded by the Law of the Republic of Kazakhstan No. 166-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 259. Transactions for the purpose of manipulation on the securities market

1. Transactions by the securities market entities for the purpose of manipulation on the securities market, which has no signs of a criminal act, shall –

entail a fine on individuals in amount of two hundred, on subjects of small entrepreneurship – in amount of three hundred, on subjects of medium entrepreneurship – in amount of four hundred, on subjects of large entrepreneurship - in amount of five hundred monthly calculation indices.

2. Transactions by financial market entities for the purpose of manipulating prices (rates) of other financial instruments, including the market exchange rate, shall –

entail a fine on individuals and legal entities in amount of ten percent of the sum of transactions, committed for the purpose of manipulation.

Footnote. Article 259 is in the wording of the Law of the Republic of Kazakhstan dated 24.11.2015 No. 422-V (shall be enforced from 01.01.2016); as amended by the law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 260. Violation of the procedure, conditions and terms of registration of transactions with securities and (or) procedure of maintaining the system of registers of securities holders, the system of accounting of nominal holding and (or) violation of the procedure, conditions and terms of confirmation of rights on securities by a professional participant of the securities market

Footnote. Title of Article 260 as amended by the law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Violation of the procedure, conditions and terms of registration of transactions with securities and (or) procedure of maintaining the system of registers of securities holders, the system of accounting of nominal holding and (or) violation of the procedure, conditions and terms of confirmation of rights on securities by a professional participant of the securities market, if these actions do not contain signs of a criminal offence, shall –

entail a fine on non-profit organizations in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship - in amount of three hundred monthly calculation indices.

2. Violation of a procedure and conditions for transferring documents and details established by the legislation of the Republic of Kazakhstan, that are the system of nominal holding by professional securities market participant to the other professional securities market participant, shall –

entail a fine on a legal entity in amount of four hundred monthly calculation indices.

Footnote. Article 260 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 261. Violation of conditions and procedure for issuance and (or) placement of non-state equity securities by issuer

1. Repeated (two or more times within twelve consecutive calendar months) non-presentation and (or) untimely presentation of documents for introduction amendments and (or) additions on the issuer's personal accounts in the securities holders registry system by the issuer to the central depository –

shall entail a fine on subjects of small entrepreneurship, non-profit organizations – in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of three hundred monthly calculation indices.

2. Repeated (two or more times within twelve consecutive calendar months) violation of the procedure for placement of non-state equity securities by the issuer, except for the actions provided by part three of this Article, –

shall entail a fine on subjects of small entrepreneurship, non-profit organizations – in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of three hundred monthly calculation indices.

3. Violation of the conditions and procedure for issuance and (or) placement non-state equity securities in the territory of foreign state by the issuer, established by the legislation of the Republic of Kazakhstan, and (or) inclusion non-state equity securities in the list of securities of a stock exchange carrying out the activities in the territory of foreign state, –

shall entail a fine on legal entities in amount of fifty percent of a sum of money received from placement of equity securities.

4. Violation of the requirements for state registration for issuance of non-state equity securities by the issuer, repeated (two or more times within twelve consecutive calendar months) violation of the conditions for issuance non-state bonds by the issuer, established by the legislation of the Republic of Kazakhstan on the securities market, –

shall entail a fine on subjects of small and medium entrepreneurship in amount of four hundred, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices.

Note.

The issuers shall not be brought to administrative responsibility established by this Article if at the time of discovery of the offense the issuer:

deprived of a license for activities in the financial sphere and activities related to the concentration of financial resources, and shall be subject to compulsory liquidation or in the process of compulsory liquidation;

declared bankrupt by the court.

Footnote. Article 261 is in the wording of the Law of the Republic of Kazakhstan No. 166 -VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 262. Violation of the requirements established by the legislation of the Republic of Kazakhstan on securities market and on Joint Stock Companies

1. Failure to comply with the procedure and (or) conditions established by the Law of the Republic of Kazakhstan “On Joint Stock Companies” by subject of securities market, when making a major transaction and (or) an interested-party transaction, –

entail a fine on subjects of small entrepreneurship or non-profit organizations – in amount of two hundred, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship – in amount of four hundred monthly calculation indices.

2. Making of a transaction with financial instruments by professional securities market participant under his professional activity on securities market, the conditions of which contradict the legislation of the Republic of Kazakhstan on securities market, and (or) a transaction for which the legislation of the Republic of Kazakhstan on securities market, the grounds shall be provided for refusal to make it, –

shall entail a fine on subjects of medium entrepreneurship in amount of three hundred, on subjects of large entrepreneurship – in amount of four hundred monthly calculation indices.

3. Making of a transaction by broker and (or) dealer without having a client order at the time of its making –

shall entail a fine on subjects of medium entrepreneurship in amount of three hundred, on subjects of large entrepreneurship – in amount of four hundred monthly calculation indices.

4. The actions of insiders on using of insider information in making transactions with securities and (or) derivative financial instruments, illegal transfer of insider information to third parties, provision of recommendations or proposals on making transactions with securities and (or) derivative financial instruments based on insider information, and (or) failure to comply with the requirements of the legislation of the Republic of Kazakhstan on provision of information to issuers by legal entities, recognized insiders in respect of these issuers, not having the elements of criminally punishable act, if these actions have not caused major damage, –

shall entail a fine on individual in amount of two hundred, on official – in amount of four hundred, on subjects of small entrepreneurship or non-profit organizations - in amount of three hundred, on subjects of medium entrepreneurship – in amount of four hundred, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices.

5. Violation of the requirements by issuers established by the legislation of the Republic of Kazakhstan in terms of exercising control over the disposal and use of insider information on the issuer and securities (derivative financial instruments) issued (represented) by him –

entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of three hundred, on subjects of medium entrepreneurship – in amount of four hundred, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices.

6. Repeated (two or more times within six consecutive calendar months) disclosure of unreliable and (or) incomplete information by subject of securities market and (or) non-disclosure of information on own activities within the established periods, in the manner and on conditions determined by the legislation of the Republic of Kazakhstan, –

shall entail a fine in amount of fifty monthly calculation indices.

Note.

By information on own activities for the purposes of part six of this Article shall be meant information subjected to disclosure by securities market entity in accordance with the legislation of the Republic of Kazakhstan on securities market.

The securities market entities shall not be subject to administrative responsibility, provided by part six of this Article, in the case of:

1) disclosure of information in accordance with the procedure and on the conditions determined by the legislation of the Republic of Kazakhstan, no later than one working day from the end of the terms established by the legislation of the Republic of Kazakhstan for disclosure this information;

2) if at the time of discovery of the offense the securities market entity:

deprived of a license for activities in the financial sphere and activities related to the concentration of financial resources, and shall be subject to compulsory liquidation or in the process of compulsory liquidation;

declared bankrupt by the court.

Footnote. Article 262 is in the wording of the Law of the Republic of Kazakhstan No. 166 -VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 263. Violation of the obligation on disclosure of information at securities market

Footnote. Article 263 is excluded by the Law of the Republic of Kazakhstan No. 166-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 264. Breach of the legislation of the Republic of Kazakhstan on securities market by single accumulative pension fund, voluntary accumulative pension funds and managers of investment portfolio

1. Violation of a procedure for accounting pension savings on personal accounts of contributors (receivers) by a single accumulative pension fund, voluntary accumulative pension funds, as well as violation of a procedure for relations with custody banks and single accumulative pension fund, voluntary accumulative pension funds by a manager of investment portfolio established by the legislation of the Republic of Kazakhstan on securities market, that did not inflict heavy damage, shall –

entail a fine on legal entities in amount of four hundred monthly calculation indices.

2. Carrying out of transactions and operations by a single accumulative pension fund or voluntary accumulative pension fund in breach of the legislation of the Republic of Kazakhstan on securities market, shall –

entail a fine on legal entities in amount of four hundred monthly calculation indices.

Article 265. Violation of requirements of the Law of the Republic of Kazakhstan "On investment and venture funds"

Footnote. Heading of Article 265 as amended by the Law of the Republic of Kazakhstan No. 174-VI dated 04.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Violation of requirements of the Law of the Republic of Kazakhstan “On investment and venture funds” by joint stock investment fund, management company of investment fund to the content of information on own activity, indices characterizing the composition and value of net assets of investment fund, as well as procedure for its publication and distribution

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entail a fine on legal entities in amount of four hundred monthly calculation indices.

2. Distribution or publication of inadequate, incomplete or misinforming information by an incorporated investment fund, manager company of investment fund, shall –
entail a fine on legal entities in amount of four hundred monthly calculation indices.

Footnote. Article 265 as amended by the Law of the Republic of Kazakhstan No. 174-VI dated 04.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 266. Violation of restrictions established by the laws of the Republic of Kazakhstan on payments conducting

Execution by individual entrepreneurs, who are registered as payers of value added tax or legal entities of payment in cash procedure on a civil law transaction for the amount of more than one thousand monthly calculation indices in favor of another individual entrepreneur who is on the registration account as a tax payer on value added, or legal entity shall -

entail a fine on the persons, who made the payment in amount of five percent of the payment sum.

Footnote. Article 266 is in the wording of the Law of the Republic of Kazakhstan dated 25.12.2017 No. 122-VI (shall be enforced from 01.01.2018).

Article 267. Illegal actions of civil servants of the state institution and state enterprise based on the right of operational management (treasury enterprise) on incurrence of pecuniary liability on account of the funds of state budget

1. Illegal actions of civil servants of the state institution or state enterprise based on the right of operational management (treasury enterprise) on incurrence of pecuniary liability on account of the funds of state budget without registration of civil transactions established by the legislation and (or) in excess of the sums of cost estimations approved by the authorized body that entailed liability of the Government of the Republic of Kazakhstan or the relevant local executive body on obligations of the state institution or state enterprise based on the right of operational management (treasury enterprise), shall –

entail a fine in amount of fifty monthly calculation indices.

2. The actions provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine in amount of one hundred monthly calculation indices.

Article 268. Breach of the legislation of the Republic of Kazakhstan on goods exchange

1. Participation of employees of goods exchange in exchange transactions, shall –
entail a fine in amount of one hundred fifty monthly calculation indices.

2. Carrying out of commercial or another activity by goods exchange that is not linked directly with organization of exchange business, shall –
entail a fine in amount of five hundred monthly calculation indices.
3. Sale of goods included into the list of exchange commodities outside the goods exchange, shall –
entail a fine on individuals in amount of seventy, on subjects of small entrepreneurship or non-profit organizations – in amount of one hundred, on subjects of medium entrepreneurship – in amount of one hundred forty, on subjects of large entrepreneurship – in amount of four hundred monthly calculation indices.
4. Is excluded by the Law of the Republic of Kazakhstan No. 241-VI dated 02.04.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).
5. Non-fulfillment of the obligation to ensure the sale of at least thirty percent of the quarterly total own exchange turnover of goods included in the list of exchange goods in the double counter auction mode by the exchange trade participants shall –
entail a notification.
6. The act provided by part five of this Article, committed repeatedly within a year after imposing an administrative penalty, shall –
entail a fine on subjects of small entrepreneurship or non – profit organizations in amount of seventy, on subjects of medium entrepreneurship - in amount of one hundred and forty, on subjects of large entrepreneurship -in amount of four hundred monthly calculation indices.
7. Non-fulfillment, untimely fulfillment by the commodity exchange of the obligation to place the results of exchange trades on its own Internet resource shall –
entail a notification.
8. The acts provided in part seven of this Article, committed repeatedly within a year after the imposing an administrative penalty, shall –
entail a fine on a legal entity in amount of three hundred monthly calculation indices.
9. Non-observance by the commodity exchange of obligatory requirements to the electronic trading system of commodity exchanges shall –
entail a notification.
10. The action provided by part nine of this Article, committed repeatedly within a year after the imposing an administrative penalty, shall –
entail a fine on a legal entity in amount of three hundred monthly calculation indices.
11. Non-presentation, untimely presentation, as well as presentation of false daily reporting forms to the authorized body in the field of regulation of trading activities by commodity exchanges –
shall entail a notification.
12. Actions provided by part eleven of this Article, committed repeatedly within a year after the imposing an administrative penalty, shall –

entail a fine on a legal entity in amount of one hundred and fifty monthly calculation indices.

13. Non-execution of conducting exchange trades regimes by the commodity exchange shall –

entail a fine on a legal entity in amount of one hundred monthly calculation indices.

14. The action provided by part thirteen of this Article, committed repeatedly within a year after imposing an administrative penalty, shall –

entail a fine on a legal entity in amount of three hundred monthly calculation indices.

15. Non-fulfillment by the clearing centers of commodity exchanges of the obligation for the availability of a hardware-software complex, that provides automation of the clearing process –

entail a fine on a legal entity in amount of three hundred monthly calculation indices.

Footnote. Article 268 as amended by the Law of the Republic of Kazakhstan dated 27.10.2015 No. 364-V (for the procedure of enforcement see Article 2); No. 241-VI dated 02.04.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 16. ADMINISTRATIVE INFRACTIONS IN THE FIELD OF TAX ASSESSMENT

Article 269. Violation of the term for registration in the state revenues body

1. Violation of the terms established by the legislative acts of the Republic of Kazakhstan for submission of a tax application for registration in the state revenue body of a private notary, a private bailiff, a lawyer and notification on registration of an individual entrepreneur, registration records for certain types of activities shall -

entail a notification.

2. The act provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of eight, on private notary officers, judicial enforcement agent, advocates, on subjects of small entrepreneurship or non-profit organizations – in amount of fifteen, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of seventy monthly calculation indices.

3. Violation of the term established by the legislative acts of the Republic of Kazakhstan for filing tax application to the state revenues body by a tax payer on registration on value added tax, shall –

entail a fine in amount of fifty monthly calculation indices.

Footnote. Article 269 as amended by the laws of the Republic of Kazakhstan dated 29.03.2016 No. 479-V (shall be enforced from 01.01.2017); from 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 270. Illegal carrying out of activity upon applying special tax regime

1. Applying special tax regime with violation of conditions provided by the legislative acts of the Republic of Kazakhstan for this regime, shall – entail a notification.

2. The action provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on subjects of small entrepreneurship in amount of fifteen, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

3. Violation of the term by an individual entrepreneur for filing cost calculation of patent or tax application on suspension (prolongation, renewal) of representing tax reporting, shall – entail a notification.

4. The act provided by a part three of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall – entail a fine in amount of fifteen monthly calculation indices.

Article 271. Carrying out of activity during the period of validity term of decision of the state revenues body on suspension of representing tax reporting

1. Carrying out of activity by persons during the period of validity term of decision of the state revenues body on suspension of representing tax reporting, shall – entail a notification.

2. The action provided by a part one of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on private notaries, judicial enforcement agent, advocates, on subjects of small entrepreneurship or non-profit organizations in amount of forty, on subjects of medium entrepreneurship – in amount of forty five, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

Note of RCLI!

The Title of Article 272 is in the wording of the Law of the Republic of Kazakhstan, dated 18.11.2015 No. 412-V (shall be enforced from 01.01.2021).

Article 272. Non-submission of tax reports and documents required to determine the profit of a controlled foreign company

Footnote. Title of Article 272 is in the wording of the law of Republic of Kazakhstan dated 25.12.2017 No. 122-VI (shall be enforced from 01.01.2018).

Paragraph 1 is provided in the wording of the Law of the Republic of Kazakhstan No. 412-V dated 18.11.2015 (shall be enforced from 01.01.2021).

1. Non-representation of tax reporting by a tax payer to the state revenues body within the term established by the legislative acts of the Republic of Kazakhstan, shall – entail a notification.

2. The act provided by a part one of this Article, with the exception of the act mentioned in a part three of this Article committed repeatedly second time second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of fifteen, on private notary officers, on judicial enforcement agent, advocates, on subjects of small entrepreneurship or non-profit organizations – in amount of thirty, on subjects of medium entrepreneurship – in amount of forty five, on subjects of large entrepreneurship – in amount of seventy monthly calculation indices.

Article 272 is provided amendment by Paragraphs 2-1 and 2-2 in accordance with the Law of the Republic of Kazakhstan No. 412-V dated 18.11.2015 (shall be enforced from 01.01.2021).

3. The act provided in part one of this Article, expressed in non-submission of tax registers in the term established by the laws of the Republic of Kazakhstan, committed repeatedly within a year after imposing an administrative penalty, shall –

entail a fine on taxpayers subject to tax monitoring in amount of five hundred and fifty monthly calculation indices.

4. Excluded by the Law of the Republic of Kazakhstan dated 25.12.2017 No. 122-VI (shall be enforced from 01.01.2018).

5. Non - submission by a taxpayer to the state revenue body the documents necessary for determining the amount of financial profit or part of the financial profit of a controlled foreign company subject to taxation in accordance with the Code of the Republic of Kazakhstan "On taxes and other mandatory payments to the budget" (Tax code), shall –

entail a fine on individuals in amount of one hundred, on subjects of small entrepreneurship – in amount of one hundred and fifty, on subjects of medium entrepreneurship - in amount of two hundred, on subjects of large entrepreneurship - in amount of five hundred monthly calculation indices.

Article 272 is provided amendment by Note in accordance with the Law of the Republic of Kazakhstan No. 412-V dated 18.11.2015 (shall be enforced from 01.01.2021).

Footnote. Article 272 as amended by the Law of the Republic of Kazakhstan dated 25.12.2017 No. 122-VI (shall be enforced from 01.01.2018).

Article 273. Non-presentation, refusal to present reporting on monitoring transactions, reporting on transfer pricing, documents necessary to exercise control over transfer pricing

Footnote. Heading of Article 273 is in the wording of the Law of the Republic of Kazakhstan No. 122-VI dated 25.12.2017 (shall be enforced from 01.01.2019).

1. Non-representation of reporting to the state revenues body on monitoring of transactions within the term established by the legislation of the Republic of Kazakhstan on transfer pricing, as well as non-representation within the term established by the authorized body, or refusal in representation of documents by a taxpayer (as well as in electronic form) required for control upon transfer pricing, shall –

entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of three hundred fifty monthly calculation indices.

2. Detection of discrepancies of more than two thousand-fold amount of monthly calculation index established for the relevant financial year by the Law on republican budget between reporting data on monitoring of transactions and data received in the course of inspection, shall –

entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of three hundred fifty monthly calculation indices.

3. Actions (omission) provided by a part one of this Article committed repeatedly second time within the year after imposition of administrative sanction, shall –

entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of one hundred twenty five, on subjects of medium entrepreneurship – in amount of two hundred fifty, on subjects of large entrepreneurship – in amount of seven hundred fifty monthly calculation indices.

4. Non-presentation, unreliable or incomplete presentation, refusal of presentation of reporting to state revenue agency by the taxpayer on transfer pricing within the terms established by the legislation of the Republic of Kazakhstan on transfer pricing, –

shall entail a fine on subjects of medium entrepreneurship in amount of two hundred fifty, on subjects of large entrepreneurship – in amount of five hundred fifty monthly calculation indices.

5. Actions (inaction) provided by part four of this Article committed repeatedly second time within the year after imposition of administrative sanction, –

shall entail a fine on subjects of medium entrepreneurship in amount of five hundred fifty, on subjects of large entrepreneurship – in amount of one thousand monthly calculation indices.

Footnote. Article 273 as amended by the Law of the Republic of Kazakhstan No. 122-VI dated 25.12.2017 (shall be enforced from 01.01.2019).

Article 274 is provided to exclude by the Law of the Republic of Kazakhstan dated 18.11.2015 No. 412-V (shall be enforced from 01.01.2021).

Article 274. Violation of measures of financial control

1. Intended non-representation or representation of incomplete, inaccurate declarations and details on incomes and property being the item of taxation by a person holding a state position, by a person dismissed from the state service based on negative appeals, and equally by a husband (wife) of mentioned persons within the term established by the legislation of the Republic of Kazakhstan, shall –

entail a fine in amount of fifty monthly calculation indices.

2. The action provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine in amount of two hundred monthly calculation indices.

Note. A person that presented incomplete, unreliable declaration and information on income and property subject to taxation shall not be subject to administrative responsibility provided by this Article in case of remediation by presenting additional tax reporting and (or) additional on notification tax reporting in accordance with tax legislation Republic of Kazakhstan.

Footnote. Article 274 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); No. 168-VI dated 02.07.2018 (shall be enforced from 01.01.2018).

Article 275. Concealment of objects of taxation and other property subject to reflection in tax reporting

Footnote. Title of the Article 275 is in the wording of the law of Republic of Kazakhstan dated 13.11.2015 No. 400-IV (shall be enforced from 01.01.2017).

1. Concealment of items of taxation by a tax payer, shall –

shall entail a fine on individuals, subjects of small entrepreneurship or non-profit organizations, on subjects of medium entrepreneurship, on subjects of large entrepreneurship in amount of two hundred percent of a tax amount and other compulsory payments subjected to payment on concealed item of taxation.

2. Actions (omission) provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

shall entail a fine on individuals, subjects of small entrepreneurship or non-profit organizations, on subjects of medium entrepreneurship, on subjects of large entrepreneurship

in amount of three hundred percent of a tax amount and other compulsory payments subjected to payment on concealed item of taxation.

Note. For the purpose of a part one of this Article, the concealed items of taxation shall be also regarded as non-acceptance of goods for registration by a tax payer, imported in a territory of the Republic of Kazakhstan from a territory of the Customs Union member states.

3. Concealment by an individual of information on the presence of property on the right of ownership outside the Republic of Kazakhstan, as well as money on bank accounts of foreign banks located outside the Republic of Kazakhstan, subject to reflection in the declaration on individual income tax in accordance with the tax legislation of the Republic of Kazakhstan, committed by their non-reflection in the declaration on individual income tax, – shall entail a fine in amount of one hundred monthly calculation indices.

4. Non-elimination of violations established by part three of this Article, within a year after imposing an administrative penalty shall – entail a fine in amount of two hundred monthly calculation indices.

5. Making a turnover for the period of non-registration as a value added tax payer shall – entail a fine in amount of fifteen percent of the sum of turnover for the period of non-registration.

Notes. 1. For the purposes of part one of this Article, the concealment of objects of taxation shall also be understood as the failure by the taxpayer to register goods imported into the territory of the Republic of Kazakhstan from the territory of states - member of the Eurasian economic union.

2. For the purposes of parts three and four of this Article, administrative responsibility shall arise separately for each object of property, subject to state or other registration (accounting), rights and (or) transactions on which they are subject to state or other registration (accounting) in the competent authority of a foreign state in accordance with the legislation of a foreign state, as well as for each bank account in foreign banks located outside the Republic of Kazakhstan.

3. For the purposes of part three of this Article, non-submission of declaration on individual income tax by a person in accordance with the tax legislation of the Republic of Kazakhstan shall be equal to non-reflection of information on existence of property on the right of ownership outside the Republic of Kazakhstan, as well as money on bank accounts of foreign banks located outside the Republic of Kazakhstan.

4. For the purposes of part five of this Article, committing of turnover means taxable turnover, determined in accordance with the tax legislation of the Republic of Kazakhstan.

Footnote. Article 275 as amended by the laws of the Republic of Kazakhstan dated 13.11.2015 No. 400-V (shall be enforced from 01.01.2017); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 217-VI dated 21.01.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 276. Absence of accounting records and violation of maintaining of tax account

1. Absence of accounting records and (or) non-compliance with requirements on drawing up and keeping of accounting records established by the legislation of the Republic of Kazakhstan, shall –

entail a notification.

2. The actions provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of twenty five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of seventy five monthly calculation indices.

3. Non-reflection of operations in accounting documentation on accounting and sale of goods (works, services), shall –

entail a notification.

Note. The absence of accounting documentation of a tax payer shall be regarded as absence of accounting documents and (or) tax forms, tax accounting policy, other documents being the ground for determination of items of taxation and (or) objects linked with taxation, as well as for calculation of tax liability.

4. The action provided by part three of this Article, committed repeatedly within a year after imposing an administrative penalty, shall –

entail a fine on subjects of small entrepreneurship in amount of three, on subjects of medium entrepreneurship – in amount of five, on subjects of large entrepreneurship - in amount of ten percent of the cost of unaccounted goods (works, services).

Note. Absence of accounting documents at the taxpayer means the absence of accounting documents and (or) tax forms, tax accounting policy, other documents that are the basis for determining the objects of taxation and (or) objects related to taxation, as well as for calculating tax liability.

Footnote. Article 276 as amended By the law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 277. Avoidance from payment of accrued (calculated) tax amounts and other compulsory payments into the budget

Avoidance from payment of accrued (calculated) tax amounts and other compulsory payments into the budget committed by making settlement payments by a tax payer with third

parties in existence of debts in the period of validation of a regulation of the state revenues body on suspension of debit operations on cash register, unless this action contain signs of a criminally punishable act, shall –

entail a fine on individuals in amount of fifteen, on subjects of small entrepreneurship or non-profit organizations – in amount of fifteen monthly calculation indices, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of fifty percent of a sum of made calculations.

Article 278. Undervaluation of tax amounts and other compulsory payments into the budget

1. Undervaluation of tax amounts and other compulsory payments in a declaration, calculation, application on entry of goods and payment of indirect taxes, if this action does not contain signs of a criminally punishable act, shall –

shall entail a fine on individuals in amount of ten monthly calculation indices, on private notaries, judicial enforcement agents, advocates, on subjects of small entrepreneurship or non-profit organizations – in amount of twenty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of eighty percent of accrued tax amount and other compulsory payments into the budget.

2. Undervaluation of current payment amounts by a tax payer in a calculation, if this action does not contain signs of a criminally punishable act, shall –

entail a fine on subjects of small entrepreneurship or non-profit organizations, on subjects of medium entrepreneurship in amount of thirty, on subjects of large entrepreneurship – in amount of fifty percent of undervalued current payment amounts.

3. Excess of the sum of actually calculated corporate income tax for the tax period over the sum of calculated advance payments during the tax period in amount of more than twenty percent, if this action does not contain signs of a criminal offence, shall –

entail a fine in amount of twenty percent of the sum of excess of the actual tax.

4. Is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

Note.

1. For the purpose of a part one of this Article, upon determination of a sum of administrative sanction on accrued amount of value added tax, the sum of overpay on value added tax on a separate account of a tax payer shall be considered on a date of established term for payment of the value added tax for tax period.

In case of tax inspection of more than one tax period, the sum of overpay on a separate account on a date of established term for payment for each following tax period shall be determined in consideration of accrued and (or) undervalued amount of the value added tax for the previous tax periods included into this tax inspection.

2. For the purpose of a part one of this Article in case, if the person is subject to administrative liability for undervaluation of indirect tax amounts in the application on entry of goods and payment of indirect taxes, such person shall not be subject to administrative liability separately for undervaluation of the mentioned indirect tax amounts in a declaration on indirect taxes on imported goods.

3. For the purpose of a part three of this Article, the person shall be also subject to administrative liability in case of non-representation of advance payments within the tax period on corporate income tax subjected to representation in accordance with the tax legislation of the Republic of Kazakhstan. By this, the accrued amount of advance payments shall be equated to zero.

4. For the purposes of part three of this Article, when determining the excess, the following shall not be taken into account:

excess formed in connection with the adjustment of the tax on mining in accordance with paragraph 3 of Article 742 of the Code of the Republic of Kazakhstan "On taxes and other obligatory payments to the budget" (Tax code);

corporate income tax, calculated from the total profit of controlled foreign companies or permanent establishments of controlled foreign companies, determined in accordance with Article 297 of the Code of the Republic of Kazakhstan "On taxes and other obligatory payments to the budget" (Tax code).

Footnote. Article 278 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 25.12.2017 No. 122-VI (shall be enforced from 01.01.2018); No. 217-VI dated 21.01.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 279. Non-fulfillment of the obligation by a tax agent on deduction and (or) transfer of taxes

1. Non-deduction or partial deduction of tax amounts by a tax agent subjected to deduction and (or) transfer into the budget, within the term established by the tax legislation of the Republic of Kazakhstan, shall –

entail a fine on private notary officers, judicial enforcement agent, advocates, on subjects of small entrepreneurship or non-profit organizations in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of fifty percent of non-deducted tax amount and other compulsory payments.

2. Non-transfer or incomplete transfer of deducted tax amounts by a tax agent subjected to transfer into the budget, within the term established by the tax legislation of the Republic of Kazakhstan, shall –

entail a fine on private notary officers, judicial enforcement agent, advocates, on subjects of small entrepreneurship or non-profit organizations in amount of five, on subjects of

medium entrepreneurship – in amount of ten, on subjects of large entrepreneurship – in amount of twenty monthly calculation indices.

Note. The person shall not be subject to bringing to administrative liability provided by this Article on deducted (subjected to deduction) tax amounts detected by a tax agent on an individual basis and mentioned in additional tax reporting, upon condition of their transfer into the budget no later than three business days from the date of representation of additional tax reporting to the state revenues body.

Article 280. Statement of dummy invoice

Statement of dummy invoice by a tax payer, shall –

shall entail a fine on subjects of small entrepreneurship in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of three hundred percent of amount of value added tax included into the invoice.

Note. Dummy invoice shall be regarded as the invoice made by a payer that is not registered on value added tax, and equally by a person that in fact did not perform works, render services, dispatch goods and including the amount on value added tax.

Footnote. Article 280 as amended by the Law of the Republic of Kazakhstan No. 217-VI dated 21.01.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 280-1. Violation of the procedure for invoices statement, as well as violation of the accounting system for the movement of goods included in the list

1. Non-statement of an invoice in electronic form by a taxpayer shall - entail a notification.

2. The action provided by part one of this Article, committed repeatedly within a year after imposing an administrative penalty, shall –

entail a fine on subjects of small entrepreneurship in amount of forty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship - in amount of one hundred and fifty monthly calculation indices.

3. Statement of the invoice by a taxpayer in electronic form with violation of the term shall – entail a notification.

4. The action provided by part three of this Article, committed repeatedly within a year after imposing an administrative penalty, shall –

entail a fine on subjects of small entrepreneurship in amount of twenty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship - in amount of one hundred monthly calculation indices.

5. Absence of shipping documents certified by the seal of state revenue authorities, registration of which is envisaged when exporting goods, included in the list in violation of the goods movement accounting system, outside the territory of the Republic of Kazakhstan, shall –

entail a fine in amount of fifty monthly calculation indices.

6. The action provided by part five of this Article, committed repeatedly within a year after imposing an administrative penalty, shall –

entail a fine in amount of one hundred monthly calculation indices.

Note. The goods included in the list should be understood as goods, the code of the single Commodity nomenclature for foreign economic activity of the Eurasian economic union and which name is included in the list of goods in accordance with the protocol on certain issues of import and circulation of goods on the customs territory of the Eurasian economic union, ratified by the Law of the Republic of Kazakhstan dated 09.12.2015.

Footnote. Chapter 16 is supplemented by Article 280-1 in accordance with the Law of the Republic of Kazakhstan dated 03.12.2015 No. 432-V (shall be enforced from 01.01.2016); in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 281. Breach of the legislation of the Republic of Kazakhstan in the field of the state regulation of production and turnover of separate types of oil products and sub-excise goods, with the exception of biofuel, ethyl alcohol and alcohol products

N o t e o f R C L I !

This version of paragraph 1 is valid until 01.01.2020 in accordance with the Law of the Republic of Kazakhstan 25.12.2017 No. 122-VI.

1. Non-presentation or untimely presentation of declarations for petroleum products, tobacco products, as well as non- presentation or untimely presentation of information required for monitoring, shall –

entail a fine on individuals in amount of five, on subjects of small entrepreneurship or non-profit organizations – in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of thirty monthly calculation indices.

2. Acts provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship or non-profit organizations - in amount of twenty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship - in amount of sixty monthly calculation indices.

Note of RCLI!

This version of paragraph 2-1 is valid until 01.01.2020 in accordance with the Law of the Republic of Kazakhstan dated 25.12. 2017 No. 122-VI.

2-1. Unreliable reflection of the volume of petroleum products, the number of tobacco products in declarations for petroleum products, tobacco products, in information required for monitoring, as well as unreliable indication of personal identification number-code for petroleum products, tobacco products, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship or non-profit organizations – in amount of twenty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

2-2. Acts provided by part 2-1 of this Article, committed repeatedly within a year after the imposing an administrative penalty, shall –

entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship or non-profit organizations – in amount of forty, on subjects of medium entrepreneurship – in amount of sixty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

3. Breach of the legislation of the Republic of Kazakhstan in the field of the state regulation of production and turnover of tobacco products committed in the form of:

1) refusal in representation of details to the authorized body or representation of inaccurate information in the scope of production and turnover of tobacco products, and equally non-representation of information within thirty calendar days in written form on introduced amendments and supplements in a production passport;

2) production of tobacco products not by address stated in a license, on equipment that do not conform to requirements established by the legislation of the Republic of Kazakhstan;

3) non-carrying out of activity on production of tobacco products within the year from the date of issuance of a license, shall –

entail a fine on subjects of small entrepreneurship in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of seven hundred monthly calculation indices, with the suspension of a license.

4. Acts provided by a part three of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on subjects of small entrepreneurship in amount of one hundred and fifty, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship - in amount of nine hundred monthly calculation indices, with the deprivation of a license.

5. Violation of conditions of production and (or) turnover of separate types of oil products and sub-excite goods, with the exception of biofuel, ethyl alcohol and alcohol products committed in the form of:

1) turnover of ethylated petrol and (or) slop oil products, as well as their storage without the further processing by individuals and (or) legal entities;

2) excluded by the Law of the Republic of Kazakhstan dated 25.12.2017 No. 122-VI (shall be enforced from 01.01.2020);

3) sale of oil products by the persons, with the exception of oil producers and oil suppliers , not from the oil product depots, gas filling stations;

4) breaking of seals on control metering instruments;

5) turnover (except for export) of tobacco products with the prices lower than minimal prices established by the Government of the Republic of Kazakhstan;

6) sale of oil products from gas filling stations of movable type on agricultural lands at the places of concentration of agricultural vehicles at field works;

7) turnover of oil products including metallic additives (iron, manganese, lead and others, except for antistatic additives for diesel fuel) by individuals and (or) legal entities;

Note of RCLI!

Subparagraph 8) shall be enforced from 01.01.2016 in accordance with the Code of the Republic of Kazakhstan dated 05.07.2014 No. 235-V.

8) sale and (or) shipment of certain types of petroleum products by oil products producers, oil suppliers, wholesale suppliers of petroleum products or retail sellers of petroleum products without control metering devices or bypassing control metering devices, except for cases of sale and (or) shipment of certain types of petroleum products from oil products bases;

9) is excluded by the Law of the Republic of Kazakhstan dated 25. 12. 2017 No. 122-VI (shall be enforced from 01.01.2018);

10) sale of petroleum products by wholesale suppliers of petroleum products that purchase oil products from producers, suppliers of oil, importers not to retail sellers of oil product or not to final consumers, shall –

entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship or non-profit organizations – in amount of fifty, on subjects of medium entrepreneurship - in amount of one hundred, on subjects of large entrepreneurship – in amount of three hundred monthly calculation indices with confiscation of oil products, tobacco products that are direct objects of an administrative offense, and (or) income, derived from committing an offense, or without it.

6. The actions provided by a part five of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of forty, on subjects of small entrepreneurship or non-profit organizations – in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of five

hundred monthly calculation indices with confiscation of oil products, tobacco products that are direct objects of an administrative offense, and (or) income derived from the committing an offense.

7. Manufacture of gasoline and diesel fuel using metal-containing additives (iron, manganese, lead and others, except for antistatic additives for diesel fuel) through the fault of the producer of petroleum products shall –

entail a fine on subjects of small entrepreneurship in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

8. Stopping the operation of technological installations due to the fault of the producer of petroleum products, used for production of petroleum products without the consent of the authorized body in the field of production of petroleum products, except for cases of the need to immediately prevent an emergency, shall –

entail a fine on subjects of small entrepreneurship in amount of one hundred, on subjects of medium entrepreneurship - in amount of two hundred, on subjects of large entrepreneurship - in amount of four hundred monthly calculation indices.

9. Non-submission of an annual schedule for conducting of preventive maintenance of technological installations for approval to the authorized body in the field of production of petroleum products and (or) its non-compliance due to the fault of the producer of petroleum products –

entail a fine on subjects of small entrepreneurship in amount of one hundred, on subjects of medium entrepreneurship - in amount of two hundred, on subjects of large entrepreneurship - in amount of four hundred monthly calculation indices.

10. Non-fulfillment of the minimum volumes of production of petroleum products established by the authorized body in the field of production of petroleum products due to the fault of the producer of petroleum products shall -

entail a fine on subjects of small entrepreneurship in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

Footnote. Article 281 as amended by the laws of the Republic of Kazakhstan dated 09.04.2016 No. 500-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 12.12.2017, No. 122-VI (see order of enforcement Article 11); dated 12.12.2017, No. 126-VI (shall be enforced from 01.01.2018); dated 28. 12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 282. Breach of the legislation of the Republic of Kazakhstan on the state regulation of production and turnover of ethyl alcohol and alcohol products

1. H Non-presentation or untimely presentation of a declaration for ethyl alcohol and (or) alcohol products, shall –

entail a fine on individuals in amount of five, on subjects of small entrepreneurship – in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of thirty monthly calculation indices.

2. Acts provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of twenty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of sixty monthly calculation indices.

2-1. Inaccurate reflection of the volume of ethyl alcohol and (or) alcoholic products, as well as inaccurate indication of the personal identification number-code for ethyl alcohol and (or) alcoholic products in the declaration for ethyl alcohol and (or) alcoholic products, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of twenty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

2-2. Acts provided by part 2-1 of this Article, committed repeatedly within a year after the imposing an administrative penalty, shall –

entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship – in amount of forty, on subjects of medium entrepreneurship – in amount of sixty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

3. Violation of the conditions of turnover and movement of ethyl alcohol and alcohol products committed in the form of:

1) storage and sale of alcohol products outside the places established by the Laws of the Republic of Kazakhstan;

2) turnover of alcohol products in a composite plastic container, as well as in a cardboard package with polyethylene coating and foiled plastic bag placed in a cardboard box, and equally in dirty, misshaped, with obvious signs of breakage, with affected closure of bottles, as well as having common turbidity, foreign inclusions, settlings (except for vintage wines);

3) turnover of alcohol products in tin containers (except beer and low-alcoholic liquor products with a strength of less than twelve per cent), in bottles without labels and plastic containers (except for bottling beer);

4) retail sale of vodka and special vodka, strong distilled products lower than minimal retail price established by the Government of the Republic of Kazakhstan;

5) storage and wholesale trade of alcohol products by two and more licensees in one storage capacity;

6) storage and sale without existence of the tools determining the security features of accounting- control marks and (or) reading information from accounting-control marks of alcohol products subjected to marking by accounting-control marks, -

7) excluded by the Law of the Republic of Kazakhstan dated 25.12.2017 No. 122-VI (shall be enforced from 01.01.2020).

entail a fine on individuals in amount of fifty, on subjects of small entrepreneurship – in amount of seventy five, on subjects of medium entrepreneurship – in amount of one hundred fifty, on subjects of large entrepreneurship – in amount of two hundred, on legal entities that are the subjects of large entrepreneurship – in amount of six hundred monthly calculation indices with confiscation of sub-excise goods that are the direct subject of infraction.

4. The actions provided by a part three of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of one hundred, on subjects of small entrepreneurship – in amount of two hundred, on subjects of medium entrepreneurship – in amount of two hundred fifty, on subjects of large entrepreneurship – in amount of eight hundred monthly calculation indices, with the confiscation of sub-excise goods, being the direct subject of infraction.

5. Violation of conditions of production of ethyl alcohol and (or) alcohol products committed in the form of:

1) non-representation of information by a producer on introduced amendments or supplements to production passport up to thirty calendar days from the date of introduction of amendments or supplements to production passport;

2) production of ethyl alcohol and (or) alcoholic products without equipping production lines with control metering devices, except for production of wine materials, as well as beer, whose production capacity shall be less than four hundred thousand deciliters per year;

3) production of ethyl alcohol and (or) alcoholic products with defective control metering devices, as well as with excess deviations in accounting, except for the production of wine materials, as well as beer, whose production capacity shall be lower than four hundred thousand decaliters per year;

4) production of ethyl alcohol and alcohol products by two and more licensees at one and the same stationary premises and equipment, shall –

entail a fine on subjects of medium entrepreneurship in amount of two hundred, on subjects of large entrepreneurship – in amount of seven hundred monthly calculation indices, with suspension of a license.

6. The act provided by a part five of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on subjects of medium entrepreneurship in amount of three hundred, on subjects of large entrepreneurship - in amount of nine hundred monthly calculation indices, with deprivation of a license.

7. Violation of the conditions of production and turnover of ethyl alcohol and (or) alcohol products committed in the form of:

1) carrying out of activity in the period of suspension of the license validity term on such activity;

2) production of alcohol products from ethyl alcohol produced not from food raw materials, shall –

entail a fine on subjects of small entrepreneurship in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship - in amount of seven hundred monthly calculation indices, with deprivation of a license.

8. Excluded by the Law of the Republic of Kazakhstan dated 25.12.2017 No. 122-VI (shall be enforced from 01.01.2018).

9. Excluded by the Law of the Republic of Kazakhstan dated 25.12.2017 No. 122-VI (shall be enforced from 01.01.2018).

10. Non-observance of a minimal percent of using production capacity and minimal production volumes upon production of ethyl alcohol (except for cognac spirit), vodka and special vodka, shall –

entail a fine on subjects of medium entrepreneurship in amount of five hundred, on subjects of large entrepreneurship - in amount of one thousand of monthly calculation indices, with suspension of a license.

11. The act provided by a part ten of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on subjects of medium entrepreneurship in amount of one thousand, on subjects of large entrepreneurship - in amount of two thousand monthly calculation indices, with deprivation of a license.

12. Storage and sale of alcohol products in the buildings and in the territories of public health, education, health and fitness organizations, sports and sporting technical structures, gas filling stations, trade markets, cultural leisure organizations, shall – entail suspension of the license validity term.

13. The actions provided by a part twelve of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail deprivation of the license.

Footnote. Article 282 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); as amended by the laws of the Republic of Kazakhstan dated 27.10.2015, No. 364-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 12.12.2017, No. 122-VI (order of enforcement see Article 11); dated 28.12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 283. Violation of the rules for marking (re-marking) of alcohol products, except for wine, beer and beer drink with accounting and control marks and tobacco products with excise marks

Footnote. Title of Article 283 is in the wording of the Law of the Republic of Kazakhstan dated 28.12. 2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Violation of the rules for marking (re-marking) of alcohol products, except for wine material, beer and beer drink with accounting marks and tobacco products with excise marks by the manufacturer or importer shall -

entail a fine on subjects of medium entrepreneurship in amount of two hundred, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices, with confiscation of excisable goods, which were the direct objects of an offense, and with the deprivation of a license.

2. Turnover of sub-excise goods subjected to marking by excise and (or) accounting control marks committed in the form of storage, sale and (or) transportation of the sub-excise goods without excise and (or) accounting control marks, and equally with marks of non-established standard and (or) that may not be identified, shall –

entail a fine on individuals in amount of fifty, on subjects of small entrepreneurship – in amount of one hundred and fifty, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices, with confiscation of excisable goods that are direct object of an offense, and with deprivation of a license.

Footnote. Article 283 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 283-1. Non-presentation or untimely presentation of accompanying invoice for goods, inconsistency in name, inaccurate reflection of quantity (volume) of goods in the accompanying invoice for goods, as well as inaccurate indication in the accompanying invoice for goods of a personal identification code-number for petroleum products, tobacco products, ethyl alcohol and alcoholic products , biofuel

1. Non-presentation or untimely presentation of accompanying invoices for goods – entail a fine on individuals in amount of five, on subjects of small entrepreneurship or non-profit organizations – in amount of ten, on subjects of medium entrepreneurship – in

amount of twenty, on subjects of large entrepreneurship - in amount of thirty monthly calculation indices.

2. Act provided by part one of this Article, committed repeatedly second time within a year after imposition an administrative sanction, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship or non-profit organizations – in amount of twenty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship - in amount of sixty monthly calculation indices.

3. Inconsistency of the name, inaccurate reflection of the quantity (volume) of goods in the accompanying invoice for goods, as well as inaccurate indication in the accompanying invoice for goods of the personal identification code-number for petroleum products, tobacco products, ethyl alcohol and alcoholic products, biofuel, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship or non-profit organizations – in amount of twenty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship - in amount of fifty monthly calculation indices.

4. Acts provided by part three of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship or non-profit organizations – in amount of forty, on subjects of medium entrepreneurship – in amount of sixty, on subjects of large entrepreneurship - in amount of one hundred monthly calculation indices.

5. Failure to issue accompanying invoices for goods, as well as the circulation of certain types of petroleum products, tobacco products, biofuels, circulation and movement of ethyl alcohol and (or) alcoholic beverages without accompanying invoices for goods, shall –

entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship – in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices, with the confiscation of ethyl alcohol and (or) alcoholic products, certain types of oil products , tobacco products, biofuels, which are the direct subjects of an administrative infraction, and (or) income, money received as a result of an administrative infraction.

6. Act provided by part five of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, shall –

entail a fine on individuals in amount of forty, on subjects of small entrepreneurship – in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of four hundred monthly calculation indices , with the confiscation of ethyl alcohol and (or) alcoholic products, certain types of oil products, tobacco products, biofuels, which are the direct subjects of an administrative infraction, and (or) income, money received as a result of an administrative infraction.

Footnote. Chapter 16 is supplemented by Article 283-1 in accordance with the Law of the Republic of Kazakhstan dated 03.12.2015 No. 432-V (shall be enforced from 01.01.2020).

Article 284. Violation of the procedure for using cash register machines

1. Non-use of cash register machine upon making cash settlements in a territory of the Republic of Kazakhstan performed during trading operations, performance of works, rendering of services by cash money, as well as use of defective or unregistered cash register machine in the state revenues body at place of use, shall –

entail a notification.

2. Actions (omission) provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on private notary officers, judicial enforcement agent, subjects of small entrepreneurship in amount of fifteen, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

3. Non-issuance of a receipt of cash register machine or sales check or issuance of a receipt of cash register machine or sales check in amount of more or less than the sum paid for goods or service, shall – entail a notification.

4. The act provided by a part three of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on private notary officers, judicial enforcement agent, subjects of small entrepreneurship in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of forty monthly calculation indices.

5. Violation of the terms for filing a tax application for introduction of amendments into the registration data of cash register machine, substitution (restoration) of record book of cash money or sales check book, as well as upon technical defect of the cash register machine, elimination of which is impossible without violation of the integrity of a seal of the state revenues body, shall –

entail a notification.

6. The act provided by a part five of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on private notary officers, judicial enforcement agent, subjects of small entrepreneurship in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

7. Non-indication of one or several following requisites in a control check of cash register machine:

- 1) name of a tax payer;
- 2) identification number;
- 3) factory number of a cash register machine;

4) registration number of cash register machine in the state revenues body;
5) index number of a check;
6) date and time of purchasing goods, performance of works, rendering of services;
7) price of goods, work, service and (or) sum of purchase;
8) a fiscal indication or non-reflection in the control check of the hardware and software systems (except for hardware and software systems used by banks and organizations that perform certain types of banking operations) of one or more details specified in subparagraphs 1) to 7) of this part, -
entail a notification.

8. The act provided by a part seven of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on private notary officers, judicial enforcement agent, subjects of small entrepreneurship in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of forty monthly calculation indices.

9. Non-filling of a record book of cash money during the operation of cash register machine or non-conformance of indications of the shift reports to the data of the record book of cash money on the relevant date, or failure to record in the record book of cash money upon carrying out of operations in the cash register machine on cancellation of wrongly introduced sum or return of cash money for the sold goods, performed works, rendered services, shall –

entail a notification.

10. The act provided by a part nine of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on private notary officers, judicial enforcement agent, subjects of small entrepreneurship in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of forty monthly calculation indices.

11. Non-conformance of the indications of a report on current state of a cashier to the sum of cash money in the cashier at the moment of reading of the fiscal report considering the sums of acceptance and disbursal of cash money not linked with sales of goods, performance of works, rendering of services indicated in a record book of cash money detected in the course of tax inspection, shall –

entail a notification.

12. The act provided by a part eleven of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on private notary officers, judicial enforcement agent, subjects of small entrepreneurship in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of forty monthly calculation indices.

13. Violations of the terms for retention of the shift report, record book of cash money, sales checks, registration card of cash register machine, annulment or return check, as well as

control check on which the operation of annulment or return is conducted, established by the tax legislation of the Republic of Kazakhstan, shall –
entail a notification.

14. The act provided by a part thirteen of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on private notary officers, judicial enforcement agent, subjects of small entrepreneurship in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of forty monthly calculation indices.

15. Conduct of operations in cash register machine on cancellation of wrongly entered sum or return of cash money for sold goods, performed works, rendered services without existence of original of a control check for the sold goods, performed works, rendered services, shall –

entail a notification.

16. The act provided by a part fifteen of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on private notary officers, judicial enforcement agent, subjects of small entrepreneurship in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

17. Violation of the term for presenting cash register machine to the state revenues body for installation of seals after elimination of technical defectdefect of the cash register machine , the elimination of which is impossible without violation of integrity of the seal of the state revenues body, shall –

entail a notification.

18. The act provided by a part seventeen of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on private notary officers, judicial enforcement agent, subjects of small entrepreneurship in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

19. Violation of the procedure for receiving and storing information from cash registers with the function of fixing and (or) transmitting data on cash settlements carried out when selling goods, performing works, rendering services by the operator of fiscal data, and also transferring them to state revenue authorities –

shall entail a notification.

20. The action provided by part nineteen of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail a fine on operator of fiscal data in amount of one hundred fifty monthly calculation indices.

Footnote. Article 284 as amended by the Law of the Republic of Kazakhstan dated 24.11.2015 No. 419-V (shall be enforced from 01.01.2016); No. 241-VI dated 02.04.2019 (shall be enforced from 01.07.2019).

Article 285. Non-fulfillment of the obligations by banks and organizations carrying out separate types of banking operations, established by the tax legislation of the Republic of Kazakhstan

1. Non-fulfillment of the obligations by banks and organizations carrying out separate types of banking operations, established by the tax legislation of the Republic of Kazakhstan committed in the form of:

1) non-notification of the state revenues bodies on opening of banking accounts to a tax payer – legal entity, including non-resident, its structural subdivisions, individual being registered as an individual entrepreneur, private notary officer, private officer of justice, advocate, foreign person and stateless person by transferring through informational communication network ensuring guaranteed delivery of messages, no later than one business day following the date of their opening, or upon forwarding a message in hard copy – within three business days;

2) conduct of an operation on banking accounts of clients without identification number in payment documents (with the exception of a bill and payment documents, on the basis of which a bank carries out the acceptance and disbursal of cash money);

3) is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication);

4) non-suspension of debit operations by order of the state revenues bodies within the sum of debts for tax stated in such order, on banking accounts (with the exception of correspondent) of an individual being registered as an individual entrepreneur, private notary officer, private officer of justice, advocate, legal entity, structural subdivision of a legal entity, structural subdivision of a legal entity-non-resident carrying out the activity in the Republic of Kazakhstan through the permanent institution in the manner established by the Laws of the Republic of Kazakhstan;

5) non-representation of a report on monetary movement to the state revenues body within the term established by the tax legislation of the Republic of Kazakhstan, placed on a conditional banking deposit within accounting quarter, in existence of such monetary movement in the form established by the authorized body;

6) opening of a new banking account for own client in existence of the opened banking account in this bank of the latter, in respect of which the collection orders or regulations on suspension of debit operations on banking accounts of a tax payer are issued;

7) opening a bank account to an inactive taxpayer, a taxpayer having a tax debt, arrears of social payments, information about it is posted on the Internet resource of the authorized body

–
entail a fine in amount of five percent of a sum of committed debit operations on banking accounts of tax payers for the period of non-fulfilling the obligations by the bank established by the tax legislation of the Republic of Kazakhstan.

2. Non-transfer or untimely transfer of the tax amounts into the budget by banks and organizations carrying separate types of banking operations placed under the contracts on conditional bank deposit, shall –

entail a fine in amount of fifty percent of a sum of non-transferred or untimely transferred tax and other compulsory payment into the budget placed on a conditional bank deposit.

2-1. Non-execution by banks and organizations, carrying out certain types of banking operations, as a matter of priority, of a payment order of a taxpayer for payment of taxes and other mandatory payments to the budget, collection orders of state revenue authorities on collection of taxes, other mandatory payments, penalties and fines - no later than one business day, following the day when the taxpayer or state revenue authorities received the instruction, shall -

entail a fine in amount of five percent of the sum not listed on the payment order, or an unsettled collection order.

3. Non-fulfillment of obligations by banks and organizations carrying out separate types of banking operations, established by the tax legislation committed in the form of:

1) non-notifying the state revenues bodies on closing banking accounts of a tax payer – legal entity, including non-resident, its structural subdivisions, individual registered as an individual entrepreneur, private notary office, private officer of justice, advocate, foreign person and stateless person by transferring messages through informational communication network that ensures guaranteed delivery, but no later than one business day next to the date of their opening, or upon sending notification in a hard copy – within three business days;

Subparagraph 2) of Paragraph 3 is provided amendment by the Law of the Republic of Kazakhstan No. 342-V dated 02.08.2015 (shall be enforced from 01.01.2023).

2) acceptance of payment documents for payment of taxes and other mandatory payments to the budget, social deductions, deductions and (or) contributions to compulsory social health insurance, transfer of mandatory pension contributions and mandatory professional pension contributions with incorrectly indicated identification number;

3) acceptance of payment documents in payment for taxes on a transport vehicle with incorrectly specified identification number of the transport vehicle;

4) non-notifying the authorized body on suspension of accrual of remuneration to an individual registered as an individual entrepreneur, or legal entity upon termination of recognizing incomes in the form of remuneration on provided credit (loan) – no later than 31 March of the year next to the accounting taxable period;

4-1) non-submission to state revenue authorities of information on contracts, containing conditions for the transfer of rights (claims) to collection agencies - no later than the 25th day of the month following the quarter;

Subparagraph 5) of Paragraph 3 is provided amendment by the Law of the Republic of Kazakhstan No. 342-V dated 02.08.2015 (shall be enforced from 01.01.2023).

5) non-transfer (non-crediting), untimely transfer (crediting) of sum of taxes and other mandatory payments to the budget, mandatory pension contributions and mandatory professional pension contributions, social deductions, deductions and (or) contributions to compulsory social health insurance or making mistakes in filling in requisites payment document due to the fault of the bank or organization performing certain types of banking operations, when transferring to a bank or other organization, carrying out cash execution of the budget system, the sum of taxes and other mandatory payments to the budget, surcharges and fines;

6) non-admission of a civil servant of the state revenues bodies for inspection of availability of money and committed operations on banking accounts of the inspected individual registered as an individual entrepreneur, private notary officer, private officer of justice, advocate or legal entity;

7) non-notifying the state revenues body on occurrence of the income of a tax payer- loan debtor from writing off of obligations within thirty calendar days from the date of writing off of the obligations on provided credits (loans) from the loan debtor being an individual registered as an individual entrepreneur, or legal entity;

Subparagraph 8) is provided in the wording of the Law of the Republic of Kazakhstan No. 412-V dated 18.11.2015 (shall be enforced from 01.01.2021).

8) non-representation of details on existence and numbers of banking accounts, on balance and monetary movement on these accounts within ten business days from the date of acceptance of a request of the state revenues body, shall –

entail a fine in amount of thirty monthly calculation indices.

9) non-submission, untimely, unreliable or incomplete submission of information by telecommunication network on availability (opening), bank account numbers and money balances on these accounts, as well as the availability, type and value of other assets, including those placed on metal accounts or located in the management of individuals and legal entities - non-residents, as well as legal entities whose beneficial owners are non-residents, as well as at the request of state revenue authorities -

entail a fine in amount of thirty monthly calculation indices.

Footnote. Article 285 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 16.11.2015 No. 406-V (shall be enforced from 01.07.2017); dated 30.11.2016 No. 26-VI (shall be enforced from 01.01.2017); dated 12.12.2017, No. 122-VI (shall be enforced from 01.01.2018); dated

28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 285-1. Non-fulfillment of the obligations by custodians, brokers and (or) dealers holding the right for maintenance clients accounts as nominal holders of securities, investment portfolio managers, insurance organizations, collection agencies, established by the tax legislation of the Republic of Kazakhstan

Footnote. Heading of Article 285-1 is in the wording of the Law of the Republic of Kazakhstan No. 166-VI dated 02.07.2018 (shall be enforced from 01.01.2019).

1. Non-presentation, untimely, unreliable or incomplete presentation of the information on availability of accounts for securities accounting by custodians, brokers and (or) dealers holding the right for maintenance clients accounts as nominal holders of securities, opened to non-resident individuals, non-resident legal entities as well as legal entities whose beneficial owners shall be non-residents, as well as balances and securities flow in these accounts – entail a fine in amount of thirty monthly calculation indices.

2. Non-submission, untimely, unreliable or incomplete submission of information on the availability of assets, except for those specified in part one of this Article, belonging to non-resident individuals, non-resident legal entities, as well as legal entities, beneficial owners of which are non-residents, by custodians, investment portfolio managers, shall - entail a fine in amount of thirty monthly calculation indices.

3. Non-submission, untimely, unreliable or incomplete submission of information on concluded accumulation insurance agreements, beneficiaries for which are non-resident individuals, by insurance organizations, performing activities in the field of "life insurance", shall -

entail a fine in amount of thirty monthly calculation indices.

4. Non-submission, untimely, unreliable or incomplete submission of information on contracts, containing conditions for the transfer of rights (claims) to the collection agency by collection agencies, shall –

entail a fine in amount of thirty monthly calculation indices.

Footnote. The Code is supplemented by Article 285-1 in accordance with the Law of the Republic of Kazakhstan dated 30.11.2016 No. 26-VI (shall be enforced from 01.01.2017); as amended by the Law of the Republic of Kazakhstan dated 25.12.2017 No. 122-VI (shall be enforced from 01.01.2018); No. 166-VI dated 02.07.2018 (shall be enforced from 01.01.2019).

Article 286. Representation of knowingly false details on banking operations

Representation of knowingly false details by banks and organizations carrying out separate types of banking operations on the operations on banking accounts of legal entities or individuals, and equally issuance of the warrantees, guarantees and other obligations,

knowingly not ensured by a factual financial condition of this bank, if these actions did not entail infliction of a heavy damage to an individual or legal entity or the state, shall – entail a fine in amount of fifty monthly calculation indices.

Note. Heavy damage inflicted to an individual shall be regarded as the sum exceeding two thousand, to legal entity – twenty thousand monthly calculation indices, as of the date of commission of the infraction.

Article 287. Non-execution of the duties established by the tax legislation of the Republic of Kazakhstan, by taxpayers when exporting and importing of goods, fulfilling of works, providing of services in the Eurasian economic union, as well as non-fulfillment of the requirements established by the legislation of the Republic of Kazakhstan by persons

Footnote. Title of Article 287 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Non-payment, incomplete payment or untimely payment of indirect taxes within the term established by the tax legislation of the Republic of Kazakhstan, shall – entail a fine on individuals in amount of ten, on subjects of small entrepreneurship or non-profit organizations – in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship - in amount of fifty monthly calculation indices.

2. Non-representation of the obligations by a tax payer on import (export) of products after processing to the state revenues body and their non-fulfillment, provided by the tax legislation of the Republic of Kazakhstan, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship or non-profit organizations – in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

3. Non-notification or untimely notification of state revenue authorities in the following cases:

1) upon temporary import of goods into the territory of the Republic of Kazakhstan from the territory of the states-members of the Eurasian economic union, which in the future will be exported from the territory of the Republic of Kazakhstan without changing the properties and characteristics of the imported goods;

2) upon temporary export of goods from the territory of the Republic of Kazakhstan to the territory of the states-members of the Eurasian economic union, which in the future will be imported into the territory of the Republic of Kazakhstan without changing the properties and characteristics of the exported goods, shall -

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship or non-profit organizations – in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

4. Violation of the terms for processing of raw materials, exported from the territory of the Republic of Kazakhstan to the territory of a state-member of the Eurasian economic union , as well as imported into the territory of the Republic of Kazakhstan from the territory of a state-member of the Eurasian economic union, established by the tax legislation of the Republic of Kazakhstan, shall –

entail a fine on subjects of small entrepreneurship in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of thirty percent of the sum of assessed taxes.

5. Non-notifying or untimely notification by an organizer of the exhibition-fair trade, shall –

entail a fine on subjects of small entrepreneurship in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship - in amount of fifty monthly calculation indices.

6. Violation of the procedure for organizing exhibition fair trade by an organizer, shall –

entails a fine on subjects of small entrepreneurship in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship - in amount of fifty monthly calculation indices.

7. Excluded by the Law of the Republic of Kazakhstan No. 127-VI dated 28.12.2017 (shall be enforced upon expiry of ten calendar days after its first official publication).

Note. For the purposes of part one of this Article, in case that a person is brought to administrative liability for not registering goods, imported to the territory of the Republic of Kazakhstan from the territory of the states- members of the Eurasian economic union provided by Article 275 of this Code, such person shall not be brought to administrative liability, provided by part one of this Article.

Footnote. Article 287 as amended by the Law of the Republic of Kazakhstan No. 127-VI dated 28.12.2017 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 288. Failure to perform the legal requirements of the state revenues bodies and their civil servants

Footnote. Title of Article 288 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

1. Failure to perform the legal requirements of the state revenues bodies and their civil servants by a tax payer, shall –

entail a notification.

2. Actions (omission) provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –
entail a fine in amount of fifteen monthly calculation indices.

3. Illegal impeding to access of a civil servant of the state revenues bodies conducting tax inspection to the territory or to the premise used by a tax payer (except for resident premises) for entrepreneurial activity, shall –
entail a fine in amount of forty five monthly calculation indices.

4. Actions (omission) provided by a part three of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –
entail a fine in amount of sixty monthly calculation indices.

Footnote. Article 288 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 17. ADMINISTRATIVE INFRACTIONS IN THE FIELD OF ENERGY SAVING AND INCREASE OF ENERGY EFFICIENCY

Article 289. Non-observance of regulatory values of a capacity rate in electric networks and increase of energy consumption standards

1. Non-observance of regulatory values of a capacity rate in electric networks shall –
entail a notification for subjects of small entrepreneurship, fine on subjects of medium entrepreneurship in amount of ten, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

2. Excess of energy consumption standards shall –
entail a notification on subjects of small entrepreneurship, a fine on subjects of medium entrepreneurship in amount of three, on subjects of large entrepreneurship – in amount of ten percent of the cost of energy resources, used in excess of the approved standards for the period when the offense occurred, but not more than one year.

3. The act provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –
entail a fine on subjects of small entrepreneurship in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of four hundred monthly calculation indices.

4. The act provided by a part two of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –
entail a fine on subjects of small entrepreneurship in amount of five, on subjects of medium entrepreneurship – in amount of ten, on subjects of large entrepreneurship – in

amount of thirty percent of a cost of energy resources used over the approved standards for the period in which the infraction is occurred, but no more than for one year.

Note. Cost of the energy resource shall be determined on the basis of market price as of the date of detection of the infraction.

Footnote. Article 289 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 290. Non-fulfillment of the obligation on non-admission of direct loss of energy, water upon carrying out of their production and transfer

Footnote. Article 290 is excluded by the Law of the Republic of Kazakhstan No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 291. Acceptance of new objects for operation, consuming energy resources that are not equipped by the relevant metering devices of energy resources and automated systems of heat consumption regulation

Footnote. Article 291 is excluded by the Law of the Republic of Kazakhstan No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 292. Violation of the obligation by subjects of the State energy register on providing information being introduced into the State energy register, the requirement on compulsory annual reduction of the consumption volume of energy resources and water per unit of production, floor place of the buildings, structures and constructions to the sizes determined according to energy audit

Footnote. Title of Article 292 is in the wording of the Law of the Republic of Kazakhstan dated 14.01.2015 No. 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

1. Violation of the obligation by subjects of the State energy register on providing information introduced into the State energy register, the requirement on compulsory annual reduction of the consumption size of energy resources and water per unit of production, floor space of the buildings, structures and constructions to the sizes determined according to energy audit, within five years after conduct of the energy audit, shall –

entail a fine on subjects of small entrepreneurship in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

2. The act provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on subjects of small entrepreneurship in amount of twenty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of four hundred monthly calculation indices.

Footnote. Article 292 as amended by the Law of the Republic of Kazakhstan dated 14.01.2015 No. 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 293. The absence of conclusion compulsory energy audit at the State energetic registry entity

Footnote. Heading of Article 293 is in the wording of the Law of the Republic of Kazakhstan No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

1. The absence of conclusion compulsory energy audit at the State energetic registry entity –

entail a fine on subjects of small entrepreneurship in amount of five, on subjects of medium entrepreneurship – in amount of ten, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

2. The act provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on subjects of small entrepreneurship in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of four hundred monthly calculation indices.

Footnote. Article 293 as amended by the Law of the Republic of Kazakhstan No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 294. Violation of restrictions on sale and use of products in the field of energy saving and increase of energy efficiency

Footnote. Title of Article 294 is in the wording of the Law of the Republic of Kazakhstan dated 14.01.2015 No. 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

1. Use of incandescent electric lamps with a capacity of 25 W and more that may be used in alternating current circuit for the purpose of lighting, –

entail a fine on subjects of small entrepreneurship in amount of twenty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in

amount of one hundred monthly calculation indices, with confiscation of incandescent electric bulbs with a power of 25 W and above that can be used in alternating current circuits for lighting purposes.

2. Actions provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on subjects of small entrepreneurship in amount of forty, on subjects of medium entrepreneurship – in amount of eighty, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices, with confiscation of incandescent electric bulbs with a power of 25 W and above that can be used in alternating current circuits for lighting purposes.

3. Sale and (or) use of energy-consuming devices that do not contain in the technical documentation and on labels information on the class and characteristics of energy efficiency in accordance with the technical regulations of the Customs union or the Eurasian economic union, -

entail a fine on subjects of small entrepreneurship in amount of three, on subjects of medium entrepreneurship – in amount of six, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

4. Actions provided by a part three of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on subjects of small entrepreneurship in amount of six, on subjects of medium entrepreneurship – in amount of twelve, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

Footnote. Article 294 as amended by the Law of the Republic of Kazakhstan dated 14.01.2015 No. 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 10.29.2015 No. 376-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018); No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 295. Non-fulfillment of the obligation on creation, introduction and organization of the work of energy management system by subjects of the State energy register

Footnote. Article 295 is excluded by the Law of the Republic of Kazakhstan dated 14.01.2015 No. 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Статья 296. Failure to comply with the procedure for energy audit established by the legislation of the Republic of Kazakhstan on energy saving and increase of energy efficiency

Footnote. Heading of Article 296 is in the wording of the Law of the Republic of Kazakhstan No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Failure to comply with the procedure for energy audit established by the legislation of the Republic of Kazakhstan on energy saving and increase of energy efficiency, –

entail a fine on subjects of small entrepreneurship in amount of ten, on subjects of medium entrepreneurship – in amount of fifteen, on subjects of large entrepreneurship – in amount of eighty monthly calculation indices.

2. An action provided by part one of this Article, committed repeatedly within a year after imposing an administrative penalty, shall -

entail a fine on subjects of small entrepreneurship in amount of fifteen, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of one hundred and fifty monthly calculation indices, with exclusion of legal entities, carrying out activities in the field of energy conservation and energy efficiency from the registry.

Footnote. Article 296 as amended by the Law of the Republic of Kazakhstan dated 14.01.2015 No. 279-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 29.03.2016 No. 479-V (shall be enforced from 01.01.2017); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 18. ADMINISTRATIVE INFRACTIONS IN THE FIELD OF INDUSTRY, USE OF HEATING, ELECTRIC AND NUCLEAR ENERGY

Article 297. Violations of safety requirements upon handling with explosive materials, radioactive and other environmentally hazardous substances

1. Violations of safety requirements during production, storage, disposal, destruction, use, utilization, transportation or another handling with explosive materials, pyrotechnical substances, radioactive, bacteriological, chemical and other environmentally hazardous substances and wastes in the branches of production and on the objects being under the control of a supervisory bodies, with the exception of cases provided by Article 416 of this Code, if these actions do not contain the signs of a criminally punishable act, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship or non-profit organizations – in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

2. Violation of established rules of production, storage, disposal, use, utilization, transportation or another handling with nuclear materials, radioactive substances, special non-nuclear materials and products of double-purpose having a relation to nuclear activity, with the exception of the cases provided by Article 416 of this Code, shall –

entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship – in amount of sixty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

Article 297-1. Import to the territory of the Republic of Kazakhstan and export from the territory of the Republic of Kazakhstan of precious metals, precious stones, raw materials, containing precious metals, jewelry and other products made of precious metals and precious stones

1. Import into the territory of the Republic of Kazakhstan and export from the territory of the Republic of Kazakhstan of precious metals, precious stones, raw materials, containing precious metals, jewelry and other products made of precious metals and precious stones with violation of the legislation of the Republic of Kazakhstan shall -

entail a fine on individuals in amount of thirty, on officials, subjects of small entrepreneurship – in amount of one hundred and fifty, on subjects of medium-entrepreneurship – in amount of four hundred, on subjects of large entrepreneurship - in amount of one thousand monthly calculation indices.

2. The actions provided by part one of this Article, committed repeatedly within a year after the imposing an administrative penalty, shall –

entail a fine on individuals in amount of fifty, on officials, subjects of small entrepreneurship – in amount of one hundred and eighty, on subjects of medium-entrepreneurship – in amount of seven hundred, on subjects of large entrepreneurship - in amount of two thousand monthly calculation indices.

Footnote. Chapter 18 is supplemented by Article 297-1 in accordance with the Law of the Republic of Kazakhstan dated 14.01.2016 No. 445-V (shall be enforced upon expiry of twenty-one calendar days after its first official publication).

Article 298. Violation of rules on safety performance of works

1. Violation of established requirements for the safe conduct of work in branches of industry, mining and construction works or on the objects being under the control of the authorized body in the field of industrial safety and other state control and supervision bodies, if this did not result in negligence causing serious or moderate harm to human health, shall -

entail a fine on individuals in amount of ten, on officials, subjects of small entrepreneurship or non-profit organizations – in amount of thirty, on subjects of medium

entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

2. Violation of requirements of industrial safety during development of the projects of construction, reconstruction, modernization, liquidation of hazardous production objects, shall

– entail a fine on individuals in amount of twenty, on officials, subjects of small entrepreneurship – in amount of forty-five, on subjects of medium entrepreneurship – in amount of seventy, on subjects of large entrepreneurship – in amount of one hundred and fifty monthly calculation indices.

3. Concealing of a fact of accident, incident on a hazardous production object, shall – entails a fine on officials, subjects of small entrepreneurship or non-profit organizations in amount of one hundred, on subjects of medium entrepreneurship – in amount of one hundred and fifty, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

4. Action (omission) provided by a part three of this Article committed repeatedly second time within a year after imposition of administrative infraction, shall –

entail a fine on officials, subjects of small entrepreneurship or non-profit organizations in amount of two hundred, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship - in amount of four hundred monthly calculation indices.

Footnote. Article 298 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 299. Violation of the legislation of the Republic of Kazakhstan upon conduct of attested types of works in the fields of industrial safety and safety of dams, operation of retaining hydraulic structures

Footnote. Heading of Article 299 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. Breach of the legislation of the Republic of Kazakhstan during conduct of attested types of works in the fields of industrial safety and safety of dams committed in the form of:

1) issuance of expert reports, including those in the field of explosive works containing incomplete and (or) inaccurate information on conformance (non-conformance) of the subject of examination based on the results of the conducted examinations in the field of industrial safety;

2) formulation of industrial safety declarations of hazardous production objects that do not conform to the requirements of industrial safety;

3) inconsistencies in training, retraining of specialists, employees of hazardous production objects with industrial safety requirements;

4) conduct of technical maintenance of gas consuming systems that does not ensure their operative condition;

5) issuance of expert reports, formulation of industrial safety declarations containing incomplete and (or) inaccurate information on their conformance (non-conformance) to requirements established by the water legislation of the Republic of Kazakhstan, shall –

entail a fine on subjects of small entrepreneurship in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices, with suspension of the validity term of attestation or without such.

2. The action provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative infraction, and equally non-elimination of the violations provided by a part one of this Article, shall –

entail a fine on subjects of small entrepreneurship in amount of twenty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices, with deprivation of the attestation.

3. Operation of retaining hydraulic structures that meet the criteria for classifying dams as declared, without a safety declaration, shall –

entail a fine on individuals in amount of forty, on subjects of small entrepreneurship or non-profit organizations – in amount of twenty five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

4. Act provided by part three of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, shall –

entail a fine on individuals, subjects of small entrepreneurship or non-profit organizations – in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of four hundred monthly calculation indices.

Footnote. Article 299 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 300. Violation of approved rules of technical operation of electric power stations and networks, safety regulations during operation of thermal and mechanical equipment of electric power stations and heating networks, technical operation of electrical installations of the consumers, as well as violation of established energy consumption regimes

Violation of the approved rules of technical operation of electric power stations and networks, safety regulations during operation of thermal and mechanical equipment of electric power stations and heating networks, technical operation of electrical installations of the consumers that led to the condition threatening with an accident, environmental pollution, fire or dangerous for a life of a service personnel, as well as violation of established energy consumption regimes that entailed restrictions and (or) cutoff of other energy consumers, shall –

entail a fine on individuals in amount of fifteen, on subjects of small entrepreneurship – in amount of fifty five, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

Article 300-1. Excess of the approved normative values of reliability indicators of power supply by energy transmitting organizations

Excess of the normative values of reliability indicators of power supply by an energy transmitting organization shall –

entail a fine on an official of an energy transmitting organization in amount of one hundred and twenty-five monthly calculation indices.

Note. An official of an energy transmitting organization in this Article shall be understood as the first head of an energy transmitting organization or a person, performing his/her duties.

Footnote. Chapter 18 is supplemented by Article 300-1 in accordance with the Law of the Republic of Kazakhstan dated 29.03.2016 No. 479-V (shall be enforced upon expiry of twenty-one calendar days after its first official publication).

Article 301. Violation of a term for receipt of the readiness certificate

1. Violation of a term for receipt of readiness certificate for conduct of works in autumn and winter conditions by energy producing and energy transmission organizations, shall –

entail a fine on subjects of small entrepreneurship in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred fifty, on subjects of large entrepreneurship – in amount of three hundred monthly calculation indices.

2. The act provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative infraction, shall –

entail a fine on subjects of small entrepreneurship in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices.

Article 301-1. Violation of the requirements for the issuance of technical conditions on connection to electric and heat networks

1. Violation of the requirements for the procedure and terms of the issuance of technical conditions on connection to electric and heat networks shall -

entail a fine on subjects of small entrepreneurship in amount of twenty-five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

2. Refusal to accept documents and (or) issue technical conditions for connection to electric and heat networks shall –

entail a fine on subjects of small entrepreneurship in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

Footnote. Chapter 18 is supplemented with Article 301-1 in accordance with the Law of the Republic of Kazakhstan dated 11.07.2017 No. 89-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 301-2. Violation of the requirements for providing information on technological infringements

1. Untimely, unreliable provision of information on occurred technological infringements by energy-producing, energy-transmitting organizations shall -

entail a fine on subjects of small entrepreneurship in amount of one hundred, on subjects of medium entrepreneurship - in amount of two hundred, on subjects of large entrepreneurship - in amount of four hundred monthly calculation indices.

2. Concealment of information on technological infringements by energy-producing, energy-transmitting organizations shall –

entail a fine on subjects of small entrepreneurship in amount of two hundred, on subjects of medium entrepreneurship - in amount of four hundred, on subjects of large entrepreneurship - in amount of one thousand monthly calculation indices.

Footnote. Chapter 18 is supplemented with Article 301-2 in accordance with the Law of the Republic of Kazakhstan dated 11.07.2017 No. 89-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 302. Damage of electric networks

1. Damage of electric networks with a voltage up to 1000 (overhead transmission lines, underground and underwater cable lines, transformation and converting substations, distributing gears and switching centres), shall –

entail a fine on individuals in amount of eight, on subjects of small entrepreneurship or non-profit organizations – in amount of fifteen, on subjects of medium entrepreneurship – in amount of twenty five, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

2. Damage of electric networks with a voltage over 1000 (overhead transmission lines, underground and underwater cable lines, transformation and converting substations, distributing gears and switching centres), shall –

entail a fine on individuals in amount of fifteen, on subjects of small entrepreneurship or non-profit organizations – in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of seventy monthly calculation indices.

3. The action provided by a part one of this Article that caused suspension in supplying electric energy of consumers and that inflicted damage, and equally committed repeatedly second time within a year, shall –

entail a fine on individuals in amount of fifteen, on subjects of small entrepreneurship or non-profit organizations – in amount of thirty, on subjects of medium entrepreneurship – in amount of seventy five, on subjects of large entrepreneurship – in amount of one hundred fifty monthly calculation indices.

4. The action provided by a part two of this Article that caused suspension in supplying electric energy of consumers and that inflicted damage, and equally committed repeatedly second time within a year, shall –

entail a fine on individuals in amount of thirty, on subjects of small entrepreneurship or non-profit organizations – in amount of ninety, on subjects of medium entrepreneurship – in amount of one hundred fifty, on subjects of large entrepreneurship – in amount of two hundred fifty monthly calculation indices.

Article 303. Breach of the legislation of the Republic of Kazakhstan in the field of supporting use of renewable energy sources

1. Non-fulfillment and (or) improper fulfillment of the obligation established by the legislative act of the Republic of Kazakhstan on supporting use of renewable energy sources to purchase electric, heating energy produced by energy producing organizations using renewable energy sources, shall –

entail a fine on subjects of small entrepreneurship in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of one thousand five hundred monthly calculation indices.

2. Breach of the legislation of the Republic of Kazakhstan in the field of supporting use of renewable energy sources committed in the form of violation of the procedure and terms for determination of the nearest point of connection to electric or heating networks and connection of the objects on use of renewable energy sources, shall –

entail a fine on subjects of small entrepreneurship in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of one thousand five hundred monthly calculation indices.

3. Acts provided by parts one and two of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on subjects of small entrepreneurship in amount of one hundred, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship – in amount of two thousand monthly calculation indices.

Article 304. Damage of heating networks

Damage of heating networks (pipelines and their constructions, channels, heating cameras, pumping stations), if this act did not entail harm to human health and environment, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of fifteen, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

Article 305. Performance of works in protective zones of electric and heating network lines, objects of gas supply systems

Production of construction, erection, earthwork, loading and unloading works, prospecting works related to the arrangement of wells and pits, arrangement of sites, parking of motor vehicles, placement of markets, buildings, structures, storage of materials, construction of barriers and fences, discharge and drain of caustic corrosives substances and fuel and lubrication materials in protective zones of electric and heating network lines, objects of gas supply systems without coordination with the organization, the jurisdiction of which includes electric or heating networks or objects of the gas supply systems, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of fifteen, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

Footnote. Article 305 as amended by Law No. 89-VI of the Republic of Kazakhstan dated 11.07.2017 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 306. Violation of requirements on use of gas, safety operation of the objects of gas supply systems

1. Violation of requirements on safety operation of gas consuming systems and gas equipment of domestic and household consumers established by the legislation of the Republic of Kazakhstan on gas and gas supply, shall –

entail a fine on individuals in amount of seven, on subjects of small entrepreneurship – in amount of ten, on subjects of medium entrepreneurship – in amount of fifteen, on subjects of large entrepreneurship – in amount of twenty monthly calculation indices.

2. The action provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative infraction, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of fifteen, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of thirty monthly calculation indices.

3. Unwarranted resumption of supplying commercial or liquefied petroleum gas to the gas consuming system, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

4. Violation of requirements on safety operation of the objects of gas supply systems, with the exception of has consuming systems and gas equipment of domestic and household consumers established by the legislation of the Republic of Kazakhstan, shall –

entail a fine on subjects of small entrepreneurship in amount of twenty five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

5. Action provided by a part four of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on subjects of small entrepreneurship in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of four hundred monthly calculation indices.

Article 307. Failure to take measures for ensuring of the preparation of a reserve fuel facility

Failure to take measures for ensuring of the preparation to work provided for industrial and (or) household consumers of a reserve fuel facility or failure to prepare gas consuming systems of industrial and (or) household consumers to work on established reserve fuel types, shall –

entail a notification or fine in amount of twenty monthly calculation indices.

Article 308. Damage of oil pipelines, gas pipelines and their equipment

Footnote. Title of Article 308 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Damage of oil pipelines and gas pipelines and their equipment or illegal installation, movement, connection of devices to the network, as well as other violations of the rules of their operation, which could be the cause of an accident, if these actions do not contain any signs of a criminal offense,-

entail a fine on individuals in amount of fifteen, on subjects of small entrepreneurship – in amount of twenty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

2. Acts provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative infraction, shall –

entail a fine on individuals in amount of twenty five, on subjects of small entrepreneurship – in amount of thirty five, on subjects of medium entrepreneurship – in amount of forty five, on subjects of large entrepreneurship – in amount of fifty five monthly calculation indices.

Footnote. Article 308 as amended by the Law of the Republic of Kazakhstan No. 127-VI dated 28.12.2017 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 309. Damage of territories upon performance of construction and repair works

Excavation of yards and squares without the relevant permission, blocking by construction materials, failure to take measures for cleaning the places of excavations, as well as construction sites after completing the construction and repair, shall –

entail a notification or fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of fifteen, on subjects of medium entrepreneurship – in amount of twenty five, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

Chapter 19. ADMINISTRATIVE INFRACTIONS IN THE FIELD OF SPACE ACTIVITY

Article 310. Breach of the legislation of the Republic of Kazakhstan in the field of space activity

1. Breach of the legislation of the Republic of Kazakhstan in the field of space activity, committed in the form of:

1) realization of a project in the field of space activity, for which there is no favourable conclusion of industry examination in the field of the space activity;

2) launch of a space object from the territory of the Republic of Kazakhstan, as well as beyond its boundaries in case of its carrying out by a participant of the space activity from Kazakhstan without the favourable decision of the Government of the Republic of Kazakhstan on launch of the space object;

3) avoidance from the state registration of the space object;

4) creation of a direct threatening to human life and health;

5) use of the space technology and (or) stellar bodies for negative impact on the environment;

6) violation of international rules and standards on the space pollution, shall – entail a fine on individuals in amount of fifty, on civil servants – in amount of one hundred, on subjects of small entrepreneurship – in amount of one hundred seventy five, on subjects of medium entrepreneurship – in amount of three hundred five, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices, with suspension of the license validity term for the right to carry out the activity in the scope of using space for six months or without such.

2. Action (omission) provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative infraction, shall – entail deprivation of the license.

Article 311. Violation of the rules for creation and operation (application) of space systems in a territory of the Republic of Kazakhstan, and equally in the space

1. Violation of the rules for creation and operation (application) of space systems in a territory of the Republic of Kazakhstan, as well as in the space, expressed in operation of the space system, the results of which led to excess of the maximum allowed values of exposure of hazardous and harmful factors of industrial activity on operating personnel, population, space system, relating objects, environment and near-Earth space, shall –

entail a fine on individuals in amount of thirty, on subjects of small entrepreneurship – in amount of forty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices, with suspension of the license validity term for the right to carry out the activity in the scope of using space for six months or without such.

2. Non-elimination of the violations that entailed bringing to administrative infraction provided by a part one of this Article, upon expiry of the term for suspension of the license validity term for the right to carry out the activity in the scope of using space, shall – entail deprivation of the license.

Chapter 20. ADMINISTRATIVE INFRACTIONS IN THE SCOPES OF ARCHITECTURAL, TOWN PLANNING, BUILDING ACTIVITY AND HOUSING RELATIONS

Footnote. Title of Chapter 20 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 312. Performance of pre-project, survey, project, construction and assembling works with violation of the requirements of the legislation of the Republic of Kazakhstan and state regulations in the field of architectural, urban planning and construction activities, with the exception of the requirements established by technical regulations

Footnote. Heading of Article 312 is in the wording of the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

1. Performance of pre-project, survey, project, construction and assembling works with violation of the requirements of the legislation of the Republic of Kazakhstan and state regulations for architectural, urban planning and construction activities, with the exception of the requirements established by technical regulations, –

entail a fine on civil servants in amount of sixty, on subjects of small entrepreneurship – in amount of two hundred, on subjects of medium entrepreneurship – in amount of four hundred, on subjects of large entrepreneurship – in amount of seven hundred monthly calculation indices.

2. The actions provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative infraction, shall –

entail a fine on officials in amount of one hundred and twenty, on subjects of small entrepreneurship in amount of four hundred, on subjects of medium entrepreneurship – in amount of eight hundred, on subjects of large entrepreneurship - in amount of one thousand four hundred monthly calculation indices, with deprivation of a license.

Footnote. Article 312 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

Article 313. Violation of requirements of the approved construction standards and project documents upon performance of construction and assembling and repair and restoration works, with the exception of the requirements established by technical regulations

Footnote. Heading of Article 313 is in the wording of the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

1. Violation of requirements of the approved construction standards and project documents upon performance of construction and assembling and repair and restoration works, with the exception of the requirements established by technical regulations, that entailed degradation of operating qualities, strength reduction, sustainability of buildings, structures, their parts, –

entail a fine on civil servants in amount of forty, on subjects of small entrepreneurship – in amount of two hundred, on subjects of medium entrepreneurship – in amount of four

hundred, on subjects of large entrepreneurship – in amount of seven hundred monthly calculation indices, with suspension of the licence validity term.

2. Commission of actions mentioned in a part one of this Article that entailed loss of strength, sustainability of buildings, structures, their parts or separate construction elements, shall –

entail a fine on officials in amount of eighty, on subjects of small entrepreneurship – in amount of four hundred, on subjects of medium entrepreneurship – in amount of eight hundred, on subjects of large entrepreneurship – in amount of one thousand four hundred monthly calculation indices, with deprivation of a license.

Footnote. Article 313 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

Article 314. Performance of construction, construction and assembling, repair and restoration works upon erection and objects reconstruction without the project documentation approved in established manner, with the exception of the requirements established by technical regulations

Footnote. Heading of Article 314 as amended by the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

1. Performance of construction, construction and assembling, repair and restoration works upon erection and objects reconstruction without the project documentation approved in established manner, with the exception of the requirements established by technical regulations, –

entail a fine on civil servants in amount of forty, on subjects of small entrepreneurship – in amount of two hundred, on subjects of medium entrepreneurship – in amount of four hundred, on subjects of large entrepreneurship – in amount of seven hundred monthly calculation indices with suspension of performed works.

2. Action provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative infraction, shall –

entail a fine on civil servants in amount of eighty, on subjects of small entrepreneurship – in amount of four hundred, on subjects of medium entrepreneurship – in amount of eight hundred, on subjects of large entrepreneurship – in amount of one thousand two hundred monthly calculation indices, with deprivation of the license and suspension of performed works.

Footnote. Article 314 as amended by the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

Article 315. Violation of the rules for preparing executive technical documentation provided by regulatory documents upon performance of construction and assembling, repair and restoration works on erection and reconstruction of objects, production of construction materials, products and structures, with the exception of the requirements established by technical regulations

Footnote. Heading of Article 315 as amended by the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

Violation of the rules for preparing executive technical documentation provided by regulatory documents upon performance of construction and assembling, repair and restoration works on erection and reconstruction of objects, production of construction materials, products and structures, with the exception of the requirements established by technical regulations, –

entail a notification or fine on civil servants in amount of ten, on subjects of small entrepreneurship – in amount of twenty five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

Footnote. Article 315 as amended by the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

Article 316. Construction (reconstruction, restoration, extension, technical re-equipment, modernization, capital repair) of objects and their complexes without project (design and estimate) documentation or according to project (design and estimate) documentation that did not undergo examination in established manner, with the exception of the requirements established by technical regulations

Footnote. Heading of Article 316 as amended by the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

1. Construction (reconstruction, restoration, extension, technical re-equipment, modernization, capital repair) of objects and their complexes without project (design and estimate) documentation or according to project (design and estimate) documentation that did not undergo examination in established manner, with the exception of the requirements established by technical regulations, –

entail a fine on individuals in amount of one hundred twenty, on civil servants – in amount of one hundred sixty, on subjects of small entrepreneurship or non-profit organizations – in amount of two hundred, on subjects of medium entrepreneurship – in amount of three hundred eighty, on subjects of large entrepreneurship – in amount of five hundred eighty monthly calculation indices.

2. Action provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, and equally non-elimination of a violation provided by a part one of this Article that entailed bringing to administrative liability, shall – entail a fine on individuals in amount of one hundred sixty, on civil servants – in amount of two hundred, on subjects of small entrepreneurship or non-profit organizations – in amount of three hundred, on subjects of medium entrepreneurship – in amount of six hundred, on subjects of large entrepreneurship – in amount of one thousand monthly calculation indices.

Footnote. Article 316 as amended by the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

Article 317. Breach of the legislation of the Republic of Kazakhstan upon performance of expert works and engineering services

1. Admission of non-conformance of performed (performing) construction and assembling works to approved project decisions by persons carrying out designer supervision, shall –

entail a fine on individuals in amount of one hundred and eighty monthly calculation indices with suspension of the certificate of an expert for the right to maintain the author's supervision for a period of six months.

2. Issuance of a favourable conclusion of the examination (expert estimation) for the project (design and estimate) documentation by the persons carrying out the projects examination, that does not conform to requirements of the legislation of the Republic of Kazakhstan and that does not ensure sustainability, reliability and strength of the built objects or the objects under construction, shall –

entail a fine on individuals in amount of one hundred and eighty monthly calculation indices with suspension of the certificate of an expert for the right to carry out the expertise of projects for a period of six months.

3. Admission of violations by the persons carrying out technical supervision at the stage of realization of the project including the quality, terms, acceptance of performed works and putting of the object into operation, shall –

entail a fine on individuals in amount of one hundred and eighty monthly calculation indices with suspension of a certificate of an expert for the right to maintain technical supervision for a period of six months.

3-1. Issuance by the persons, carrying out technical inspection of reliability and stability of buildings and structures, the conclusion made in violation of the requirements of the approved building standards and containing unreliable data, which may entail a deterioration in the performance, reduction in strength, stability of buildings, structures, their parts or individual structural elements, shall -

entail a fine on individuals in amount of one hundred and eighty monthly calculation indices with suspension of a certificate of an expert for the right to carry out technical survey of reliability and stability of buildings and structures for a period of six months.

4. The actions (inaction) provided by parts 1, 2, 3 and 3-1 of this Article, committed repeatedly within a year after imposing of an administrative penalty, shall -

entail a fine on individuals in amount of two hundred monthly calculation indices with deprivation of a certificate of an expert for the relevant type of service and specialization and with prohibition of activities for the right to carry out expert works and engineering services for a period of three years.

Footnote. Article 317 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015); as amended by the laws of the Republic of Kazakhstan dated 28.10.2015 No. 366-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 317-1. Violation of the legislation of the Republic of Kazakhstan in implementation of engineering services (technical supervision and project management) and expert works (project expertise and technical inspection of reliability and stability of buildings and structures) by accredited legal entities

1. Implementation of engineering services (technical supervision and project management) and expert works (project expertise and technical inspection of reliability and stability of buildings and structures) by accredited legal entities, having certified experts, with violation of the requirements of the legislation of the Republic of Kazakhstan and other normative and normative legal acts in the field of architecture, town planning and construction, including:

1) inconsistency of the performed (performing) construction and installation works to the approved design decisions;

2) issuance of a positive expert conclusion (expert evaluation) on the design (design and estimate) documentation that does not ensure stability, reliability and durability of erecting or erected objects;

3) violation at the stage of project implementation, including quality, terms, acceptance of completed work and delivering the facility into operation;

4) issuing conclusions on technical inspection of reliability and stability of buildings and structures, performed with violation of requirements of the approved building codes and containing unreliable data, which may lead to deterioration of operational qualities, reduction in strength, stability of buildings, structures, parts or individual structural elements;

5) non-compliance with the qualification requirements for accredited legal entities shall - entail a fine on legal entities in amount of five hundred monthly calculation indices.

2. The action provided by part one of this Article, committed repeatedly within a year after imposing an administrative penalty, shall-
entail a fine on legal entities in amount of seven hundred monthly calculation indices with the deprivation of a certificate of accreditation.

Footnote. Chapter 20 is supplemented with Article 317-1 in accordance with the Law of the Republic of Kazakhstan dated 28.10.2015 No. 366-V (shall be enforced upon expiry of three months after its first official publication).

Article 317-2. Certification of engineering and technical workers, participating in the design and construction process, with violation of requirements of the legislation of the Republic of Kazakhstan and other normative and normative legal acts in the field of architecture, town planning and construction

1. Attestation of engineering and technical workers, participating in the design and construction process, with violation of requirements of the legislation of the Republic of Kazakhstan and other normative and normative legal acts in the field of architecture, town planning and construction shall -

entail a fine on legal entities in amount of five hundred monthly calculation indices.

2. The action provided by part one of this article, committed repeatedly within a year after imposing an administrative penalty, shall –

entail a fine on legal entities in amount of seven hundred monthly calculation indices with deprivation of a certificate of accreditation.

Footnote. Chapter 20 is supplemented by Article 317-2 in accordance with the Law of the Republic of Kazakhstan dated 28.10.2015 No. 366-V (shall be enforced upon expiry of three months after its first official publication).

Article 318. Violation of established order of acceptance and putting of objects and complexes into operation, with the exception of the requirements established by technical regulations

Footnote. Heading of Article 318 as amended by the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

Violation of established order of acceptance and putting of objects and complexes into operation with violations of requirements of the state standards in the scope of architectural and construction activity, with the exception of the requirements established by technical regulations, –

entail a fine on individuals, civil servants in amount of fifty, on subjects of small entrepreneurship or non-profit organizations – in amount of one hundred twenty, on subjects of medium entrepreneurship – in amount of two hundred twenty, on subjects of large entrepreneurship – in amount of six hundred fifty monthly calculation indices.

Footnote. Article 318 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015); as amended by the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

Article 319. Illegal construction

Illegal construction of industrial, residential, economic, hydrotechnical (hydroeconomic) or domestic objects without the relevant right to land, shall –

entail a fine on individuals in amount of fifteen, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices with compulsory demolition of the built structure or structure under construction on a legal basis or without such.

Article 320. Violation of requirements of the legislative act of the Republic of Kazakhstan on share participation in housing construction and housing legislation of the Republic of Kazakhstan

1. Violation of requirements of the legislative act of the Republic of Kazakhstan on share participation in housing construction by a tenant builder, an authorized company, including the content of information to be disclosed, as well as the procedure for its distribution, or distribution of inaccurate, incomplete or unreliable information by a tenant builder, an authorized company's shall -

entail a fine on legal entities in amount of three hundred monthly calculation indices.

2. Non- presentation of information and reporting, provided by the laws of the Republic of Kazakhstan, or presentation of unreliable information and reporting by a tenant builder, an authorized company, as well as unreliable or incomplete report on the results of monitoring the construction of a residential house by an engineering company to the local executive authority of the city of republican significance, the capital, district, city of regional significance shall –

entail a fine on legal entities in amount of three hundred monthly calculation indices.

3. Actions (inaction) provided by parts one and two of this Article, committed repeatedly within a year after imposing an administrative penalty, as well as non-elimination of violations provided by parts one and two of this Article, which led to an administrative liability, shall -

entail suspension of permission validity term to attract money of shareholders for a period up to three months.

4. Violation of the terms of opening current and (or) savings accounts for the condominium object in the second-tier banks by the management body of the condominium object in cases provided by housing legislation, shall –

entail a notification.

5. Violation of terms by the management authority of the condominium object, the manager of an residential house, the management company for presentation monthly and annual reports on management of the condominium object and maintenance of the common property of the condominium object, shall –

entail a warning.

6. Actions (inaction) provided in parts four and five of this Article, committed repeatedly within a year after the imposing an administrative penalty, shall -

entail a fine on individuals in amount of ten, on legal entities- in amount of twenty monthly calculation indices.

Footnote. Article 320 is in the wording of the law of the Republic of Kazakhstan dated 07.04.2016 No. 487-V (shall be enforced upon expiry of six months after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 26.12.2019 No. 284-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 321. Execution of construction without accompanying of technical and designer supervision, with the exception of the requirements established by technical regulations

Footnote. Heading of Article 321 as amended by the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

Execution of construction without accompanying of technical and designer supervision, with the exception of the requirements established by technical regulations, –

entail a fine on individuals in amount of forty, on officials in amount of one hundred and sixty, on subjects of small entrepreneurship or non-profit organizations – in amount of two hundred, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices.

Footnote. Article 321 as amended by the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication); dated 21.01.2019 No. 217-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 322. Illegal re-equipment and replanning of premises, with the exception of the requirements established by technical regulations

Footnote. Heading of Article 322 as amended by the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

1. Illegal re-equipment and replanning of residential and non-residential premises in existing buildings without architectural and construction project and relevant decision of

structural subdivisions of local executive agencies, carrying out functions in the field of architecture, urban planning and construction, with the exception of the requirements established by technical regulations, –

entail a fine on individuals in amount of thirty, on officials, subjects of small entrepreneurship or non – profit organizations – in amount of ninety, on subjects of medium entrepreneurship - in amount of one hundred and fifty, on subjects of large entrepreneurship - in amount of three hundred monthly calculation indices.

2. The same actions that caused or could cause a complete loss of strength and stability (destruction) of the building, shall –

entail a fine on individuals in amount of eighty, on officials, subjects of small entrepreneurship or non-profit organizations - in amount of one hundred and eighty, on subjects of medium entrepreneurship – in amount of two hundred and fifty, on subjects of large entrepreneurship - in amount of five hundred monthly calculation indices.

Note.

1. The administrative infraction in the field of construction shall be regarded as non-compliance with compulsory requirements, construction standards and rules, with the exception of technical regulations, projects, other regulatory acts upon town-planning development of territories, designing, construction, reconstruction, restoration, modernization, capital repair and capital improvement of the objects and complexes entailing reduction and loss of strength, sustainability, reliability of buildings, structures, constructions, their parts or separate structural elements, degradation of operating characteristics of the objects under construction, negative impact on environment, as well as the actions violating the established legal organizational order of construction of the objects and their acceptance for operation.

2. The strength shall be regarded as capability of a material, structure, product, their interface nodes, foundation soil of a building and construction to resist the calculated values of loads and forces without being destroyed.

3. Sustainability shall be regarded as capability of a building, construction to preserve a status of stable balance under the influence of calculated forces and loads.

4. The reliability shall be regarded as capability of a building, construction, its engineering systems, load carrying and cladding structures to perform the functions determined by the values of regulated properties.

5. The project works shall be regarded as the works on pre-project (justification of investments in construction, feasibility study) and project (project, working project and other types of projects) documentation for construction, extension, reconstruction, technical re-equipping, capital repair and other types of works of buildings and structures.

Footnote. Article 322 as amended by the law of the Republic of Kazakhstan dated 28.10.2015 No. 366-V (shall be enforced upon expiry of ten calendar days after its first official publication); No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

Article 323. Operation of objects and complexes that shall not put into operation in established manner, with the exception of the requirements established by technical regulations

Footnote. Heading of Article 323 as amended by the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

Operation (residence, rendering of services, production of products for the purpose of acquisition of incomes) of the objects, complexes or their separate parts being completed in construction but that shall not put into operation in established manner, with the exception of the requirements established by technical regulations, –

entail a fine on individuals in amount of ten, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

Footnote. Article 323 as amended by the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

Article 323-1. Violation of the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activity, with the exception of the requirements established by technical regulations

Footnote. Heading of Article 323 as amended by the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

1. Non-performance or inadequate performance by local executive agencies on architecture matters, urban planning and construction, as well as state architectural and construction control of the requirements imposed on them by the legislation of the Republic of Kazakhstan, affecting urban planning and architectural and construction documentation, construction activities, including quality of construction, with the exception of the requirements established by technical regulations, -

entail a fine on officials in amount of twenty monthly calculation indices.

2. The action provided by part one of this Article, committed repeatedly within a year after imposing an administrative penalty, shall –

entail a fine on officials in amount of forty monthly calculation indices.

Footnote. Chapter 20 is supplemented by Article 323-1 in accordance with the law of the Republic of Kazakhstan dated 28.10.2015 No. 366-V (shall be enforced upon expiry of ten calendar days after its first official publication); No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

Chapter 21. ADMINISTRATIVE INFRACTION IN THE FIELD OF ENVIRONMENTAL PROTECTION, USE OF NATURAL RESOURCES

Article 324. Violation of sanitary epidemiological and environmental requirements on environmental protection

1. Violation of the standards of sanitary and epidemiological, and environmental requirements, as well as hygienic standards on protection of environment, with the exception of the cases provided by Article 416 of this Code, shall –

entail a notification or fine on individuals in amount of ten, on civil servants, subjects of small entrepreneurship – in amount of fifteen, on subjects of medium entrepreneurship – in amount of twenty monthly calculation indices, on subjects of large entrepreneurship – in amount of a size of the damage inflicted to environment.

2. Giving of instructions or permissions by civil servants for overstating or understating established standards of sanitary epidemiological and environmental requirements on environmental protection, shall –

entail a fine in amount of twenty five monthly calculation indices.

Article 325. Violation of requirements of conducting industrial environmental control

Violation of requirements of industrial environmental control, shall –

entail a fine on individuals in amount of twenty five, on civil servants, subjects of small entrepreneurship – in amount of sixty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

Article 326. Non-fulfillment of conditions of environmental management stated in environmental permit

1. Non-fulfillment of conditions of environmental management stated in environmental permit, shall –

entail a fine on civil servants in amount of fifteen, on subjects of small entrepreneurship – in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

2. Actions provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on civil servants in amount of thirty, on subjects of small entrepreneurship – in amount of sixty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices.

3. Actions provided by a part one of this Article linked with infliction of especially heavy damage to environment, with creation of a threatening to the safety of life and health of population, shall –

entail a fine on civil servants in amount of thirty, on subjects of small entrepreneurship – in amount of sixty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices, with suspension of the validity term of the environmental permit or without such.

4. Excluded by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Footnote. Article 326 as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 327. Non-notification on industrial release and emission of polluting substances above permitted standards, disposal of wastes

Non-notification or notification of distorted information to the bodies carrying out control and supervision of environmental protection and execution of the environmental and sanitary epidemiological legislation on industrial release and emission of polluting substances above permitted standards, disposal of wastes and other hazardous emergency impacts on environment, shall –

entail a fine in amount of twenty five monthly calculation indices.

Article 328. Excess of the standards for environmental emission established in environmental permit, or absence of environmental permit

Excess of the standards for environmental emission established in a project documentation and (or) in environmental permit, or absence of environmental permit, if these actions do not contain the signs of a criminally punishable act, shall –

entail a fine on individuals in amount of ten, on officials, subjects of small entrepreneurship - in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty monthly calculation indices, on subjects of large entrepreneurship – in amount of one thousand percent of a payment rate for emissions into the environment for exceeding the volume of emissions.

Footnote. Article 328 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 329. Exceeding of the established and additionally obtained volume of the quota for greenhouse gas emissions

Exceeding of the established and additionally obtained volume of the quota for greenhouse gas emissions shall –

entail a fine on the operator of installation in amount of five monthly calculation indices for each unit of the quota of over-established volume, not compensated by the acquired units of quotas and (or) carbon units obtained as a result of projects implementation, in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 329 is in the wording of the Law of the Republic of Kazakhstan dated 08.04.2016 No. 491-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 330. Submission of unreliable data on validation and verification by independent accredited organizations, accredited bodies on validation and verification

Submission of unreliable data on validation and verification by independent accredited organizations, accredited bodies on validation and verification shall –

entail a fine on subjects of small entrepreneurship in amount of one hundred and fifty, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship - in amount of five hundred monthly calculation indices, with suspension of validity of a certificate of accreditation or an accreditation certificate.

Footnote. Article 330 as amended by the law of the Republic of Kazakhstan dated 08.04.2016 No. 491-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 331. Violation of the operating rules, as well as non-use of equipment for clearance of atmospheric emissions and discharge of sewage waters

Violation of the operating rules, as well as non-use of equipment for clearance of atmospheric emissions and discharge of sewage waters, shall –

entail a fine on individuals in amount of ten, on officials, subjects of small entrepreneurship or non – profit organizations – in amount of forty, on subjects of medium entrepreneurship -in amount of seventy, on subjects of large entrepreneurship - in amount of two hundred monthly calculation indices.

Footnote. Article 331 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 332. Failure to perform the requirements of the legislation on compulsory conduct of the state environmental examination

Failure to perform the requirements of the legislation on compulsory conduct of the state environmental examination or the requirements contained in a conclusion of the state environmental examination, and equally financing of projects and programs that did not undergo environmental examination, shall –

entail a fine on individuals in amount of ten, on officials, subjects of small entrepreneurship - in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship - in amount of three hundred and fifty monthly calculation indices.

Footnote. Article 332 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 333. Release for operation of transport and other movable vehicles with excess of the normative levels of the content of polluting substances in emissions

1. Release for operation of automobiles, planes, vessels and other movable vehicles and units the content of polluting substances in emissions of which, as well as noise level made by them during working shall be in excess of established standards, with the exception of the requirements established by technical regulations, –

entail a fine on civil servants, subjects of small entrepreneurship or non-profit organizations in amount of twenty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

2. Action provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative infraction, shall –

entail a fine on civil servants, subjects of small entrepreneurship or non-profit organizations in amount of forty, on subjects of medium entrepreneurship – in amount of eighty, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices, with suspension or prohibition of the activity of without such.

Footnote. Article 333 as amended by the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

Article 334. Operation of engine and other movable vehicles with excess of the normative levels of the content of polluting substances in emissions

1. Operation of engine and other movable vehicles and units by individuals the content of polluting substances in emissions of which, as well as noise pollution level made by them during working are in excess of established standards, shall –

entail a notification or fine on individuals in amount of two monthly calculation indices.

2. Actions provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative infraction, shall –

entail a fine on individuals in amount of five monthly calculation indices.

Article 335. Breach of the legislation on protection of atmospheric air

1. Acceptance of new and reconstructed enterprises, structures and other objects for operation that do not conform to the requirements on protection of atmospheric air, shall –
entail a fine in amount of thirty monthly calculation indices.

2. Operation of new and reconstructed enterprises, structures and other objects that do not conform to requirements on protection of atmospheric air, shall –

entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of thirty, on subjects of medium entrepreneurship – in amount of sixty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

Article 336. Non-compliance with requirements on protection of atmospheric air and fire security upon warehousing and burning of industrial and household wastes

Violation of the rules for warehousing of industrial and household wastes, non-compliance with requirements on protection of atmospheric air and fire security upon burning of the mentioned wastes, shall –

entail a notification or fine on individuals in amount of three, on civil servants – in amount of twenty, on subjects of small entrepreneurship or non-profit organizations – in amount of forty, on subjects of medium entrepreneurship – in amount of seventy, on subjects of large entrepreneurship – in amount of one hundred twenty monthly calculation indices.

Article 337. Land degradation

1. Destruction or illegal depleting of rich soil layers for the purpose of selling or its transferring to other persons, with the exception of cases when such depleting is required for prevention of irretrievable loss of the rich soil layer, shall –

entail a fine on individuals in amount of ten, on officials, subjects of small entrepreneurship or non – profit organizations – in amount of thirty, on subjects of medium entrepreneurship - in amount of fifty monthly calculation indices, on subjects of large entrepreneurship - in amount of the sum of damage to the environment.

2. Intoxication, pollution or another degradation of lands by hazardous products of economic or another activity due to violation of the rules for handling with pesticides, toxic chemicals, manures, plant growth stimulants and other hazardous chemical, biological and radioactive substances upon their storage, use or transportation, and equally contamination by bacterial and parasitic, or similar hazardous organisms, but that did not entail infliction of the harm to human health or environment, shall –

entail a fine on individuals in amount of fifteen, on officials, subjects of small entrepreneurship or non – profit organizations – in amount of twenty – five, on subjects of medium entrepreneurship - in amount of forty, on subjects of large entrepreneurship - in amount of two hundred monthly calculation indices.

Footnote. Article 337 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 338. Irrational use or non-use of agricultural lands

Irrational use or non-use of agricultural lands, shall –

entail a notification or fine on individuals in amount of ten, on subjects of small entrepreneurship or non-profit organizations – in amount of forty, on subjects of medium entrepreneurship – in amount of seventy, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

Article 339. Non-fulfillment of obligations by owners of land fields and land users on use of the land fields

1. Non-fulfillment of obligations by owners of land fields and land users on use of the land fields expressed in:

1) use of the lands not in designated purposes, but on the lands of settlements - not in accordance with the functional area;

2) non-carrying out of the measures on land protection provided by the legislative act in the field of land relations, shall –

entail a notification or fine on individuals in amount of five, on subjects of small entrepreneurship – in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

2. Action (omission) provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative infraction, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of sixty monthly calculation indices.

Footnote. Article 339 as amended by the Law of the Republic of Kazakhstan No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 340. Non-fulfillment of obligations on bringing the temporary occupied lands to condition being suitable for the further use in designated purposes

Non-fulfillment of obligations on bringing the temporary occupied lands to condition being suitable for the further use in designated purposes, shall –

entail a notification or fine on individuals in amount of five, on subjects of small entrepreneurship or non-profit organizations – in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of one hundred ten monthly calculation indices.

Article 341. Concealment of information on existence of the land fields for housing construction, the special land fund

Concealment of information on existence of the land fields for constructing individual residential houses, the special land fund, its distortion, unreasonable refusal in allocation of land fields, shall –

entail a fine on civil servants of local executive bodies in amount of ten monthly calculation indices.

Article 342. Distortion of details of the state registration, accounting and appraisal of lands

Intended distortion of the details of the state registration, accounting and appraisal of lands, shall –

entail a fine on civil servants in amount of twenty monthly calculation indices.

Article 342-1. Violation in the field of state land cadaster

Violation in the field of state land cadastre related to:

- 1) formation of cadastral case of the land plot;
- 2) accounting the quality of land, including their economic assessment and monitoring of land, soil, geobotanical, agrochemical inspections and soil bonitation;
- 3) accounting the number of lands, land owners and land users, as well as other subjects of land relations for the purposes of state registration;

4) state cadastral assessment of lands including determination of cadastral (estimated) cost of land plots; drawing up schemes of borders of estimated zones in settlements with establishment of correction coefficients to base rates of payment for land plots; calculation of base rates of payment for land plots; determination of losses of agricultural production at withdrawal of agricultural lands for the purposes, not connected with agriculture;

5) accumulation, processing and maintenance of the Bank of data on land plots and their subjects, as well as other land cadastre information on paper and in electronic form;

6) management of automated information system of state land cadastre;

7) production and management of land-cadastral maps, including digital;

8) management of the land-cadastral book and unified state register of lands;

9) production and issue of identification documents for a land plot;

10) production of land-cadastral plan;

11) assignment of cadastral numbers to land plots;

12) production of passports of land plots, shall –

entail a fine on officials in amount of thirty monthly calculation indices.

Footnote. Chapter 21 is supplemented by Article 342-1 in accordance with the Law of the Republic of Kazakhstan dated 17.11.2015 No. 408-V (shall be enforced from 01.03.2016); as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 343. Breach of the legislation of the Republic of Kazakhstan in the field of geodesy and cartography

1. Carrying out of geodesic and cartographic works in the absence of:

own or leased set of gaged tools, equipment and instruments enabling to perform geodetic and (or) cartographic works, or contract for services with the organization having the set of gaged tools, equipment, instruments with specification of the factory numbers;

a specialist on the staff having higher or post-secondary education in the scope of geodesy and (or) cartography, shall –

entail a fine on individuals in amount of fifteen, on subjects of small entrepreneurship or non – profit organizations – in amount of forty, on subjects of medium entrepreneurship - in amount of seventy, on subjects of large entrepreneurship - in amount of one hundred and forty monthly calculation indices.

2. Action provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of thirty – five, on subjects of small entrepreneurship or non – profit organizations – in amount of seventy, on subjects of medium - entrepreneurship - in amount of one hundred, on subjects of large entrepreneurship - in amount of two hundred monthly calculation indices.

Footnote. Article 343 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 344. Violation of requirements to handling with wastes of production and consumption, discharge of sewage waters

Violation of requirements to handling with wastes of production and consumption, discharge of sewage waters, shall –

entail a notification or a fine on individuals in amount of ten, on officials and subjects of small entrepreneurship or non – profit organizations – in amount of twenty, on subjects of medium – entrepreneurship - in amount of thirty monthly calculation indices, on subjects of large entrepreneurship - in amount of the sum of damage to the environment.

Footnote. Article 344 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 344-1. Violation of the requirements for the fulfillment of extended obligations of manufacturers (importers)

1. Violation of the requirements for the fulfillment of extended obligations of manufacturers (importers) – will result in a warning.

2. Action (inaction) provided for in the first part of this article, committed again within a year after the imposition of administrative penalties, –

the penalty shall be imposed on individuals in the amount of ten, on small businesses – in the amount of thirty, on medium – sized businesses – in the amount of fifty, on large businesses-in the amount of two hundred monthly calculation indicators.

Footnote. Chapter 21 is supplemented by Article 344-1 in accordance with the Law of the Republic of Kazakhstan dated 17.11.2015 No. 407-V (shall be enforced from 01.01.2016).

Article 344-2. Non-performance or improper performance of expanded obligations of producers (importers) of duties and functions by an operator

Untimely or improper distribution of the expanded obligations of producers (importers) of the received money by an operator, non-performance or improper performance of expanded obligations of producers (importers) of duties and functions imposed on the operator shall -

entail a fine on the first head of an operator of expanded obligations of producers (importers) in amount of five hundred monthly calculation indices.

Footnote. Chapter 21 is supplemented by Article 344-2 in accordance with the Law of the Republic of Kazakhstan dated 17.11.2015 No. 407-V (shall be enforced from 01.01.2016).

Article 345. Violation of the rules for rational and integrated use of the subsoil during subsurface use operations under subsurface use contracts for hydrocarbons and uranium

Violation of the rules for rational and integrated use of the subsoil during subsurface use operations under the subsurface use contracts for hydrocarbons and uranium, which led to a deterioration in the quality of the remaining reserves, unjustified extra-project and excessive mineral losses, –

shall entail a fine on subjects of small entrepreneurship in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred fifty monthly calculation indices.

Footnote. Article 345 is in the wording of the Law of the Republic of Kazakhstan No. 126 -VI dated 27.12.2017 (shall be enforced upon expiry of six months after its first official publication).

Article 346. Conducting operations for exploration and (or) mining of solid minerals using types, techniques and methods of work not provided by project document

Conducting operations for exploration and (or) mining of solid minerals using types, techniques and methods of work not provided by project document, as well as failure to notify the competent authority (state agency that is a party of the contract and (or) who issued the license for subsurface use) on introduction of amendments to project documents by the specified time –

shall entail a fine on subjects of small entrepreneurship in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

Footnote. Article 346 is in the wording of the Law of the Republic of Kazakhstan No. 126 -VI dated 27.12.2017 (shall be enforced upon expiry of six months after its first official publication).

Article 347. Violation of environmental standards and rules during the operations on subsurface use

Footnote. Heading of Article 347 is in the wording of the Law of the Republic of Kazakhstan No. 126-VI dated 27.12.2017 (shall be enforced upon expiry of six months after its first official publication).

1. Violation of environmental standards and rules during the operations on subsurface use, if this action did not entail infliction of major damage, –
shall entail a notification.

2. Actions provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative infraction, shall –

entail a fine on individuals in amount of fifteen, on subjects of small entrepreneurship – in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty monthly

calculation indices, on subjects of large entrepreneurship – in amount of a size of damage inflicted to environment.

Footnote. Article 347 as amended by the Law of the Republic of Kazakhstan No. 126-VI dated 27.12.2017 (shall be enforced upon expiry of six months after its first official publication).

Article 348. Performance of work for hydrocarbon production without state examination of mineral reserves

Performance of work for hydrocarbon production without state examination of mineral reserves –

shall entail a fine in amount of twenty monthly calculation indices.

Footnote. Article 348 is in the wording of the Law of the Republic of Kazakhstan No. 126 -VI dated 27.12.2017 (shall be enforced upon expiry of six months after its first official publication).

Article 349. Violation of the procedure for presentation reporting in the field of subsurface use

Violation of the procedure and terms for presentation of reporting by the subsurface user provided by the Code of the Republic of Kazakhstan "On subsoil and subsurface use", –

shall entail a fine in amount of twenty monthly calculation indices.

Footnote. Article 349 is in the wording of the Law of the Republic of Kazakhstan No. 126 -VI dated 27.12.2017 (shall be enforced upon expiry of six months after its first official publication).

Article 350. Failure to true recording for mined solid minerals, hydrocarbons

Failure to true recording for mined solid minerals, hydrocarbons –

shall entail a fine in amount of twenty five monthly calculation indices.

Footnote. Article 350 is in the wording of the Law of the Republic of Kazakhstan No. 126 -VI dated 27.12.2017 (shall be enforced upon expiry of six months after its first official publication).

Article 351. Violation of the rules of accounting, utilization and deactivation of wastes of production and consumption

Violation of the rules of accounting, utilization and deactivation of wastes of production and consumption, shall –

entail a fine on officials and subjects of small entrepreneurship in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

Footnote. Article 351 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 352. Violation of requirements on bringing of mine workings and bore wells to the condition ensuring their reservation and safety of population

Loss of surveying documentation, violation of requirements on bringing of the liquidated or conserved mine workings and bore wells to the condition ensuring safety of population, as well as requirements on reservation of the mine workings and bore wells for the period of conservation, shall –

entail a fine on civil servants, subjects of small entrepreneurship in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

Article 353. Violation of the procedure for liquidation and conservation of the objects of subsoil use

Failure to comply with the obligation for remediation of consequences of carrying out operations on subsurface use within the terms established by the legislation of the Republic of Kazakhstan on subsoil and subsurface use, –

shall entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred fifty monthly calculation indices.

Footnote. Article 353 is in the wording of the Law of the Republic of Kazakhstan No. 126 -VI dated 27.12.2017 (shall be enforced upon expiry of six months after its first official publication).

Article 354. Refusal or avoidance of presentation the information on use of subsoil, geological information to the state control agencies

Refusal or avoidance of presentation of timely, complete and reliable information on use of subsoil, mined minerals, as well as geological information to the state control agencies–

shall entail a fine on subjects of small entrepreneurship in amount of six, on subjects of medium entrepreneurship – in amount of ten, on subjects of large entrepreneurship – in amount of forty monthly calculation indices.

Footnote. Article 354 is in the wording of the Law of the Republic of Kazakhstan No. 126 -VI dated 27.12.2017 (shall be enforced upon expiry of six months after its first official publication).

Article 355. Giving of instructions or permissions by civil servants entailing breach of the legislation of the Republic of Kazakhstan on subsoil and subsoil use

Giving of instructions or permissions by civil servants entailing breach of the legislation of the Republic of Kazakhstan on subsoil and subsoil use, shall –

entail a fine in amount of twenty five monthly calculation indices.

Article 356. Violation of the rules for operations on subsurface use

Footnote. Heading of Article 356 is in the wording of the Law of the Republic of Kazakhstan No. 126-VI dated 27.12.2017 (shall be enforced upon expiry of six months after its first official publication).

1. Violation of the rules for operations on subsurface use –
shall entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of sixty five, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of one hundred fifty monthly calculation indices.
2. Failure to perform the environmental requirements during subsoil use –
shall entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of sixty five, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of one hundred fifty monthly calculation indices.
3. Violation of the conditions for conducting operations on subsurface use for hydrocarbons, provided for by the legislation of the Republic of Kazakhstan on subsoil and subsurface use, as well as violation of the requirements of project documents for hydrocarbon exploration and production, –
shall entail a fine on subjects of small entrepreneurship in amount of one hundred fifty, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship – in amount of one thousand monthly calculation indices.
4. Conduct of prospecting, appraisal works and works on extraction without the project documents for subsurface use approved in the established manner –
shall entail a fine on subjects of small entrepreneurship in amount of two hundred fifty, on subjects of medium entrepreneurship – in amount of five hundred, on subjects of large entrepreneurship – in amount of two thousand monthly calculation indices.
5. Burning of raw gas without permission or without compliance with conditions of permission of the authorized agency for hydrocarbons, with the exception of cases provided by the Code of the Republic of Kazakhstan "On subsoil and subsurface use", –
shall entail a fine on subjects of small entrepreneurship in amount of two hundred fifty, on subjects of medium entrepreneurship – in amount of five hundred, on subjects of large entrepreneurship – in amount of two thousand monthly calculation indices.
6. performance of works on raw hydrocarbon extraction without utilization and (or) processing of raw gas by subsurface user –
shall entail a fine on subjects of small entrepreneurship in amount of two hundred fifty, on subjects of medium entrepreneurship – in amount of five hundred, on subjects of large entrepreneurship – in amount of two thousand monthly calculation indices.
7. Deviation from the project documentation approved in the established manner upon construction of necessary field facilities and other infrastructure facilities required for extraction, preparation, storage and transportation of the hydrocarbons from the place of

extraction and storage to the place of transshipment to the main pipelines and (or) by other type of transport, shall –

entail a fine on subjects of small entrepreneurship in amount of two hundred fifty, on subjects of medium entrepreneurship – in amount of five hundred, on subjects of large entrepreneurship – in amount of two thousand monthly calculation indices.

8. Operation of wells with violation of requirements established by the legislation, shall – entail a fine on subjects of small entrepreneurship in amount of one hundred fifty, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship – in amount of one thousand monthly calculation indices.

9. Conduct of operations for exploration and (or) extraction of hydrocarbons at sea without permission, with the exception of cases provided by the Law of the Republic of Kazakhstan “On subsoil and subsurface use” or without compliance with the conditions of permission of the authorized agency for hydrocarbons –

shall entail a fine on subjects of small entrepreneurship in amount of two hundred fifty, on subjects of medium entrepreneurship – in amount of five hundred, on subjects of large entrepreneurship – in amount of two thousand monthly calculation indices.

10. Is excluded by the Law of the Republic of Kazakhstan No. 126-VI dated 27.12.2017 (shall be enforced upon expiry of six months after its first official publication).

11. Absence of the approved plan of organizing works on prevention and liquidation of oil spills of the subsurface user conducting the operations for exploration and (or) extraction of hydrocarbons at sea, individual or legal entity carrying out the activity at sea linked with the oil spill risk at the sea –

shall entail a fine on individuals in amount of one hundred fifty, on subjects of small entrepreneurship – in amount of two hundred, on subjects of medium entrepreneurship – in amount of four hundred, on subjects of large entrepreneurship – in amount of two thousand monthly calculation indices.

12. Conduct of operations for exploration and (or) extraction of hydrocarbons at sea without own materials and equipment required for liquidation of the consequences of oil spills at sea of the first and second levels, or concluded contract with the specialized organization –

shall entail a fine on individuals in amount of one hundred fifty, on subjects of small entrepreneurship – in amount of two hundred, on subjects of medium entrepreneurship – in amount of four hundred, on subjects of large entrepreneurship – in amount of two thousand monthly calculation indices.

13. The act provided by a part eight of this Article committed repeatedly second time within a year after imposition of administrative infraction, shall –

entail a fine on subjects of small entrepreneurship in amount of two hundred fifty, on subjects of medium entrepreneurship – in amount of five hundred, on subjects of large entrepreneurship – in amount of two thousand monthly calculation indices.

14. Acts provided by parts four, five, six and nine of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –
entail suspension or prohibition of the activity or separate types of activity.

Footnote. Article 356 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); No. 126-VI dated 27.12.2017 (shall be enforced upon expiry of six months after its first official publication).

Article 357. Registration of illegal transactions on environmental management

Registration of knowingly illegal transactions on nature management, distortion of data of state accounting and state cadastres of natural resources, as well as deliberate understatement of payment for the use of natural resources, environmental pollution, protection and reproduction of natural resources made from mercenary or other personal interest by an official with the use of official position if these actions do not contain any signs of criminally punished act, shall –

entail a fine in amount of five hundred monthly calculation indices or administrative arrest up to thirty days.

Footnote. Article 357 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 358. Violation of rules for protection of water resources

1. Putting of enterprises, household and other objects into operation without the structures and devices preventing pollution and water clogging or their adverse effect, shall –

entail a fine on individuals in amount of ten, on officials, subjects of small entrepreneurship or non-profit organizations – in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty-five, on subjects of large entrepreneurship – in amount of seventy monthly calculation indices.

2. Non-conduct of hydrotechnical, technological, forest improvement, sanitary and other measures ensuring protection of waters from pollution, clogging and depletion, as well as improvement of the state of water administration, shall –

entail a fine on individuals in amount of ten, on officials, subjects of small entrepreneurship or non-profit organizations – in amount of seventeen, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of seventy monthly calculation indices.

Footnote. Article 358 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 359. Damage to water facilities, devices and fire-fighting water supply systems, violation of rules for their operation

1. Damage to water facilities and devices, metering instruments for accounting of consumption and discharge of water, as well as fire-fighting water supply systems, shall – entail a fine on individuals in amount of ten, on officials, subjects of small entrepreneurship or non – profit organizations – in amount of twenty, on subjects of medium entrepreneurship - in amount of twenty-five, on subjects of large entrepreneurship - in amount of fifty monthly calculation indices.

2. Violation of the rules for operation of water facilities and devices, shall – entail a fine on individuals in amount of ten, on officials, subjects of small entrepreneurship or non – profit organizations – in amount of twenty, on subjects of medium entrepreneurship - in amount of twenty-five, on subjects of large entrepreneurship - in amount of fifty monthly calculation indices.

Footnote. Article 359 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 360. Illegal construction on water protection zones and lanes of water objects, as well as illegal change of natural riverbed

Footnote. Title of Article 360 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Illegal construction of buildings, structures and other objects on water protection zones and belts, as well as illegal change of a natural bed of river, shall –

entail a fine on individuals in amount of twenty, on officials, subjects of small entrepreneurship or non – profit organizations – in amount of forty – five, on subjects of medium entrepreneurship - in amount of seventy, on subjects of large entrepreneurship in amount of two hundred and fifty monthly calculation indices, with forced demolition of illegally erecting or erected buildings.

2. Illegal drilling of wells on water and construction of ground water intakes, shall – entail a fine on individuals in amount of ten, on officials, subjects of small entrepreneurship or non – profit organizations – in amount of forty, on subjects of medium entrepreneurship - in amount of fifty-five, on subjects of large entrepreneurship - in amount of one hundred and fifty monthly calculation indices.

Footnote. Article 360 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 361. Violation of rules for maintenance of a primary accounting of waters and their use

Violation of rules for maintenance of a primary accounting of waters and their use, shall – entail a fine on individuals in amount of ten, on officials, small entrepreneurship or non – profit organizations – in amount of twenty, on subjects of medium entrepreneurship - in amount of thirty-five, on subjects of large entrepreneurship - in amount of seventy monthly calculation indices.

Footnote. Article 361 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 362. Distortion of accounting data and reporting of water resources

Distortion of accounting data and reporting of water cadastre, schedules of complex use and protection of water resources, as well as their non-representation within the terms established by the legislation of the Republic of Kazakhstan, shall –

entail a fine on individuals in amount of ten, on officials, subjects of small entrepreneurship or non – profit organizations – in amount of fifteen, on subjects of medium entrepreneurship - in amount of twenty, on subjects of large entrepreneurship - in amount of seventy monthly calculation indices.

Footnote. Article 362 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 363. Impeding of regulation of water resources

Impeding of regulation of water resources in behalf of their complex use, ecology and water apportioning, shall –

entail a fine on individuals in amount of ten, on civil servants – in amount of twenty monthly calculation indices.

Article 364. Violation of rules of general water use

1. Violation of rules of general water use committed in the form of:

1) swimming, water intake for drinking and household needs, livestock watering, driving on small size vessels and other floating crafts in prohibited places;

2) restriction of the access of population to water objects of general use by individuals and legal entities by installation of fences, points of protection, prohibitory signs, shall – entail a notification on individuals and legal entities.

2. Actions provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of two, on subjects of small entrepreneurship or non – profit organizations – in the amount of seven, on subjects of medium entrepreneurship - in amount of seventeen, on subjects of large entrepreneurship - in amount of forty-two monthly calculation indices.

Footnote. Article 364 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 365. Violation of established water servitudes

1. Violation of established water servitudes, shall –
entail a fine on individuals and legal entities.

2. Actions provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative infraction, shall –

entail a fine on individuals in amount of two, on subjects of small entrepreneurship or non – profit organizations – in amount of seven, on subjects of medium entrepreneurship - in amount of seventeen, on subjects of large entrepreneurship - in amount of forty-two monthly calculation indices.

Footnote. Article 365 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 366. Illegal grubbing, construction of buildings, wood processing, arrangement of warehouses on forest fund lands

Illegal grubbing, construction of buildings, wood processing, arrangement of warehouses on forest fund lands, shall –

entail a notification or a fine on individuals in amount of five, on officials, subjects of small entrepreneurship or non – profit organizations – in amount of ten, on subjects of medium entrepreneurship - in amount of fifteen, on subjects of large entrepreneurship - in amount of one hundred and fifty monthly calculation indices.

Note. Persons, committed administrative offences, provided by Articles 366, 368, 370, 371, 375, 381, 382, 386, 387 and 388 of this Code shall be subject to administrative penalty in the form of an administrative fine in case of damage caused by them, five or more times exceeding the monthly calculation index.

Footnote. Article 366 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 367. Violation of requirements of fire security and sanitary rules in forests

1. Violation of requirements of fire security and sanitary rules in forests, shall –
entail a fine on individuals in amount of ten, on civil servants, subjects of small entrepreneurship – in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred fifty monthly calculation indices.

2. The same act that entailed fire development, infliction of the harm of human health and environment, if this action did not heavy damage, shall –

entail a fine on individuals in amount of twenty five, on civil servants, subjects of small entrepreneurship – in amount of forty five, on subjects of medium entrepreneurship – in amount of seventy, on subjects of large entrepreneurship – in amount of two hundred fifty monthly calculation indices.

3. Actions provided by parts one and two of this Article committed repeatedly second time on especially protected natural areas, shall –

entail a fine on individuals in amount of one hundred, on civil servants, subjects of small entrepreneurship – in amount of two hundred fifty, on subjects of medium entrepreneurship – in amount of four hundred, on subjects of large entrepreneurship – in amount of one thousand five hundred monthly calculation indices.

Article 368. Violation of the established procedure for use of cutting area fund, procurement and transportation of wood, extraction of soft resin and timber saps, secondary forest materials

1. Violation of the established procedure for use of cutting area fund, procurement and transportation of wood, extraction of soft resin and timber saps, secondary forest materials, shall –

entail a fine on individuals in amount of ten, on officials, subjects of small entrepreneurship – in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship - in amount of one hundred monthly calculation indices.

2. The same action committed on especially protected natural areas, shall –

entail a notification or a fine on individuals in amount of twenty, on officials, subjects of small entrepreneurship or non – profit organizations – in amount of forty – five, on subjects of medium entrepreneurship - in amount of seventy, on subjects of large entrepreneurship - in amount of two hundred and fifty monthly calculation indices.

Footnote. Article 368 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 369. Violation of terms for return of temporary occupied fields of the forest fund and especially protected natural areas

1. Violation of terms for return of temporary occupied fields of the state forest fund and non-fulfillment of obligations on bringing to the state being suitable for use according to designated purpose, shall –

entail a notification or a fine on individuals in amount of three, on officials, subjects of small entrepreneurship or non – profit organizations – in amount of fifteen, on subjects of medium entrepreneurship - in amount of twenty-five, on subjects of large entrepreneurship - in amount of one hundred monthly calculation indices.

2. The same action committed on especially protected natural areas, shall –

entail a fine on individuals in amount of ten, on officials, subjects of small entrepreneurship or non – profit organizations – in amount of thirty, on subjects of medium entrepreneurship - in amount of fifty, on subjects of large entrepreneurship - in amount of two hundred and fifty monthly calculation indices.

Footnote. Article 369 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 370. Damage of hayfields and grazing areas, as well as illegal haying and grazing of livestock, gathering of medical plants and technical raw materials on lands of the forest fund

1. Damage of hayfields and grazing areas on lands of the forest fund, shall – entail a notification or a fine in amount of two monthly calculation indices.

2. Illegal haying and grazing of livestock in forests and on lands of the forest fund, shall – entail a notification or a fine in amount of three monthly calculation indices.

3. Illegal gathering of medical plants and technical raw materials at the fields where it is prohibited or allowed only on forestry cards, shall –

entail a notification or a fine in amount of three monthly calculation indices.

4. Actions provided by parts one, two and three of this Article committed on especially protected natural areas, shall –

entail a fine in amount of twenty monthly calculation indices.

Footnote. Article 370 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 371. Violation of procedure and terms of forest invasions and other categories of lands of the forest fund designed for forest restoration and forest planting

Violation of procedure and terms of forest invasions and other categories of lands of the forest fund designed for forest restoration and forest planting, shall –

entail a notification or fine on civil servants in amount of ten monthly calculation indices.

Article 372. Destruction or damage of forest fauna, as well as damage, clogging of forests by wastes, chemical substances and other infliction of damage to the forest fund lands

1. Destruction or damage of forest fauna, shall –

entail a fine on individuals in amount of five, on subjects of small entrepreneurship or non-profit organizations – in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of two hundred fifty monthly calculation indices.

2. Damage of forest by waste waters, chemical substances, industrial and domestic emissions and wastes entailing its drying or disease, or clogging of forest, shall –

entail a fine on individuals in amount of five, on subjects of small entrepreneurship or non-profit organizations – in amount of thirty five, on subjects of medium entrepreneurship – in amount of seventy, on subjects of large entrepreneurship – in amount of four hundred monthly calculation indices.

3. Destruction or damage of forest drainage ditches, drainage systems and roads on the forest fund lands, shall –

entail a fine on individuals in amount of five monthly calculation indices.

4. Actions provided by parts one, two and three of this Article committed on especially protected natural areas, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship or non-profit organizations – in amount of fifty five, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices.

Article 373. Carrying out forest uses not in accordance with the purposes or requirements provided by permitting documents

1. Carrying out forest uses not in accordance with the purposes or requirements provided by permitting documents, shall –

entail a fine on individuals in amount of three, on officials, subjects of small entrepreneurship – in amount of five, on subjects of medium entrepreneurship – in amount of ten, on subjects of large entrepreneurship – in amount of forty monthly calculation indices.

2. The same action committed on the especially protected natural areas, shall –

entail a fine on individuals in amount of ten, on officials, subjects of small entrepreneurship – in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

Footnote. Article 373 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 374. Construction and operation of objects that lead to adverse effect on condition and reproduction of forests

1. Construction and operation of objects that lead to adverse effect on condition and reproduction of forests, shall –

entail a fine on individuals in amount of five, on officials, subjects of small entrepreneurship – in amount of ten, on subjects of medium entrepreneurship – in amount of fifteen, on subjects of large entrepreneurship - in amount of one hundred monthly calculation indices.

2. The same actions committed on especially protected natural areas, shall –

entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship – in amount of thirty five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of four hundred monthly calculation indices.

Footnote. Article 374 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 375. Violation of established procedure for withdrawal and assessment of wood cutting areas

Violation of established procedure for withdrawal and assessment of wood cutting areas, shall –

entail a notification or fine on civil servants in amount of ten monthly calculation indices.

Article 376. Admission of wood processing in amounts exceeding the rated wood cutting areas

Admission of wood processing in amounts exceeding the rated wood cutting areas, shall – entail a fine on civil servants in amount of three hundred monthly calculation indices.

Article 377. Illegal transportation, storage and use of pesticides, toxic chemicals and other preparations

Footnote. Heading of Article 377 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. Illegal transportation, storage and use of pesticides toxic chemicals and other preparations that entailed or might entail to environmental pollution or infliction of harm to animal world except for cases provided by Article 416 of this Code, shall –

entail a notification or fine on individuals in amount of five, on subjects of small entrepreneurship or non-profit organizations – in amount of twenty five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

2. The same actions committed on especially protected natural areas, shall –

entail a fine on individuals in amount of fifteen, on subjects of small entrepreneurship or non-profit organizations – in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

Footnote. Article 377 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 378. Violation of rules for protection of plant growing places and animals habitats, rules for creation, storage, recording and use of zoological collections, as well as illegal resettlement, introduction, reintroduction and hybridization of animal species

Footnote. Title of Article 378 as amended by the Law of the Republic of Kazakhstan dated 15.07.2017 No. 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Violation of rules for protection of plant growing places and animals habitats, conditions of reproduction, migration routes and locations of animal concentrations, rules for creation, storage, recording and use of zoological and botanical collections, as well as illegal migration, introduction, reintroduction and hybridization of animal species shall -

entail a notification or fine on individuals in amount of eight, on civil servants, subjects of small entrepreneurship – in amount of fourteen, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of sixty monthly calculation indices.

2. the same actions committed on especially protected natural areas, shall –

entail a notification or fine on individuals in amount of fifteen, on civil servants, subjects of small entrepreneurship – in amount of thirty, on subjects of medium entrepreneurship – in

amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

Footnote. Article 378 as amended by the Law of the Republic of Kazakhstan dated 15.06.2017 No. 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 379. Violation of protective measures of the plants and animals upon placement, designing and construction of the inhabited localities, enterprises and other objects, upon carrying out of industrial processes and operation of the transport vehicles, application of protective measures of the plants, mineral manures of other preparations

Violation of protective measures of the plants and animals upon placement, designing and construction of the inhabited localities, enterprises and other objects, upon carrying out of industrial processes and operation of the transport vehicles, application of protective measures of the plants, mineral manures of other preparations, with the exception of cases provided by Article 416 of this Code, shall –

entail a notification or fine on individuals in amount of eight, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of fourteen, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of seventy monthly calculation indices.

Article 380. Violation of the procedure for arrival of individuals on separate types of the especially protected natural areas

Arrival of individuals without special permission and outside the allocated places for visiting in the territories of the state wildlife preservations, state national natural parks, state natural reserves, state natural parks, shall –

entail a notification or fine in amount of two monthly calculation indices.

Article 381. Damage or destruction of objects of selective and genetic purpose

Damage or destruction of objects of selective and genetic purpose: plus trees, archived clones of plus trees, provenance trial plantations, test crops of populations and hybrids, trees and bushes on forest seed orchards, trees and bushes on permanent seed plantations, trees and bushes in plus stands, shall –

entail a notification or a fine on individuals in amount of ten, on officials, subjects of small entrepreneurship or non – profit organizations – in amount of forty, on subjects of medium entrepreneurship - in amount of seventy, on subjects of large entrepreneurship - in amount of three hundred monthly calculation indices.

Footnote. Article 381 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 381-1. Illegal felling, destruction or damage of trees and bushes

1. Illegal felling, destruction or damage of trees and shrubs that are not included in the forest fund and are prohibited from felling, except for trees and shrubs in households, summer cottages and garden plots, as well as destruction or damage of forest crops, seedlings or seedlings in forest nurseries and on plantations, as well as young stands of natural origin, undergrowth or self-seeding in areas intended for reforestation and afforestation, causing damage up to one hundred monthly calculation indices, shall –

entail a fine on individuals in amount of ten, on officials, subjects of small entrepreneurship or non-profit organizations – in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices, with confiscation of illegally felled trees and bushes , vehicles and other items of the offender, that were the instrument for committing the violations.

2. Illegal felling, destruction or damage of trees and shrubs included in the forest fund, causing damage up to one hundred monthly calculation indices, shall –

entail a fine on individuals in amount of twenty, on officials, subjects of small entrepreneurship or non-profit organizations – in amount of forty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices, with confiscation of illegally felled trees and bushes , vehicles and other items of the offender, that were the instrument for committing the violations.

3. Actions provided by parts one or second of this Article, committed in specially protected natural areas, shall –

entail a fine on individuals in amount of thirty, on officials, subjects of small entrepreneurship or non-profit organizations – in amount of seventy, on subjects of medium entrepreneurship – in amount of ninety, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices, with confiscation of illegally felled trees and bushes , vehicles and other items of the offender, that were the instrument for committing the violations.

Footnote. Chapter 21 is supplemented by Article 381-1 in accordance with the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 382. Violation of requirements of using animal world and hunting rules

1. Violation of requirements of using animal world and (or) hunting rules that does not contain signs of a criminally punishable act, shall –

entail a notification or fine on individuals in amount of five, on subjects of small entrepreneurship – in amount of twenty five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

2. The same violation provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of fifteen, on subjects of small entrepreneurship – in amount of sixty five, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices or deprivation of the right to hunt for the term up to two years, with confiscation of the instruments for acquisition of animals, transport vehicles and other subjects that are the instruments for commission of mentioned violation.

3. Action provided by a part one of this Article committed on especially prohibited natural areas, shall –

entail a fine on individuals in amount of seventy, on subjects of small entrepreneurship – in amount of one hundred ten, on subjects of medium entrepreneurship – in amount of one hundred fifty, on subjects of large entrepreneurship – in amount of one thousand monthly calculation indices or deprivation of the right to hunt for the term up to two years, with confiscation of the subjects and (or) instrument of the administrative infraction.

Article 383. Violation of rules for fishing and protection of fish resources and other shell-fish

1. Violation of rules for fishing, as well as rules for carrying out of the other types of using fish resources and other shell-fish that does not contain the signs of a criminally punishable act, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

2. Action provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship – in amount of fifty, on subjects of medium entrepreneurship – in amount of seventy, on subjects of large entrepreneurship – in amount of one hundred fifty monthly calculation indices.

3. Gross violation of the rules for fishing, with the exception of amateur (sport) fishing during the prohibited terms by prohibited instruments or methods at the prohibited places, as

well as the rules for carrying out the other types of using fish resources and the other shell-fish that does not contain the signs of a criminally punishable act, shall –

entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship – in amount of sixty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred fifty monthly calculation indices, with confiscation of the subjects and (or) instrument of the administrative infraction or without such.

4. Action provided by a part three of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of forty, on subjects of small entrepreneurship – in amount of eighty, on subjects of medium entrepreneurship – in amount of one hundred twenty, on subjects of large entrepreneurship – in amount of three hundred monthly calculation indices, with confiscation of the subjects and (or) instrument of the administrative infraction or without such.

5. Water intake from fishery water bodies without installation of the special tools for prevention from appearing of fish in water intake facilities, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of thirty, on subjects of medium entrepreneurship – in amount of seventy, on subjects of large entrepreneurship – in amount of one hundred fifty monthly calculation indices.

Article 384. Violation of requirements of the legislation in the field of protection, reproduction and use of fish resources and other shell-fish

Violation of requirements of the legislation in the field of protection, reproduction and use of the fish resources and other shell-fish, if this action does not contain the signs of a criminally punishable act committed in the form of:

- 1) admission of discharging the hazardous substances exceeding established standards;
- 2) failure to provide the structures and devices of new and reconstructed objects preventing the adverse effect, pollution and clogging of waters;
- 3) use of livestock farms and other industrial complexes that do not have disposal facilities and sanitary-protective zones;
- 4) use of the structures and devices for transportation and storage of oil, chemical and other products without their equipping by the means for preventing water pollution;
- 5) use of pesticides, fertilizers on the water protection zones of water bodies;
- 6) discharge and burial of the radioactive and toxic substances into water objects;
- 7) discharge of sewage waters of industrial, food objects into water objects that do not have the disposal facilities and that do not ensure effective treatment in accordance with the standards;

8) applying the equipment and technology on water objects and water facilities representing a threat to environment;

9) discharge of solid, industrial, household and other wastes and their burial into water objects;

10) clogging of the water-producing areas of water objects, ice sheets of water objects, ice streams by solid, industrial, household and other wastes, the washing of which entails quality degradation of the surface water objects, shall –

entail a fine on individuals in amount of ten, on civil servants, subjects of small entrepreneurship – in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

Footnote. Article 384 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 385. Violation of rules for conduct of hunting

1. Violation of rules for conduct of hunting, if this action does not contain the signs of a criminally punishable act committed in the form of:

1) illegal restriction of visiting the hunting areas;

2) applying prohibited types, methods and duration for hunting;

3) non-ensuring of organizing protection, reproduction and use of animal world on the allocated hunting areas, shall –

entail a fine on individuals in amount of three, on officials, subjects of small entrepreneurship – in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship in amount of fifty monthly calculation indices.

2. Action provided by a part one of this Article committed three and more times within one year after imposition of administrative sanction, if this action does not contain the signs of a criminally punishable act, shall –

entail a fine on individuals in amount of five, on civil servants, subjects of small entrepreneurship – in amount of twenty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices, or deprivation of the right to conduct hunting.

Footnote. Article 385 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 386. Violation of rules for maintenance and protection of green plantings

Violation of rules for maintenance and protection of green plantings established by the local representative agencies of regions, cities of republican significance and the capital – entail a notification or fine on individuals in amount of fifteen, on subjects of small entrepreneurship or non-profit organizations – in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred fifty monthly calculation indices.

Footnote. Article 386 as amended by the Law of the Republic of Kazakhstan No. 210-VI dated 28.12.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 387. Untimely clearing the felling site from the felling wastes, clogging of glades and territories adjoining to cutting areas

1. Untimely clearing the felling site from the felling wastes, clogging of glades and territories adjoining to cutting areas, shall –

entail a notification or a fine on individuals in amount of five, on officials, subjects of small entrepreneurship – in amount of twelve, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship - in amount of fifty monthly calculation indices.

2. The same actions committed on especially protected natural areas, shall –

entail a fine on individuals in amount of fifteen, on officials, subjects of small entrepreneurship - in amount of twenty-five, on subjects of medium entrepreneurship - in amount of forty, on subjects of large entrepreneurship - in amount of eighty monthly calculation indices.

Footnote. Article 387 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 388. Violation of procedure and terms for development of cutting areas

1. Violation of procedure and terms for development of cutting areas, shall –

entail a notification or a fine on individuals in amount of five, on officials, subjects of small entrepreneurship – in amount of twelve, on subjects of medium entrepreneurship – in amount of twenty-five, on subjects of large entrepreneurship - in amount of fifty monthly calculation indices.

2. The same actions committed on especially protected natural areas, shall –

entail a fine on individuals in amount of twenty, on officials, subjects of small entrepreneurship - in amount of thirty-five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship - in amount of one hundred and fifty monthly calculation indices.

Footnote. Article 388 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 389. Illegal acquisition, sale, transit, entry, outflow, storage (management) of species of wild animal and plants, their parts and derivatives

1. Illegal acquisition, sale, transit, entry, outflow, storage (management) of species of wild animal and plants, their parts and derivatives, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of seventy monthly calculation indices, with confiscation of the species of wild animals and plants and their products.

2. Actions provided by a part one of this Article committed repeatedly second time within one year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship – in amount of sixty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of one hundred forty monthly calculation indices, with confiscation of the species of wild animals and plants and their products.

Article 390. Violation of procedure for issuance and use of the issued permissions for using the animal world

1. Violation of procedure for issuance of permission for using the animal world, shall – entail a fine on civil servants in amount of twenty five monthly calculation indices.

2. Violation of the issued permissions for using the animal world that is expressed in illegal seizure of the age-sex group (in case of indication), terms for seizure, territory and borders of a field of supposed seizure, methods for seizure (catching, killing, gathering) of the wild animals from environmental conditions, if this action does not contain the signs of a criminally punishable act, shall –

entail a fine on individuals in amount of five, on subjects of small entrepreneurship – in amount of twelve, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

Article 391. Illegal change of conditions of the granted licence, and equally violation of the approved procedure for conduct of petroleum operations at sea

Illegal change of conditions of the granted licence, and equally violation of the approved procedure for conduct of petroleum operations at sea, shall –

entail a fine on subjects of small entrepreneurship in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of one hundred fifty monthly calculation indices.

Article 392. Carrying out of petroleum operations at sea creating an obstacle and inflicting damage to marine navigation, fishing

1. Carrying out of petroleum operations at sea creating an obstacle and inflicting damage to marine navigation, fishing, shall –

entail a fine on subjects of small entrepreneurship in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of one hundred fifty monthly calculation indices.

2. Is excluded by the Law of the Republic of Kazakhstan No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

3. Actions provided by parts one of this Article committed repeatedly second time within a year after imposition of administrative infraction, –

entail a fine on subjects of small entrepreneurship in amount of seventy five, on subjects of medium entrepreneurship – in amount of one hundred fifty, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices, with confiscation of the vessel and tools of committing infraction or without such.

Footnote. Article 392 as amended by the Law of the Republic of Kazakhstan No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 393. Violation of rules for conduct of the marine scientific researches on a continental shelve of the Republic of Kazakhstan

1. Violation of rules for conduct of the marine scientific researches provided by the permission or international treaties of the Republic of Kazakhstan that created or might create the interferences to legal types of activity on a continental shelve of the Republic of Kazakhstan, or illegal change of a program of the marine scientific researches on the continental shelve of the Republic of Kazakhstan, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of forty five, on subjects of medium entrepreneurship – in amount of seventy five, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

2. Action provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of fifteen, on subjects of small entrepreneurship – in amount of seventy, on subjects of medium entrepreneurship – in amount of one hundred fifty, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

Article 394. Violation of rules for burial of wastes and other materials, as well as the rules for conservation and disassembling on a continental shelf of the Republic of Kazakhstan

1. Violation of rules for burial of vessels and other floating crafts, flight vehicles, artificial islands, installations and structures, wastes and other materials, as well as the rules for conservation and disassembling provided by the international treaties ratified by the Republic of Kazakhstan that may lead to the damage of mineral deposits, inflict harm to life or health of humans, inflict damage to biological resources, marine flora and fauna or create interferences to the other legal types of activity on a continental shelf of the Republic of Kazakhstan, shall –

entail a fine on individuals in amount of five, on subjects of small entrepreneurship – in amount of forty five, on subjects of medium entrepreneurship – in amount of seventy five, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

2. Action provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of ninety, on subjects of medium entrepreneurship – in amount of one hundred monthly calculation indices, on subjects of large entrepreneurship – in amount of the size of damage inflicted to environment.

Article 395. Failure to perform the legal requirements of civil servants of the bodies for protection of a continental shelf of the Republic of Kazakhstan

1. Failure to perform the legal requirements of civil servants of the bodies for protection of a continental shelf of the Republic of Kazakhstan, as well as impeding to exercising the powers by these civil servants imposed on them, including inspection of a vessel, shall –

entail a fine in amount of seventy of monthly calculation indices.

2. Actions provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine in amount of one hundred fifty monthly calculation indices with confiscation of the vessel and tools of committing infraction, as well as received results of researches or without such.

Article 396. Illegal transfer of mineral and biological resources of a continental shelf, territorial waters (seas) and internal waters of the Republic of Kazakhstan

1. Illegal transfer of mineral and biological resources of a continental shelf, territorial waters (seas) and internal waters of the Republic of Kazakhstan to foreign persons, legal entities created in accordance with the legislation of another state, or to foreign states, shall – entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of twenty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of one hundred percent of the costs of illegally transferred mineral and biological resources.

2. Action provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of fifteen, on subjects of small entrepreneurship – in amount of twenty five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of two hundred percent of the costs of illegally transferred mineral and biological resources with confiscation of the vessel and tools of committing the infraction, as well as received results of researches or without such.

Article 397. Breach of the legislation on environmental audit

1. Failure to perform the requirements of the legislation on conduct of compulsory environmental audit, shall –

entail a fine on individuals in amount of three, on subjects of small entrepreneurship – in amount of fifteen, on subjects of medium – entrepreneurship – in amount of twenty-five, on subjects of large entrepreneurship - in amount of one hundred monthly calculation indices.

2. Drawing up of the knowingly inaccurate environmental audit report by environmental auditors (environmental audit organizations), shall –

entail a fine on individuals in amount of seventy, on subjects of small entrepreneurship – in amount of one hundred and sixty, on subjects of medium entrepreneurship – in amount of two hundred and fifty, on subjects of large entrepreneurship - in amount of three hundred and fifty monthly calculation indices.

3. Representation of the knowingly inaccurate or incomplete information by inspected person in the course of conducting environmental audit that entailed to drawing up of inaccurate environmental audit report, shall –

entail a fine on subjects of small businesses or non – profit organizations in amount of two hundred and fifty, on subjects of medium – entrepreneurship - in amount of three hundred and fifty, on subjects of large entrepreneurship - in amount of four hundred monthly calculation indices.

4. Action provided by a part two of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of one hundred, on subjects of medium entrepreneurship – in amount of four hundred, on subjects of large entrepreneurship - in

amount of five hundred monthly calculation indices, with deprivation of a license for the right to carry out environmental audit activity.

Footnote. Article 397 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 398. Sale of caviar marked with violation of the procedure for marking, or unmarked caviar of sturgeon species of fishes

1. Sale of caviar marked with violation of the procedure for marking, or unmarked caviar of sturgeon species of fishes, shall –

entail a fine on individuals in amount of thirty five, on subjects of small entrepreneurship – in amount of sixty, on subjects of medium entrepreneurship – in amount of ninety, on subjects of large entrepreneurship – in amount of one hundred twenty monthly calculation indices, with confiscation of the caviar, marked with violation of procedure for marking, or caviar sold without marking.

2. Action provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of seventy, on subjects of small entrepreneurship – in amount of one hundred fifteen, on subjects of medium entrepreneurship – in amount of one hundred sixty, on subjects of large entrepreneurship – in amount of two hundred twenty monthly calculation indices, with confiscation of the caviar, marked with violation of procedure for marking, or caviar sold without marking.

Article 399. Representation of invalid data by individuals and legal entities performing works and rendering the services in the field of environmental protection

1. Representation of invalid data by individuals and legal entities performing works and rendering the services in the field of environmental protection upon development of emission standards, measures on environmental protection, programs of industrial environmental control and reports on them, shall –

entail a fine on subjects of small entrepreneurship in amount of sixty five, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred twenty monthly calculation indices, with suspension of the licence validity term or without such.

2. Action provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on subjects of small entrepreneurship in amount of one hundred sixty five, on subjects of medium entrepreneurship – in amount of two hundred fifty, on subjects of large

entrepreneurship – in amount of three hundred twenty monthly calculation indices, with suspension of the licence validity term or without such.

3. Commission of actions provided by parts one and two of this Article that entailed infliction of a heavy damage to environment or committed more than three times, if these actions do not contain the signs of a criminally punishable act, shall –

entail a fine on subjects of small entrepreneurship in amount of two hundred sixty, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship – in amount of three hundred fifty monthly calculation indices, with deprivation of the license.

Chapter 22. Administrative offenses in the field of protection and quarantine of plants, grain market and grain storage, cotton industry, seed industry and state veterinary-sanitary control and supervision, livestock breeding, organic production, as well as realization of price stabilization mechanisms for socially important food products

Footnote. Heading of Chapter 22 is in the wording of the Law of the Republic of Kazakhstan No. 241-VI dated 02.04.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 400. Breach of the legislation of the Republic of Kazakhstan in the field of quarantine of plants

1. Violation of phytosanitary requirements to entered quarantineable products and conduct of the phytosanitary measures committed in the form of:

1) entry of the quarantineable products into the territory of the Republic of Kazakhstan that do not conform to phytosanitary requirements submitted to the entered quarantineable products;

2) entry of a batch of quarantineable products of the high phytosanitary risk into the territory of the Republic of Kazakhstan without the phytosanitary certificate of the national quarantine service of exporting country;

3) entry of a batch of quarantineable products of the high phytosanitary risk into the territory of the Republic of Kazakhstan without the re-export phytosanitary certificate of the national quarantine service of exporting country;

4) carrying out of transfer of the imported quarantineable products through the territory of the Republic of Kazakhstan with violation of phytosanitary requirements of the Republic of Kazakhstan;

5) non-representation of the quarantineable products for survey;

6) non-conduct of the annual preventive decontamination of storage capacities in which the storage or processing of the quarantineable products is carried out;

7) use of the planting or seed material before obtainment of the results of a laboratory examination;

8) non-compliance with conditions for storage of the imported planting or seed material before obtainment of the results of a laboratory examination;

9) use of grain, grain legume, oil-producing crops entered into the territory of the Republic of Kazakhstan for the seeding purposes for use in accordance with industrial, feed and technical purposes;

10) non-conduct of clearing the transport vehicles after transferring the imported quarantineable products, as well as the quarantineable products from the quarantine zones with compulsory destruction of wastes;

11) re-shipping of the quarantineable products on passage or point of destination without permission of the authorized body;

12) non-representation of the entered quarantineable products for the secondary quarantine examination at the point of its destination;

13) use of the seed or planting material for sowing obstructed by quarantine undesirable plants;

14) carrying out of storage or clearance of the quarantineable products procured in a zone of spreading the quarantine objects from the quarantineable products, procured in the zone being free from quarantine objects;

15) non-ensuring of a systematical inspection of sowings, territories, warehouses, the activity of which is linked with production, procurement, processing, storage, transportation and sale of the quarantineable products;

16) carrying out of inter-oblast transportations of the quarantineable products without the quarantine certificate, shall –

entail a fine on individuals in amount of twenty, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

2. Breach of the legislation of the Republic of Kazakhstan in the field of quarantine of plants upon entry, interstate transportations and upon selling the quarantineable products committed in the form of:

1) import to the territory of the Republic of Kazakhstan and in domestic transport of quarantine products, as well as vehicles infected with quarantine objects and alien species;

2) violation of prohibitions or restrictions for entry of the quarantineable products into the Republic of Kazakhstan;

3) sale of the quarantineable products by quarantine objects;

4) re-shipping of the quarantineable products exported from the quarantine zone of the Republic of Kazakhstan on passage;

5) transportation of mites, nematodes and living insects entered for the scientifically research purposes at the same time with the grain, grain legume, feedstuff, oil-producing, technical crops and their products after processing, fruits, vegetables, fruits and potato, planting or seed material, cuts of natural flowers and potted plants, wood, wrapping and support materials;

6) violation of prohibitions or restrictions for export of the quarantineable products contaminated by quarantine objects from the quarantine phytosanitary zone, shall –

entail a fine on individuals in amount of twenty, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices, with confiscation of the quarantineable products in case of impossibility of its decontamination and processing.

3. Untimely or improper maintenance of the accounting of spreading the quarantine objects or untimely or improper organization of the measures on quarantine of the plants on the objects of the state control and supervision in the field of quarantine of plants, shall –

entail a fine on civil servants I amount of thirty monthly calculation indices.

4. Action (omission) provided by a part three of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on civil servants in amount of sixty monthly calculation indices.

Footnote. Article 400 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 401. Breach of the legislation of the Republic of Kazakhstan on grain

1. Sale of grain upon export and import without the relevant passport of quality of grain, shall –

entail a fine on individuals in amount of five, on subjects of small entrepreneurship – in amount of ten, on subjects of medium entrepreneurship – in amount of fifteen, on subjects of large entrepreneurship – in amount of one hundred fifty monthly calculation indices.

2. Excluded by the Law of the Republic of Kazakhstan dated 04.12.2015 No. 435-V (shall be enforced from 01.01.2016).

Note of the RCLI!

This edition of paragraph one of part three is valid until 01.01.2020 in accordance with the Law of the Republic of Kazakhstan dated 09.04.2016 No. 502-V.

3. Violation of rules for conducting quantitative and qualitative grain accounting, rules for formation and maintenance of state electronic register of grain receipts holders by the cereal receiving enterprises, committed in the form of:

- 1) improper registration of grain coming into cereal receiving points;
- 2) improper registration of clearance, drying of grain;
- 3) improper registration of discharging grain;
- 4) improper keeping of the book of qualitative and quantitative accounting of grain;
- 5) non-compliance with the procedure for determining the gross physical weight of grain;
- 6) non-compliance with the term for issue and repayment of grain receipt;
- 7) input of unreliable information into state electronic register of grain receipts holders;
- 8) excluded by the Law of the Republic of Kazakhstan dated 09.04.2016 No. 502-V (order of enforcement see. Article 2).
- 9) excluded by the Law of the Republic of Kazakhstan dated 09.04.2016 No. 502-V (order of enforcement see. Article 2).
- 10) excluded by the Law of the Republic of Kazakhstan dated 09.04.2016 No. 502-V (order of enforcement see. Article 2).

entail a fine on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of three hundred monthly calculation indices.

4. Carrying out of an activity, that does not relate to provision of services for warehouse activity with the issue of grain receipts by a cereal receiving point, with exception of activity, permitted by the Law of the Republic of Kazakhstan "On Grain", - shall

entail a fine on subjects of medium entrepreneurship in amount of one hundred and twenty, on subjects of large entrepreneurship - in amount of three hundred monthly calculation indices.

4-1. The issuance of guarantees by a cereal receiving point and (or) provision of its property as collateral for obligations of third parties shall –

entail a fine on subjects of medium entrepreneurship in amount of one hundred and twenty, on subjects of large entrepreneurship - in amount of three hundred monthly calculation indices, with suspension of a license validity term

5. Systematical (two and more times within six sequential calendar months) distortion of the quantitative and qualitative indices of grain by cereal receiving points upon condition of their documentary proof, shall –

entail a fine on subjects of medium entrepreneurship in amount of two hundred, on subjects of large entrepreneurship - in amount of five hundred monthly calculation indices.

6. Alienation of basic assets by a cereal receiving point, without which the implementation of activity on providing services for warehouse activities with the issue of grain receipts becomes completely impossible or significantly worsens, shall –

entail a fine on subjects of medium entrepreneurship businesses in amount of one hundred , on subjects of large entrepreneurship - in amount of two hundred and eighty monthly calculation indices, with the suspension of a license validity term.

7. Failure to eliminate the violations that entailed bringing to administrative liability provided by parts four, five, six of this Article upon expiry of suspension of the license validity term, shall –

entail a fine on subjects of medium entrepreneurship in amount of two hundred fifty, on subjects of large entrepreneurship – in amount of five hundred fifty monthly calculation indices, with the deprivation of the license.

8-9. Excluded by the Law of the Republic of Kazakhstan dated 04.12.2015 No. 435-V (shall be enforced from 01.01.2016).

10. Breach of the legislation of the Republic of Kazakhstan on grain by members of a commission on temporary management or temporary administration during the period of temporary management of a cereal receiving point, shall –

entail a fine on individuals, subjects of small entrepreneurship in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices.

11. Non-compliance of the procedure for storing of grain by cereal receiving points, as well as measures, ensuring their quantitative and qualitative preservation, failure to ensure in the established manner the sampling of grain by its owner shall –

entail a fine on subjects of medium entrepreneurship in amount of one hundred, on subjects of large entrepreneurship - in amount of one hundred and fifty monthly calculation indices.

Footnote. Article 401 as amended by the laws of the Republic of Kazakhstan dated 04.12.2015 No. 435-V (shall be enforced from 01.01.2016); dated 09.04.2016 No. 502-V (for the procedure of enforcement see Art. 2); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 402. Violations upon carrying out of entrepreneurial activity and rendering of services in the field of seed production

1. Carrying out activity on production, sale, storage, transportation and use of seeds with the breach of the legislation of the Republic of Kazakhstan in the field of seed production committed in the form of:

1) use of the seeds of agricultural plants being contaminated by quarantine objects for sowing (planting);

2) -3) is excluded by the Law of the Republic of Kazakhstan dated 27.11.2015 № 424-V (shall be enforced upon expiry of six months after its first official publication);

- 4) use of the seeds for sowing (planting) in attested elite-seed and seed production that do not conform to variety and sowing qualities;
 - 5) use of the seeds for sowing (planting) that did not undergo the examination of the seeds' sowing qualities;
 - 6) sale and use of the seeds for sowing (planting) that do not conform to the requirements of technical regulations;
 - 7) violation of the procedure and terms for conducting strain renovation and variety changing;
 - 8) failure to acquire original seeds of the varieties and parental forms of hybrids for ensuring of producing elite seeds for the purpose of their further sale;
 - 9) failure to keep accounting of a quantity, origin of the seeds sold and used for own purposes, their varietal and sowing qualities;
 - 10) failure to create insurance and financial funds of the seeds of agricultural plants on account of own funds, shall –
 - entail a notification or fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of seventeen, on subjects of medium entrepreneurship – in amount of twenty five, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.
2. Violation of the examination of varietal and sowing seed qualities by approbators, experts of seeds and attested legal entities rendering the services on conduct of approbation of the varietal sowings of agricultural plants, shall –
 - entail a notification or fine on individuals in amount of ten, on legal entities – in amount of two hundred monthly calculation indices.
 3. Violation of the qualifying requirements submitted to the activity in the field of seed production by attested individuals and legal entities, as well as approbators and experts of seeds, shall –
 - entail a notification or fine on individuals in amount of twenty, on subjects of small entrepreneurship – in amount of thirty five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.
 4. Actions provided by a part three of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –
 - entail a fine on individuals in amount of fifty monthly calculation indices, on attested persons – deprivation of the attestation certificate certifying the right of subjects to carrying out of the activity in the field of seed production.
 5. Untimely conduct of attestation, re-attestation of the subjects of seed production, shall –
 - entail a fine on civil servants in amount of twenty monthly calculation indices.

Footnote. Article 402 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); from 27.11.2015 No. 424-V (shall be enforced upon expiry of six months after its first official publication).

Article 403. Breach of the legislation of the Republic of Kazakhstan on protection of plants

1. Non-representation, and equally untimely representation of phytosanitary reporting, shall –

entail a fine on individuals in amount of five, on individuals, subjects of small entrepreneurship – in amount of ten, on subjects of medium entrepreneurship – in amount of fifteen, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

2. Conduct of phytosanitary monitoring and phytosanitary measures on the objects of phytosanitary control that entailed development and spreading of hazardous organisms with a number more than economic harmfulness threshold, shall –

entail a fine on individuals in amount of five, on civil servants, subjects of small entrepreneurship – in amount of ten, on subjects of medium entrepreneurship – in amount of fifteen, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

3. Failure to neutralize pesticides and maintenance, support of special storages (burial grounds) in improper state, committed in the form of:

1) absence of special storage facilities (burial grounds) for neutralization of pesticides and containers from under them;

2) absence of methods and technologies for neutralization of worn-out pesticides and containers from under them, developed and provided by suppliers (manufacturers, importers, sellers) of pesticides;

3) storage of pesticides of the first hazard class, which have become unusable for further use for their intended purpose, in containers that do not ensure tightness and do not exclude the possibility of environmental contamination with pesticides;

4) packaging of pesticides of the second hazard class, if necessary, in multilayer containers made of polymeric materials without special inserts (depending on the specifics of pesticide);

5) repackaging of pesticides with damaged packaging integrity;

6) absence of high-temperature installations that ensure the decomposition of combustible compounds to non-toxic (non-hazardous) substances in places determined in accordance with the legislation by state environmental control and sanitary and epidemiological welfare of population for destruction of paper or wooden containers from pesticides by burning;

7) absence of mechanization means for loading, transporting and unloading prohibited, worn-out pesticides and containers from under them, shall –

entail a fine on individuals in amount of fifty, on officials, subjects of small entrepreneurship – in amount of ten, on subjects of medium entrepreneurship – in amount of fifteen, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

4. Failure to take measures on construction of the special storages (burial grounds), shall – entail a fine on civil servants in amount of ten monthly calculation indices.

5. Action (omission) provided by parts one, two, three and four of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of ten, on civil servants, subjects of small entrepreneurship – in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

Footnote. Article 403 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 404. Breach of the legislation of the Republic of Kazakhstan on development of cotton industry

1. Violation of the established procedure for accounting and preservation of documents reflecting performed operations with cotton by cotton processing organizations, shall –

entail a fine on subjects of small entrepreneurship in amount of ten, on subjects of medium entrepreneurship – in amount of fifteen, on subjects of large entrepreneurship – in amount of seventy monthly calculation indices.

2. excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of six months after the day of its first official publication).

3. Avoidance from participation in a system of guaranteeing the fulfillment of obligations on cotton receipts, shall –

entail a fine on subjects of small entrepreneurship in amount of twenty five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred twenty monthly calculation indices, with suspension of the license validity term.

4. Non-fulfillment or improper fulfillment of written prescriptions of the local executive bodies of oblasts, cities of republican significance and the capital on elimination of detected breaches of the legislation of the Republic of Kazakhstan on development of the cotton industry within the terms stated in the prescription, shall –

entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship – in amount of twenty five, on subjects of medium entrepreneurship – in amount of fifty, on

subjects of large entrepreneurship – in amount of one hundred twenty monthly calculation indices.

5. Issuance of guarantees and (or) provision of their property as collateral for obligations of third parties in violation of the requirements of the Law of the Republic of Kazakhstan "On the Development of Cotton Industry", as well as alienation of basic assets by cotton processing organization, without which the provision of services for warehouse activity with the issuance of cotton receipts becomes completely impossible or significantly worsens, shall

-
entail a fine on subjects of small entrepreneurship in amount of sixty, on subjects of medium entrepreneurship – in amount of one hundred twenty, on subjects of large entrepreneurship – in amount of three hundred monthly calculation indices, with suspension of the licence validity term.

6. Systematical (two and more times within six sequential months) distortion of the quantitative and qualitative indices of cotton upon applications of the holders of the cotton receipts upon condition of their documentary confirmation, shall –

entail a fine on subjects of small entrepreneurship in amount of forty, on subjects of medium entrepreneurship – in amount of eighty, on subjects of large entrepreneurship – in amount of one hundred fifty monthly calculation indices, with suspension of the licence validity term.

7. Provision of knowingly false information by a licensee upon obtainment of the license, shall –

entail a fine on subjects of small entrepreneurship in amount of fifteen, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of seventy monthly calculation indices, with suspension of the licence validity term.

8. Breach of the Law of the Republic of Kazakhstan on development of the cotton industry by the commission members on temporary management or temporary administration during the period of temporary management by the cotton processing organization, shall –

entail a fine on individuals in amount of fifty, on subjects of small entrepreneurship – in amount of eighty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

9. Non-elimination of the violations that entailed bringing to administrative liability provided by parts five, six, seven and eight of this Article, upon expiry of the term for suspension of the license validity term, shall –

entail deprivation of the license.

Footnote. Article 404 as amended by the Law of the Republic of Kazakhstan dated 21.07.2015 No. 336-V (shall be enforced upon expiry of ten calendar days after its first official publication); No.184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of six months after the day of its first official publication).

Article 405. Non-compliance with maximum markup upon realization of price stabilization mechanisms for socially important food products

Non-compliance with maximum markup upon realization of price stabilization mechanisms for socially important food products –

shall entail a fine on legal entities in amount of two hundred fifty monthly calculation indices.

Footnote. Article 405 is in the wording of the Law of the Republic of Kazakhstan No. 241 -VI dated 02.04.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 406. Breach of the legislation of the Republic of Kazakhstan in the field of veterinary medicine

1. Breach of the legislation of the Republic of Kazakhstan in the field of veterinary medicine committed in the form of:

1) non-compliance with conditions and requirements of the quarantine and restrictive measures;

2) non-compliance with the veterinary (veterinary and sanitary) rules, requirements and veterinary standards:

upon placement, construction, reconstruction and putting into operation of the objects of state veterinary and sanitary control and supervision linked with maintenance, breeding, use, production, procurement (slaughtering), storage, processing and sale of the relocated (transferred) objects being subordinated to the state veterinary and sanitary control and supervision;

upon maintenance, breeding and use of animals, including the animals in zoological gardens, circuses, at bee gardens, in aquariums;

upon carrying out of the activity on the objects of internal trade; on production objects carrying out growth of animals, procurement (slaughtering), storage, processing and sale of animals, products and raw materials of animal origin; in organization on production, storage and sale of veterinary preparations, feeding stuff and feed supplements;

upon carrying out of the transportation (displacement) of the relocated (transferred) objects in a territory of the Republic of Kazakhstan being subordinated to the state veterinary and sanitary control and supervision;

3) non-compliance with requirements of the regulatory legal acts on protection of a territory of the Republic of Kazakhstan from carrying and spreading of contagious and exotic diseases of animals from other states;

4) non-compliance with conditions and requirements for slaughtering of the live-stock animals designed for the following selling;

5) carrying out of production, entry (import), sale and applying (use) of veterinary preparations, feed supplements without their state registration, with the exception of the cases of production, entry (import) in capacities required for conduct of their registration tests, shall

–
entail a fine on individuals in amount of twenty, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

2. Action (omission) provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of forty, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of four hundred monthly calculation indices.

3. Failure to conduct or improper conduct of veterinary measures, as well as violation of the terms for their conduct, shall –

entail a fine on individuals in amount of twenty five, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of one hundred twenty five, on subjects of medium entrepreneurship – in amount of two hundred fifty, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices.

4. Actions (omission) provided by a part three of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of fifty, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of two hundred fifty, on subjects of medium entrepreneurship – in amount of five hundred, on subjects of large entrepreneurship – in amount of one thousand monthly calculation indices.

5. Non-ensuring of identification of live-stock animals, shall –

entail a fine on civil servants in amount of twenty five monthly calculation indices.

6. Action (omission) provided by a part five of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on civil servants in amount of fifty monthly calculation indices.

7. Failure to perform the functions by the local executive bodies imposed on them by the legislation of the Republic of Kazakhstan in the field of veterinary medicine, shall –

entail a notification on civil servants of the local executive bodies.

8. Action (omission) provided by a part seven of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on civil servants of the local executive bodies in amount of one hundred monthly calculation indices.

9. Non-notifying the subdivisions of the local executive bodies carrying out the activity in the field of veterinary medicine, state veterinary organizations created by the local executive bodies, bodies of the state veterinary and sanitary control and supervision on:

1) newly acquired animal (animals), received animal yield, its (their) slaughtering and sale ;

2) cases of loss, simultaneous disease of several animals or on their unusual behavior and failure to take the measures of isolate maintenance of the animals upon suspicion of disease before arrival of the specialists in the field of veterinary medicine, state veterinary and sanitary inspectors, shall –

entail a notification or fine on individuals in amount of five, on subjects of small entrepreneurship or non-profit organizations – the fine in amount of twenty five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

10. Action (omission) provided by a part nine of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of thirty, on subjects of small entrepreneurship or non-profit organizations – in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

11. Violation of the procedure for issuance of veterinary documents and requirements to their forms, shall –

entail a fine on civil servants, subjects of small entrepreneurship – in amount of twenty five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

12. Action (omission) provided by a part eleven of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on civil servants, on subjects of small entrepreneurship – in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

13. Failure to render assistance to the specialists in the fields of veterinary medicine upon performance of their official duties on conduct of veterinary measures, shall –

entail a fine on individuals in amount of five, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of twenty five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

14. Violation of rules for quarantine of animals, shall –

entail a fine on individuals in amount of five, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of twenty five, on subjects of

medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

15. Violation of the regulatory legal acts on the issues of struggle against epizootics, as well as other regulatory legal acts in the field of veterinary medicine that did not entail spreading of the epizootics or other grave consequences, shall –

entail a fine on individuals in amount of ten, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of twenty five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

16. Actions (omission) provided by parts thirteen, fourteen and fifteen of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of twenty, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

Article 407. Breach of the legislation of the Republic of Kazakhstan on livestock breeding

1. Breach of the legislation of the Republic of Kazakhstan on livestock breeding committed in the form of:

1) sale of pedigree products (material) that have not been bonitated (valued) by individuals and legal entities;

2) sale of pedigree products (material) without issuing a pedigree certificate by individuals and legal entities;

3) refusal of the objects in the field of livestock breeding from maintenance of data accounting and non-representation of reporting;

4) non-execution of the acts of state inspectors for pedigree cattle breeding by subjects in the field of pedigree cattle breeding, individuals and legal entities, who received budget subsidies;

5) use of the seed and embryos by the subjects in the field of livestock breeding received from the pedigree animals not registered in the manner established by the legislation of the Republic of Kazakhstan on livestock breeding;

6) use of pedigree animals, that have not been bonitated (evaluated), by individuals and legal entities for reproduction;

7) falsification of the results of bonitation (evaluation) of pedigree animals by individuals and legal entities;

8) -9) is excluded by the Law of the Republic of Kazakhstan dated 27.11.2015 No. 424-V (shall be enforced upon expiry of six months after its first official publication);

2. Non-compliance with the obligations established by the Law of the Republic of Kazakhstan “On livestock breeding” by individuals and legal entities carrying out the activity in the field of livestock breeding subjected to notification, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices, with suspension of the activity on subjects in the field of livestock breeding or without such.

3. Actions (omission) provided by parts one and two of this Article committed repeatedly second time within a year after imposition of administrative sanction, and equally failure to eliminate the violations provided by parts one and two of this Article that entailed bringing to administrative liability, shall –

entail prohibition of the activity in the field of livestock breeding.

Footnote. Article 407 as amended by the laws of the Republic of Kazakhstan dated 27.11.2015 No. 424-V (shall be enforced upon expiry of six months after its first official publication); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 408. Violation of the rules for grazing farm animals, rules for maintenance and walking dogs and cats, rules for trapping and destroying stray dogs and cats

Footnote. Heading of Article 408 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. Violation of established rules for grazing farm animals, rules for keeping and walking dogs and cats, rules for trapping and destroying stray dogs and cats in cities and other settlements by local representative authorities of regions, cities of republican significance and the capital, shall -

entail a warning or a fine in amount of three monthly calculation indices.

2. The same actions that entailed infliction of harm to health or property of individuals, shall –

entail a fine in amount of ten monthly calculation indices.

Footnote. Article 408 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 408-1. Violation of the legislation of the Republic of Kazakhstan in the field of production of organic products

1. Violation of the legislation of the Republic of Kazakhstan in the field of organic production, committed in the form of release and sale of organic products that do not meet the requirements of the legislation of the Republic of Kazakhstan in the field of organic production shall -

entail a fine on individuals in amount of thirty, on subjects of small entrepreneurship or non-profit organizations - in amount of sixty-five, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

2. Action (inaction) provided in part one of this Article, committed repeatedly within a year after imposing an administrative penalty, shall –

entail a fine on individuals in amount of forty – five, on subjects of small entrepreneurship or non – profit organizations – in amount of one hundred and twenty, on subjects of medium entrepreneurship - in amount of two hundred, on subjects of large entrepreneurship - in amount of four hundred monthly calculation indices.

Footnote. Chapter 22 is supplemented by Article 408-1 in accordance with the Law of the Republic of Kazakhstan dated 27.11.2015 No. 424-V (shall be enforced upon expiry of six months after its first official publication).

Chapter 23. ADMINISTRATIVE INFRACTIONS IN THE FIELD OF EDUCATION, PHYSICAL TRAINING AND SPORT

Footnote. Title of Chapter 23 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

Article 409. Breach of the legislation of the Republic of Kazakhstan in the field of education, physical training and sport

Footnote. Title of Article 409 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

1. Excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 294-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

2. Non-fulfillment or improper fulfillment of the obligations provided by the legislation of the Republic of Kazakhstan in the field of education by parents or another legal representatives, shall –

entail a notification or a fine in amount of five monthly calculation indices.

3. Non-fulfillment or improper fulfillment of the obligations by a head or other civil servant of educational organization due to negligent or unfair relation to them, if this entailed infliction of light harm to health of the pupils, students and employees of the educational organization during the academic and educational process, shall –

entail a fine in amount of fifty monthly calculation indices.

3-1. Is excluded by the Law of the Republic of Kazakhstan No. 240-VI dated 01.04.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).

4. Violation of the requirements by educational organizations committed in the form of:

1) non-compliance with the standard rules for activity of educational organizations;

2) non-compliance with the standard rules for admission in educational organizations;

3) non-compliance with the standard rules for change and reinstatement of students by the types of educational organizations;

4) non-compliance with the standard rules for provision of academic leaves for students in educational organizations;

5) non-compliance with the standard rules of competitive substitution of the positions of higher-education teaching personnel and scientific workers of educational organizations, shall –

entail a fine on civil servants in amount of ten, on subjects of small entrepreneurship or non-profit organizations in amount of fifteen, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of twenty five monthly calculation indices, with suspension of the license validity term.

5. Creation and activity of organizational structures of political parties in educational organizations, shall –

entail a fine on civil servants, on subjects of small entrepreneurship in amount of ten, on subjects of medium entrepreneurship – in amount of fifteen, on subjects of large entrepreneurship – in amount of twenty five monthly calculation indices.

6. Non-conformance of rendered educational services to the requirements of the state obligatory educational standard, as well as other violations of the requirements of the state obligatory educational standards, shall –

entail a fine on officials, subjects of small entrepreneurship or non-profit organizations in amount of fifteen, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship - in amount of thirty calculation indices, with suspension of the license validity term.

7. Action (omission) provided by parts one – six of this Article committed repeatedly second time within a year after imposition of administrative infraction, shall –

entail a fine on individuals in amount of twenty, on officials in amount of thirty, on subjects of small entrepreneurship or non-profit organizations – in amount of forty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of sixty monthly calculation indices, with deprivation of a permit document.

7-1. Action provided by part four of this Article, committed by an education organization, carrying out activity in a notification procedure, repeatedly within a year after imposing an administrative penalty, shall –

entail a fine on officials in amount of thirty, on subjects of small entrepreneurship or non-profit organizations – in amount of forty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of sixty monthly calculation indices, with suspension of activity.

7-2. Non-compliance with the requirements for providing the access of students and boarders to the Internet using the services of communication operators designed to restrict children's access to information, detrimental to their health and development by educational organizations, –

shall entail a fine on officials in amount of ten monthly calculation indices.

7-3. Violation of the legislation of the Republic of Kazakhstan on teacher status, committed in the form of:

1) attracting a teacher to types of work that are not related to professional duties, except for cases provided by the laws of the Republic of Kazakhstan;

2) requesting from a teacher reporting or information not provided by the legislation of the Republic of Kazakhstan in the field of education;

3) conducting an audit not provided by the laws of the Republic of Kazakhstan;

4) imposing on a teacher the obligation to purchase goods and services;

5) attracting a teacher of a state organization of secondary education, in the course of his professional activity, to conduct events of non-governmental organizations, entail a warning.

7-4. Action provided by part 7-3 of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, shall –

entail a fine on officials in amount of twenty, subjects of small entrepreneurship or non-profit organizations – in amount of sixty, on subjects of medium entrepreneurship – in amount of eighty, on subjects of large entrepreneurship – in amount of one hundred and twenty monthly calculation indices.

7-5. Admission to professional activity of a teacher of persons:

1) deprived of the right to carry out the professional activity of a teacher in accordance with a court verdict that has entered into legal force;

2) recognized as incapable or partially incapable in the manner established by the laws of the Republic of Kazakhstan;

3) having medical contraindications, being on the psychiatric and (or) narcological account;

4) not having documents on technical and professional, post-secondary, higher or postgraduate education;

5) having other restrictions provided by the Labor Code of the Republic of Kazakhstan, - Республики Казахстан, shall –

entail a fine in amount of twenty-five monthly calculation indices.

7-6. Disrespect for a teacher in the performance of his official duties, expressed in obscene language, obscene behavior, abusive harassment, demonstration of indecent gestures (signs), objects, including using the mass media or telecommunication networks, shall – entail a fine on individuals in amount of thirty monthly calculation indices.

7-7. Actions provided by part 7-6 of this Article, committed by minors between the ages of twelve and sixteen, shall -

entail a fine on parents or persons replacing them in amount of twenty monthly calculation indices.

7-8. Actions provided by part 7-6 of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, shall -

entail a fine on individuals in amount of forty monthly calculation indices or administrative arrest for up to five days.

7-9. Actions provided by part 7-7 of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, shall -

entail a fine on parents or persons replacing them in amount of thirty monthly calculation indices.

8. Non-compliance with the requirements on supplying the sports equipment and equipping the places for conduct of activities and competitions, shall –

entail a fine on legal entities in amount of one hundred monthly calculation indices.

9. Liquidation, change of the designated and functional purpose of health and fitness, sports facilities being in the state ownership without the creation of the equal health and fitness, sports facilities, shall –

entail a fine on civil servants in amount of five hundred monthly calculation indices.

10. Non-compliance with the requirements on supporting participants of sports events by the medical assistance and access of sportsmen to them that did not pass medical examination in accordance with the regulatory requirements, shall –

entail a fine on legal entities in amount of five hundred monthly calculation indices.

11. The act provided by a part nine of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine in amount of one thousand monthly calculation indices.

12. Violation of the anti-doping rules of the Republic of Kazakhstan by a trainer, coach-teacher, sports medicine specialist and (or) other specialist in the field of physical culture and sports, expressed in the use of prohibited substances and (or) prohibited methods in sports against an athlete, regardless of the athlete's consent or in facilitating the use by the athlete or in relation to the athlete of prohibited substances and (or) prohibited methods, -

entail a fine in amount of two hundred monthly calculation indices.

Note. Assistance in use by an athlete or in relation to an athlete of a prohibited substance and (or) prohibited method in sport in this article means any action that promotes the use of a Prohibited Substance and (or) prohibited method in sport, including advice, guidance,

provision of information, provision of prohibited substances, means of using prohibited methods, removing barriers to the use of prohibited substances and (or) prohibited methods in sports, as well as hiding traces of the use of prohibited substances and (or) prohibited methods in sports.

Footnote. Article 409 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 09.04.2016 No.501-V (shall be enforced from 01.01.2017); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 170-VI dated 02.07.2018 (shall be enforced upon expiry of six months after its first official publication); No. 240-VI dated 01.04.2019 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.12.2019 No. 280-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 27.12.2019 No. 294-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 24. ADMINISTRATIVE INFRACTIONS ENCROACHING ON PUBLIC SAFETY AND HEALTH OF POPULATION

Article 410. Violation or non-compliance with the requirements of fire safety, with the exception of the requirements established by technical regulations

Footnote. Title of Article 410 as amended by the Law of the Republic of Kazakhstan dated 05.10.2018 № 184-VI (shall be enforced upon expiry of six months after its first official publication).

1. Violation or non-compliance with the requirements of fire safety in organizations, buildings, structures, constructions, residential buildings, public places, agricultural land, technological installations, equipment, units and other property established by the legislation of the Republic of Kazakhstan, with the exception of the requirements established by technical regulations, –

entail a notification or fine on individuals in amount of five, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of fifteen, on subjects of medium entrepreneurship – in amount of twenty five, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

2. Action (omission) provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of ten, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

3. Action (inaction) provided by part one of this Article that entailed the fire development that inflicted harm to human health or major damage, in the absence of criminal offence elements, –

entail a fine on individuals in amount of ten, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

Note. As applied to this Article, the significant damage shall be regarded as the sum exceeding fifty monthly calculation indices at the time of commission of the administrative infraction.

Footnote. Article 410 as amended by the Law of the Republic of Kazakhstan dated 05.10.2018 № 184-VI (shall be enforced upon expiry of six months after its first official publication).

Article 410-1. Breach of the legislation of the Republic of Kazakhstan upon conduct of audit in the field of fire security

1. Non-representation or untimely representation of a copy of conclusion on results of conducted audit in the field of fire security by an expert organization to the territorial subdivision of the authorized body in the scope of civil protection, shall –

entail a fine on the expert organization in amount of thirty monthly calculation indices.

2. Representation of conclusion in view of the results of conducting the audit in the field of fire security by the expert organization containing inaccurate information on conformance (non-conformance) of the object of requirement to the fire security, shall –

entail a fine on the expert organization in amount of fifty monthly calculation indices.

3. Action (omission) provided by parts one and two of this Article committed repeatedly second time within a year after imposition of administrative sanction, as well as representation of knowingly false conclusion by the expert organization in view of the results of conducting audit in the field of fire security, shall –

entail a fine on expert organizations in amount of one hundred monthly calculation indices with deprivation of the accreditation certificate.

Footnote. Chapter 24 is supplemented by Article 410-1 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015).

Article 411. Release and sale of explosive and fire hazardous products that do not meet the requirements of fire security

Release and sale of fire and explosion hazardous and fire dangerous products that shall not meet the requirements of fire safety, if this did not entail infliction of grave or average

gravity harm to health carelessly and (or) heavy damage to an individual or legal entity, or the state, –

entail a fine on civil servants, subjects of small entrepreneurship in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

Note. As applied to this Article of this Code, the heavy damage shall be regarded as the sum exceeding one hundred monthly calculation indices at the time of commission of administrative infraction.

Footnote. Article 410 as amended by the Law of the Republic of Kazakhstan dated 05.10.2018 № 184-VI (shall be enforced upon expiry of six months after its first official publication).

Article 412. Violation or failure to comply with the safety rules on water reservoir

Violation or failure to comply with the safety rules on water reservoirs committed by a person being liable for their compliance in the absence of the signs of a criminally punishable act, shall –

entail a fine on individuals in amount of seven, on officials, subjects of small entrepreneurship - in amount of ten, on subjects of medium entrepreneurship - in amount of twenty, on subjects of large entrepreneurship - in amount of sixty monthly calculation indices.

Footnote. Article 412 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 413. Violation of radiation safety requirements upon using nuclear energy

1. Unjustified or intentional release of radioactive substances into the atmosphere, water environment and subsoil in quantities exceeding the levels established by the authorized state bodies; violation of the requirements on ensuring accounting and control of radioactive substances and sources of ionizing radiation, if these actions do not contain any signs of a criminally punishable act, shall –

entail a fine on individuals in amount of twenty, on officials, subjects of small entrepreneurship – in amount of forty – five, on subjects of medium entrepreneurship - in amount of seventy, on subjects of large entrepreneurship - in amount of two hundred monthly calculation indices or suspension of a license in the field of nuclear energy use.

2. Involvement in economic circulation for the purpose of use and consumption by the population of products and materials exposed to radiation or containing radioactive substances, without permission of the authorized state bodies, admission to work at nuclear power facility of persons who have not undergone appropriate training or do not have a document certifying their qualifications, as well as persons under the age of eighteen or

having medical contraindications, if these actions do not contain any signs of a criminally punishable act, shall –

entail a fine on individuals in amount of twenty, on officials, subjects of small entrepreneurship – in amount of forty – five, on subjects of medium entrepreneurship - in amount of seventy, on subjects of large entrepreneurship -in amount of two hundred monthly calculation indices or deprivation of a license in the field of nuclear energy use.

Footnote. Article 413 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 413-1. Violation of the requirements of technical regulations in the field of use atomic energy by legal entities

1. Violation of the requirements of technical regulations for use atomic energy by legal entities –

shall entail a fine in amount of sixty monthly calculation indices with suspension of certain types of the activities or without one.

2. Action provided by part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail a fine in the amount of one hundred fifty monthly calculation indices with prohibition of certain types of activities or without one.

Note.

In this article, by legal entities shall be understood the entities carrying out the activities for use atomic energy with nuclear facilities and objects of I and II categories of potential radiation hazard.

Footnote. Chapter 24 is supplemented by Article 413-1 in accordance with the Law of the Republic of Kazakhstan No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 414. Violation of requirements of Nuclear proliferation regime

Violation of the established procedure for nuclear export and import; violation of the requirements on ensuring physical protection of nuclear materials, nuclear facilities, sources of ionizing radiation and storage points; violation of requirements on ensuring accounting and control of nuclear materials or sources of ionizing radiation, if these actions do not contain any signs of a criminally punishable act, shall –

entail a fine on individuals in amount of ten, on civil servants, subjects of small entrepreneurship in amount of forty, on subjects of medium entrepreneurship – in amount of seventy, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices or deprivation of the licenses, special permissions for the activity in the scope of using nuclear energy.

Footnote. Article 414 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 415. Breach of the legislation of the Republic of Kazakhstan in the field of technical regulation

1. Breach of the legislation of the Republic of Kazakhstan in the field of technical regulation committed in the form of:

1) release into circulation of the products non-confirming the requirements established by technical regulations and regulatory legal acts;

2) release into circulation of the products without documents of confirmation and (or) conformity assessment in accordance with the requirements established by technical regulations and regulatory legal acts, –

shall entail a fine on individuals in amount of ninety, on officials, on subjects of small entrepreneurship or non-profit organizations – in amount of one hundred and ninety five, on subjects of medium entrepreneurship – in amount of three hundred and ten, on subjects of large entrepreneurship – in amount of six hundred monthly calculation indices.

2. Action (inaction) provided by part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail a fine on individuals in amount of one hundred and thirty five, on officials, on subjects of small entrepreneurship or non – profit organizations – in amount of three hundred and sixty, on subjects of medium entrepreneurship - in amount of six hundred, on subjects of large entrepreneurship - in amount of one thousand and two hundred monthly calculation indices, with or without suspension of activities, with confiscation of the products or without it.

Footnote. Article 415 is in the wording of the Law of the Republic of Kazakhstan No. 184 -VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

Article 415-1. Violation of the legislation of the Republic of Kazakhstan on accreditation for conformity assessment during accreditation, procedures for confirmation and (or) conformity assessment, verification of measuring means established by technical regulations, regulatory legal acts and standardization documents

1. Violation of the legislation of the Republic of Kazakhstan on accreditation for conformity assessment during accreditation, procedures for confirmation and (or) conformity assessment, verification of measuring means established by technical regulations, regulatory legal acts and standardization documents, committed in the form of:

1) violation of the rules for conducting procedures of confirmation and (or) conformity assessment, verification of measuring means;

2) unreliability of the test results upon conducting confirmation and (or) conformity assessment, verification of measuring means;

3) issuance of documents confirming compliance, and issuance of certificate on verification of measuring means without carrying out compulsory procedures;

4) verification of measuring means, metrological certification of measurement procedures by legal entities without accreditation;

5) use of measurement unit standards that have not been calibrated or verified by subjects;

6) violation of the procedure for work on accreditation, –

shall entail a fine on individuals in amount of ninety, on officials, on subjects of small entrepreneurship or non – profit organizations – in amount of one hundred and ninety five, on subjects of medium entrepreneurship - in amount of three hundred and ten, on subjects of large entrepreneurship - in amount of six hundred monthly calculation indices, with suspension of accreditation certificate and certificate of expert-auditor for confirmation of compliance, certificate of verification officer of measuring means for the period of six months

2. Action (inaction) provided by part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail a fine on individuals in amount of one hundred and thirty five, on officials, on subjects of small entrepreneurship or non – profit organizations – in amount of three hundred and sixty, on subjects of medium entrepreneurship - in amount of six hundred and ten, on subjects of large entrepreneurship - in amount of one thousand and two hundred monthly calculation indices, with deprivation of accreditation certificate and certificate of expert-auditor for confirmation of compliance, certificate of verification officer o measuring means.

Footnote. Chapter 24 is supplemented by Article 415-1 in accordance with the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

Article 416. Breach of the legislation in the field of safety ensuring of separate types of products

Failure to terminate the implementation of life cycle processes of the products by the subject from the date of detection of non-conformity to the safety requirements established by the legislative acts on food safety, chemical products, machines and equipment, toys and technical regulations, shall –

entail a fine on individuals in amount of one hundred sixty, on subjects of small entrepreneurship or non-profit organizations – in amount of two hundred thirty, on subjects of medium entrepreneurship – in amount of three hundred ten, on subjects of large entrepreneurship – in amount of one thousand six hundred monthly calculation indices, with suspension of the activity or without such with confiscation of the products or without such.

Note. As applied to this Article, the subjects shall be regarded as the persons being liable for safety of products in accordance with the legislative acts on food safety, chemical products, machines and equipment, tools.

Article 417. Violation of the procedure for issuance of a certificate of goods origin and conclusion of goods configuration of Eurasian economic union or foreign goods

1. Compilation by experts-auditors of opinion on determination the country of the goods origin for internal circulation, the status of the goods of Eurasian Economic Union or foreign goods and issuance by expert organization of expertise acts on the origin of goods for internal circulation, on determining the status of the goods of Eurasian Economic Union or foreign goods in which the data on the goods shall be falsified and (or) unreliable, –

shall entail a fine on experts-auditors on determination the country of the goods origin for internal circulation, the status of the goods of Eurasian Economic Union or foreign goods in amount of ten monthly calculation indices with suspension of certificates of experts-auditors on determination the country of the goods origin for internal circulation, the status of the goods of Eurasian Economic Union or foreign goods for the period of six months, on expert organizations - in amount of thirty monthly calculation indices with suspension of activities for the period up to three months.

2. Refusal in issuance the certificate of origin of goods in case of submission of a duly executed act of expertise of the goods origin for internal circulation, documents, confirming the origin of goods for internal circulation, according to the list approved by the authorized agency for technical regulation, or refusal on issuance a conclusion of the goods configurations of Eurasian Economic Union or foreign goods in case of submission of a duly executed expertise act on determination the status of the goods of Eurasian Economic Union or foreign goods and information, documents, confirming the status of the goods of Eurasian Economic Union or foreign goods, –

shall entail a fine on the organization authorized to issue the certificate of origin, on agencies (organizations) authorized to issue the certificate of origin for internal circulation, conclusion of goods configurations of Eurasian Economic Union or foreign goods, in amount of fifty monthly calculation indices.

3. Issuance of the certificate of goods origin by agencies (organizations) authorized to issue the certificate of goods origin for internal circulation, conclusion of goods configurations of Eurasian Economic Union or foreign goods, certificate of goods origin for internal circulation, conclusion of goods configurations of Eurasian Economic Union or foreign goods, in which the data on the goods shall be falsified and (or) unreliable, –

shall entail a fine for the organization authorized to issue the certificate of origin, agencies (organizations) authorized to issue the certificate of origin for internal circulation, conclusion

of forms of goods of the Eurasian Economic Union or foreign goods, in the amount of thirty monthly calculation indices.

4. Violation of the term for issuance of the certificate of goods origin, the certificate of goods origin for internal circulation, conclusion of the goods configurations of Eurasian Economic Union or foreign goods by the authorized organization, agencies (organizations) authorized to issue the certificate of goods origin, the certificate of goods origin for internal circulation, conclusion of the goods configurations of the Eurasian Economic Union or foreign goods, as well as of the written substantiated decision on refusal in their issuance –

shall entail a fine on the organization authorized to issue the certificate of goods origin, on agencies (organizations) authorized to issue a certificate of origin for internal circulation, conclusion of goods configurations of Eurasian Economic Union or foreign goods, in amount of thirty monthly calculation indices.

5. Submission of falsified and (or) unreliable documents confirming the origin of goods according to the list approved by the authorized body in the field of technical regulation, for obtaining a certificate of origin, documents confirming the origin of the goods for internal circulation, for obtaining a certificate of origin for internal circulation, as well as information, documents confirming the status of the goods of the Eurasian economic union or foreign goods, for obtaining the conclusion of the goods configurations of Eurasian economic union or foreign goods shall –

entails a fine on subjects of small entrepreneurship in amount of twelve, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship - in amount of thirty monthly calculation indices.

6. Actions (inaction) provided by parts one, two, three and four of this Article, committed repeatedly within a year after imposing administrative penalties, shall –

entails a fine on experts-auditors on determination the country of goods origin, status of goods of Eurasian economic union or foreign goods in amount of forty monthly calculation indices with deprivation of the certificates of experts-auditors on determination the country of goods origin, status of goods of Eurasian economic union or foreign goods, on organization authorized to issue a certificate, on bodies (organizations) authorized to issue a certificate of goods origin for internal circulation, conclusion of goods configurations of Eurasian economic union or foreign goods - in amount of one hundred monthly calculation indices, on expert organizations - in amount of sixty monthly calculation indices, with suspension of the activities for the term up to three months.

Footnote. Article 417 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2017 No. 124-V (shall be enforced from 01.01.2018); as amended by the Law of the Republic of Kazakhstan No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 418. Violation of national standards required for the State Flag of the Republic of Kazakhstan and the State Emblem of the Republic of Kazakhstan

1. Production of the State Flag of the Republic of Kazakhstan and the State Emblem of the Republic of Kazakhstan, which do not meet the requirements of the national standard shall, –

entail a fine on individuals in amount of twenty – five, on officials, subjects of small entrepreneurship or non – profit organizations – in amount of fifty, on subjects of medium entrepreneurship - in amount of seventy-five, on subjects of large entrepreneurship - in amount of two hundred monthly calculation indices.

1-1. Use (establishment, placement) of the State Flag of the Republic of Kazakhstan and the State Emblem of the Republic of Kazakhstan with violation of the legislation of the Republic of Kazakhstan on state symbols shall -

entail a notification or a fine on individuals in amount of five, on officials, subjects of small entrepreneurship or non-profit organizations – in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of thirty monthly calculation indices.

2. Action (inaction) provided by part one of this Article, committed repeatedly within a year after imposing an administrative penalty, shall –

entail a fine on individuals in amount of fifty, on officials, subjects of small entrepreneurship or non-profit organizations – in amount of one hundred, on subjects of medium entrepreneurship – in amount of one hundred and fifty, on subjects of large entrepreneurship – in amount of two hundred and fifty monthly calculation indices.

Footnote. Article 418 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 419. Breach of the legislation of the Republic of Kazakhstan on ensuring of the uniformity of measurements:

1. Breach of the legislation of the Republic of Kazakhstan on ensuring of the uniformity of measurements committed in the form of:

1) violation of compulsory metrological requirements for measurements, measuring means, standard samples, measurement procedures established in measurement lists related to the state regulation, and regulatory legal acts;

2) issuance in circulation, applying, of measuring means subjected to the state metrological control that did not pass testing for the purpose of type approval or metrological certification, as well as adjustment and (or) not included into the register of the state system of ensuring the uniformity of measurements;

3) applying the methods for measuring subjected to the state metrological control and that did not pass the metrological certification and registration into the register of the state system of ensuring the uniformity of measurements, –

shall entail a fine on individuals in amount of thirty, on officials, subjects of small entrepreneurship or non-profit organizations – in amount of two hundred thirty, on subjects of medium entrepreneurship – in amount of three hundred ten, on subjects of large entrepreneurship – in amount of one thousand and six hundred monthly calculation indices.

2. Action (inaction) provided by part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail a fine on individuals in amount of ninety, on officials, subjects of small entrepreneurship or non-profit organizations – in amount of four hundred sixty, on subjects of medium entrepreneurship – in amount of six hundred twenty, on subjects of large entrepreneurship – in amount of two thousand monthly calculation indices.

Footnote. Article 419 is in the wording of the Law of the Republic of Kazakhstan No. 184 -VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

Article 420. Failure to take measures for destruction of wild hemp

Failure to take measures for destruction of wild hemp on sowings of agricultural crops, in gardens, vineyards, breeding nurseries and parks, on the sidelines of the fields, irrigation and irrigation-amelioratory networks, on the waysides of the common and railway roads, in a territory of organizations, on the land fields of inhabitants of cities, rural settlements and other inhabited localities, as well as on the lands of the state forest and water funds, state reserve and secured to the organizations after prescription, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship or non-profit organizations – in amount of forty, on subjects of medium entrepreneurship – in amount of seventy, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

Article 421. Failure to take measures for ensuring protection of the drug containing sowings

Failure to take measures for ensuring established regime of protection of hemp, poppy sowings and other plants containing narcotic substances, places for storage and processing of the harvests of these crops, and equally failure to take measures for destruction of the stubble remains and production wastes containing narcotic substances, shall –

entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of sixty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

Article 422. Failure to take measures for suppression of sale and (or) nonmedical consumption of narcotic drugs, psychotropic substances and precursors

1. Failure to take measures for suppression of sale and (or) nonmedical consumption of narcotic drugs, psychotropic substances and precursors by the owner of entertaining establishment, as well as educational institution, shall –

entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of one hundred fifty, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship – in amount of one thousand monthly calculation indices.

2. Actions (omission) provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on subjects of small entrepreneurship or non-profit organizations in amount of two hundred, on subjects of medium entrepreneurship – in amount of four hundred, on subjects of large entrepreneurship – in amount of two thousand monthly calculation indices.

Note. Entertainment establishments mentioned in this Code shall include gambling establishments, nightclubs, coffee bars, restaurants, Internet cafes, computer, billiard, bowling clubs and cinemas, objects of theater and entertaining purpose and other buildings, premises, structures in which the services of entertaining and leisure, theater and entertaining, sporting, cultural and leisure purpose are rendered.

Article 423. Propaganda or illegal advertising of narcotic drugs, psychotropic substances and their analogues, precursors

Propaganda or illegal advertising of narcotic drugs, psychotropic substances and their analogues, precursors, shall –

entail a fine on subjects of small entrepreneurship in amount of three hundred, on subjects of medium entrepreneurship – in amount of five hundred, on subjects of large entrepreneurship – in amount of one thousand monthly calculation indices, with or without revocation of a license.

Note.

1. The propaganda of narcotic drugs, psychotropic substances, their analogues and precursors in this Article should be understood as the dissemination of any information, regardless of the form and method of their presentation on narcotic drugs, psychotropic substances, their analogues, precursors, on methods, methods of their development, manufacture and use, on advantages and benefits of using certain types of narcotic drugs, psychotropic substances and their analogues, aimed at forming a positive or tolerant attitude towards illegal circulation and illegal consumption of narcotic drugs, psychotropic substances, their analogues, or performing other actions in an indefinite circle of people these purposes.

2. In this Article, illegal advertising of narcotic drugs, psychotropic substances and precursors should be understood as distribution and (or) placement in any place, in any form, in any way, except for cases established by law, information on places or methods of their acquisition, quality, price and their other properties, intended for an indefinite circle of persons and designed to form or maintain interest in narcotic drugs and psychotropic substances, their analogues and to promote their illegal consumption and sale.

Footnote. Article 423 is in the wording of the Law of the Republic of Kazakhstan dated 27.12.2019 No. 292-VI (order of enforcement see Article 2).

Article 424. Illegal medical and (or) pharmaceutical activity

1. Engagement in illegal medical and (or) pharmaceutical activity by a person that does not have the certificate and (or) the license for this type of activity, shall –

entail a fine on individuals in amount of five, on civil servants – in amount of fifteen, on subjects of small entrepreneurship – in amount of twenty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of seventy monthly calculation indices.

2. Rendering of the guaranteed volume of free medical assistance on a paid basis in the healthcare organizations rendering it, shall –

entail a fine on individuals in amount of ten, on civil servants, subjects of small entrepreneurship – in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of four monthly calculation indices.

3. Repeated commission of the acts provided by a part two of this Article within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of thirty with deprivation of the specialist's certificate, on civil servants, subjects of small entrepreneurship – in amount of sixty five, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of seven hundred monthly calculation indices, with confiscation of the incomes received due to commission of the administrative infraction.

4. Conducing of the sessions of mass healing (two and more people), as well as with the use of mass media, shall –

entail a fine in amount of one hundred fifty monthly calculation indices.

5. Participation of medical workers, authorized to prescribe medical products in the advertising of the medical products, sale of the medical products by the medical workers at the workplace, with the exception of cases provided by the legislation, as well as appointment to the certain pharmacy organizations and the other types of organizations and the other forms of cooperation with them for the purpose of obtaining remuneration, shall –

entail a fine on individuals in amount of eighty monthly calculation indices with the deprivation of the specialist's certificate, on civil servants, subjects of small entrepreneurship

– in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of three hundred monthly calculation indices.

Article 425. Violation of requirements of the legislation in the field of sanitary and epidemiological welfare of population, as well as hygienic standards

1. Violation of the requirements of the legislation of the Republic of Kazakhstan in the field of sanitary and epidemiological welfare of the population, as well as hygienic standards, technical regulations, which did not entail harm to human health, shall –

shall entail a fine on individuals in amount of thirty, on officials, subjects of small entrepreneurship or non-profit organizations – in amount of two hundred thirty, on subjects of medium entrepreneurship – in amount of three hundred ten, on subjects of large entrepreneurship – in amount of one thousand and six hundred monthly calculation indices..

2. Action (omission) provided by a part one of this Article that entailed infliction of harm to the human health, if this action (omission) does not contain the signs of a criminally punishable act, shall –

shall entail a fine on individuals in amount of two hundred, on officials, subjects of small entrepreneurship or non-profit organizations - in amount of four hundred sixty, on subjects of medium entrepreneurship - in amount of six hundred twenty, on subjects of large entrepreneurship - in amount of two thousand monthly calculation indices with suspension of activity or without it, with or without confiscation of products.

Footnote. Article 425 as amended by the Law of the Republic of Kazakhstan dated 21.04.2016 No. 504-V (shall be enforced upon expiry of ten calendar days after its first official publication); No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 426. Violation of the rules of pharmaceutical activity and scope of circulation of medicinal products and medical devices

1. Violation of the rules for registration and reregistration, production, manufacturing and quality control, testing (research), entry, procurement, transportation, storage, marking, sale, including the excess of the established marginal prices for medicinal products, as well as applying (use), ensuring, destruction, advertising of medicinal products, medical devices, if it did not inflict harm to human health, –

shall entail a fine on individuals in amount of seventy, on officials – in amount of one hundred, on subjects of small entrepreneurship – in amount of one hundred thirty, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of one thousand monthly calculation indices.

2. Action provided by part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail suspension of the license for pharmaceutical activity for the period up to six months.

3. Production, procurement, transportation, storage, sale, applying (use), advertising of unregistered, prohibited for applying medicinal products, medical devices, if they did not entail infliction of harm to human health, –

shall entail a fine on individuals in amount of one hundred, on officials – in amount of one hundred fifty, on subjects of small entrepreneurship – in amount of two hundred, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship – in amount of one thousand five hundred monthly calculation indices, with suspension of the activity, with confiscation of medicinal products and the products equated to them, medicinal and prophylactic food and food supplements, as well as cosmetic units that shall be the direct subjects of commission of administrative offence and incomes obtained due to commission of the administrative offence.

4. Actions provided by parts one and three of this Article that entailed infliction of harm to human health, if these actions shall not contain the elements of a criminally punishable act, –

shall entail a fine on individuals in amount of two hundred, on officials – in amount of three hundred, on subjects of small entrepreneurship – in amount of three hundred fifty, on subjects of medium entrepreneurship – in amount of four hundred, on subjects of large entrepreneurship – in amount of two thousand monthly calculation indices, with confiscation of medicinal products and medical devices, medicinal and prophylactic food and food supplements, as well as cosmetic units that shall be the direct subjects of commission of administrative offence and incomes obtained due to commission of administrative offence, as well as prohibition of activity.

Footnote. Article 426 is in the wording of the Law of the Republic of Kazakhstan No. 211 -VI dated 28.12.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 427. Violation of requirements of technical resistance of objects and premises in the scope of turnover of narcotic drugs, psychotropic substances, precursors

1. Violation of requirements of technical resistance of objects and premises in the scope of turnover of narcotic drugs, psychotropic substances, precursors, shall –

entail a fine on officials in amount of twenty-five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices, with suspension of the activity of a legal entity.

2. Action (omission) provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entails a fine on officials in amount of one hundred and seventy-five, on subjects of medium entrepreneurship - in amount of three hundred and fifty, on subjects of large entrepreneurship - in amount of two thousand monthly calculation indices, with prohibition of the activity of a legal entity.

Footnote. Article 427 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 428. Inaccurate advertising in the field of public health service

Dissemination of advertising of medical services, methods and means of preventative measures, diagnostics, treatment and medical rehabilitation by an advertiser that does not have the license for carrying out the relevant type of activity, as well as advertising of biological active food supplements without their state registration, if this action does not have the signs of a criminally punishable act, shall –

entail a fine on individuals in amount of ten, on civil servants – in amount of twenty five, on subjects of small entrepreneurship – in amount of one hundred, on subjects of medium entrepreneurship – in amount of one hundred fifty, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

Article 429. Avoidance of medical examination and treatment of the persons contacting with HIV infected, venereal diseases, tuberculosis, as well as the persons using narcotic drugs or psychotropic substances without medical prescription

Footnote. Heading of Article 429 as amended by the Law of the Republic of Kazakhstan No. 208-VI dated 28.12.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Avoidance of medical examination and treatment of the persons contacting with HIV infected, venereal diseases, tuberculosis, which continues after written warning made by the health care institution, –

entail a fine in amount of five monthly calculation indices.

2. Avoidance from medical examination and treatment of the persons recognized as suffering from alcoholism, drug addiction and substance abuse or in respect of whom there are sufficient data that they use drugs or psychotropic substances without medical disposal, shall –

entail a fine in amount of ten monthly calculation indices.

Footnote. Article 429 as amended by the Law of the Republic of Kazakhstan No. 208-VI dated 28.12.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 430. Avoidance from treatment of the persons with the diseases representing danger for wider public

1. Refusal from taking medical products and another avoidance from treatment of the persons with the diseases representing danger for wider public, the list of which shall be determined by the authorized authority for healthcare, as well as the persons being in contact with them and that are in need of preventive treatment, that continues after written warning made by the healthcare institution, shall –

entail a fine in amount of five monthly calculation indices.

2. Avoidance of parents or the persons substituting them from treatment of minor children with the diseases representing danger for wider public, the list of which shall be determined by the authorized authority for healthcare, shall –

entail a fine on individuals in amount of ten monthly calculation indices.

Footnote. Article 430 as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 431. Concealment of the source of infection by the persons with diseases representing danger for the wider public and the persons being in contact with them

Concealment of the source of infection by the persons with diseases representing danger for the wider public and the persons being in contact with them, creating the danger of infecting the other persons by these diseases, shall –

entail a fine in amount of five monthly calculation indices.

Article 432. Representation of knowingly false details and information upon receipt of permitting documents for engagement in medical, pharmaceutical activity

1. Representation of knowingly false details and information upon receipt of permitting documents for engagement in medical, pharmaceutical activity, including by falsification of the documents if this action does not contain the signs of a criminally punishable act, shall –

entail a fine on individuals in amount of ten, on civil servants, subjects of small entrepreneurship – in amount of fifteen, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of thirty monthly calculation indices.

2. The same act committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of twenty, on civil servants, subjects of small entrepreneurship – in amount of thirty, on subjects of medium entrepreneurship – in amount

of forty, on subjects of large entrepreneurship – in amount of sixty monthly calculation indices.

Article 433. Violation of the obligation by the public health service entities on informing the authorized bodies

1. Violation of the obligation by the public health service entities on informing the authorized body in the field of public health service on the cases of infectious diseases, intoxications, mental and behavioral disorders (diseases) representing the danger for the wider public, the bodies of emergency situations on a threat of occurrence and (or) on occurrence of medical and sanitary consequences of emergencies, the internal affairs bodies – on the persons that referred concerning the fresh injuries, wounds, criminal abortions, on cases of diseases representing the danger for the wider public, shall –

entail a fine on individuals in amount of five, on civil servants – in amount of ten monthly calculation indices.

2. The same action (omission) committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of ten monthly calculation indices with the deprivation of the certificate, on civil servants – in amount of twenty monthly calculation indices.

Chapter 25. ADMINISTRATIVE INFRACTIONS ENCROACHING ON PUBLIC ORDER AND MORALITY

Article 434. Disorderly conduct

1. Disorderly conduct, i.e. abusive language in public places, offensive harassment to individuals, contamination of residential premises and other similar actions expressing disrespect to the wider public, violating the public order and calm of individuals, shall –

entail a fine in amount of five monthly calculation indices or administrative arrest up to ten days.

2. Actions provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail administrative arrest for the term up to fifteen days.

3. Actions provided by a part two of this Article committed by persons in respect of whom the administrative arrest shall not be applied in accordance with a part two of Article 50 of this Code, shall –

entail a fine in amount of twenty monthly calculation indices.

Footnote. Article 434 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first

official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 434-1. Violation of the rules of behavior on sports and sports-mass, entertainment cultural and mass events by individuals

1. Violation of the rules of behavior on sports and sports-mass, entertainment cultural and mass events by individuals in the form of:

1) carrying into the places of sports and sports-mass, entertainment cultural and mass events of alcoholic products, products in metal, glass containers, pyrotechnic products and other items, the use of which may pose a threat to life and health of people or cause material damage to individuals and legal entities;

2) the use of posters, emblems, banners and other visual objects aimed at inciting social, racial, national, religious, class and clan hatred, as well as infringing the rights of individuals during sports and sports-mass, entertainment cultural and mass events, if these actions do not contain any signs of a criminally punished act, shall -

entail a fine on individuals in amount of twenty monthly calculation indices.

2. The action provided by part one this Article, committed repeatedly within a year after imposing an administrative penalty, shall –

entail a fine on individuals in amount of forty monthly calculation indices.

Footnote. Chapter 25 is supplemented by Article 434-1 in accordance with the Law of the Republic of Kazakhstan dated 22.01.2016 No. 446-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 434-2. Contamination of common areas

1. Contamination of common areas, parks, squares, including the release of municipal waste in unidentified places, shall -

entail a fine in amount of five monthly calculation indices.

2. Actions provided by part one of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, shall -

entail a fine in amount of ten monthly calculation indices.

Footnote. Chapter 25 is supplemented by Article 434-2 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 435. Hooliganism committed by a minor

Disorderly conduct or hooliganism provided by a part one of Article 293 of the Criminal Code of the Republic of Kazakhstan committed by a minor at the age from fourteen to sixteen, shall –

entail a fine on parents or the persons substituting them in amount of seven monthly calculation indices.

Article 436. Shooting from firearms, gas, pneumatic, throwing and electric weapons, use of pyrotechnic products in inhabited localities

1. Shooting from firearms, gas, electric (except for self-defense), pneumatic and throwing weapons in inhabited localities and in places not designated for this purpose shall –

entail a fine in amount of twenty monthly calculation indices with confiscation of weapons.

2. Use of pyrotechnic products in inhabited localities and in places not designated for this purpose, violating the peace of individuals, the established order and not causing major material damage, shall –

entail a fine in amount of twenty monthly calculation indices with confiscation of pyrotechnic products.

3. Actions provided by parts one and two of this Article committed by juveniles under the age of sixteen years, shall –

entail a notification or a fine on parents or persons substituting them, in amount of twenty monthly calculation indices with confiscation of pyrotechnic products.

4. Actions provided by parts one and two of this Article, committed repeatedly within a year after imposing an administrative penalty, as well as by the person being brought to administrative liability within a year for the offense provided by Article 437 of this Code, shall –

entail a fine in amount of thirty monthly calculation indices with confiscation of the subject, being a tool or instrument of an administrative offense.

Note. Weapons confiscated in accordance with Articles 436 and 482 of this Code, being unsuitable for further use, as well as prohibited for circulation as civil and service weapons on the territory of the Republic of Kazakhstan, shall be subjects to destruction in the manner provided in Article 795 of this Code.

Footnote. Article 436 as amended by the Law of the Republic of Kazakhstan dated 22.12.2016 No. 28-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 437. Violation of silence

1. Violation of silence at night time (from 23 to 6 hours), as well as performance of the works in residential premises and outside them with a noise not linked with urgent necessity, impeding the normal rest and calm of the individuals, shall –

entail a fine on individuals in amount of five, on subjects of small entrepreneurship or non-profit organizations – in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

2. The same action committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine on individuals in amount of five, on subjects of small entrepreneurship or non-profit organizations – in amount of forty, on subjects of medium entrepreneurship – in amount of sixty, on subjects of large entrepreneurship – in amount of one hundred and fifty monthly calculation indices.

Footnote. Article 437 as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 438. Knowingly false call of special services

1. Knowingly false call of the bodies of the state fire-fighting service, police, ambulance service, emergency services, shall –

entail a fine on individuals in amount of thirty monthly calculation indices.

2. Actions provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction or committed during the period of liquidation of the accidents, fires, consequences of natural disasters, shall –

entail a fine on individuals in amount of sixty monthly calculation indices.

3. Actions provided by parts one and two of this Article committed by the minors at the age from fourteen to sixteen years, shall –

entail a notification or fine on parents and the persons substituting them in amount of fifteen monthly calculation indices.

Article 439. Knowingly false information of a fact of corruption

1. Reporting of knowingly false information of a fact of corruption to the body, fighting against corruption, shall

entails a notification or a fine on individuals in amount of twenty monthly calculation indices.

2. Action provided by part one of this Article, committed repeatedly within a year after imposing an administrative penalty, shall-

entail a fine on individuals in amount of forty monthly calculation indices.

Footnote. Article 439 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 440. Drinking alcoholic beverages or appearance in public places in a state of intoxication

1. Drinking alcoholic beverages in the streets and in other public places, except for trade and public catering organizations, in which the sale of alcoholic beverages on tap shall be permitted by the local executive authority, or appearance in public places in a state of intoxication that offends human dignity and public morality, shall –

entail a fine in the amount of five monthly calculation indices.

2. Appearance in public places in a state of intoxication of persons under eighteen years of age, as well as their drinking of alcoholic beverages, shall –

entail a fine for parents or persons replacing them, in amount of five monthly calculation indices.

3. Actions provided by parts one and two of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, shall -

entail a fine in amount of ten monthly calculation indices or administrative arrest for up to five days.

Footnote. Article 440 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 441. Violation of the prohibition of consuming of tobacco products and electronic cigarettes in certain public places

Footnote. Heading of Article 441 is in the wording of the Law of the Republic of Kazakhstan dated 19.04.2019 No. 249-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. Consumption of tobacco products in certain public places, in which the legislation of the Republic of Kazakhstan established a prohibition on consumption of tobacco products, except for the case provided by part 1-2 of Article 564 of this Code, shall –

entail a fine on individuals in amount of three monthly calculation indices.

1-2. Consumption of tobacco products and (or) electronic cigarettes on board an aircraft, shall –

entail a fine on individuals in amount of fifty monthly calculation indices.

2. Action provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on individuals in amount of six monthly calculation indices.

3. Breach of the legislation of the Republic of Kazakhstan by an employer, providing allocation of the special places for consuming tobacco products, as well as failure to take measures against the persons consuming the tobacco products in the special places not defined for that, shall –

entail a fine on officials, subjects of small entrepreneurship or non – profit organizations in amount of ten, on subjects of medium entrepreneurship - in amount of twenty-five, on subjects of large entrepreneurship - in amount of forty monthly calculation indices.

Footnote. Article 441 as amended by the Law of the Republic of Kazakhstan dated 06.04.2015 No. 299-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 10.05.2017 No. 64-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 19.04.2019 No. 249-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 442. Appearance of minors in entertaining premises or outside dwelling place at night time without accompanying of legal representatives

Footnote. Title of Article 442 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

1. Appearance of minors in entertaining premises at night time without accompanying of legal representatives from 22 to 6 hours, shall –

entail a fine on legal representatives in amount of three monthly calculation indices.

2. Appearance of minors without accompanying of legal representatives outside a dwelling place from 23 to 6 hours, shall –

entail a notification on legal representatives.

3. Actions provided by parts one and two of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on legal representatives in amount of seven monthly calculation indices.

Footnote. Article 442 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 443. Insubordination to legal requirement of the person that takes participation in ensuring public order

1. Insubordination to legal requirement of the person that takes participation in ensuring public order, shall –

entail a fine in amount of five monthly calculation indices.

2. Action (omission) provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –
entail a fine in amount of ten monthly calculation indices or administrative arrest up to five days.

Footnote. Article 443 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

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The Code is provided to supplement with Article 443-1 in accordance with the Law of the Republic of Kazakhstan No. 41-VI dated 30.12.2016 (shall be enforced from 01.01.2021).

Article 444. Participation, involvement or access to gambling games

1. Participation in gambling games (for money, things and other values) at the places not allocated for that, and equally takings stacks for sport and other competitions by the persons that do not have the special permission, shall –

entail a fine on individuals in amount of two hundred monthly calculation indices with the confiscation of playing accessories, money, things and other values.

2. Involvement and (or) access of the citizens of the Republic of Kazakhstan at the age up to twenty one year in playing gambling games and (or) betting for money, things and other values, shall –

entail a fine on individuals in amount of two hundred monthly calculation indices.

Footnote. Article 444 as amended by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 445. Breach of the legislation of the Republic of Kazakhstan on gambling business

1. Paragraph 1 enters into force upon expiry of six months after the date of its first official publication in accordance with the Law of the Republic of Kazakhstan dated 24.04.2015 No. 310-V.

2. Betting, taking (registration) of stacks, payment of winnings outside gambling premises (totalizator counters or bookmaker's offices) or organization and conduct of the gambling games and (or) betting providing taking of the stacks and (or) giving of the winning in the form of one property, except for the money by the organizer of gambling business, with the exception of the case established by the Law, shall –

entail a fine on subjects of medium entrepreneurship in amount of three hundred, on subjects of large entrepreneurship – in amount of one thousand monthly calculation indices, with suspension of the license validity term.

3. Non-compliance with the requirements of a percentage of the winning technologically built into a game machine, shall –

entail a fine on subjects of medium entrepreneurship in amount of three hundred, on subjects of large entrepreneurship – in amount of one thousand monthly calculation indices, with the confiscation of the incomes received due to commission of the administrative infraction, and suspension of the license validity term.

4. Non-fulfillment of the conditions on formation, use, ensuring of placing the compulsory reserves on a permanent basis by an organizer of gambling business in the manner and on conditions determined by the legislation of the Republic of Kazakhstan, shall –

entail a fine on subjects of medium entrepreneurship in amount of three hundred, on subjects of large entrepreneurship – in amount of one thousand monthly calculation indices with the suspension of the license validity term.

5. Installation of game machines or their parts in walls, window and door apertures in a casino and hall of game machines, shall –

entail a fine on subjects of medium entrepreneurship in amount of three hundred, on subjects of large entrepreneurship – in amount of one thousand monthly calculation indices with the suspension of the license validity term.

Non-compliance with the requirements on equipping the pay offices and playing places of gambling premises by video recording systems by an organizer of the gambling business or violation of the terms for storage of recorded information or conditions of recording, or non-fulfillment of the obligation to establish the equipment for organization and conduct of betting, shall –

entail a fine on subjects of medium entrepreneurship in amount of three hundred, on subjects of large entrepreneurship – in amount of one thousand monthly calculation indices with the suspension of the license validity term.

7. Paragraph 7 enters into force upon expiry of six months after the date of its first official publication in accordance with the Law of the Republic of Kazakhstan dated 24.04.2015 No. 310-V.

8. Use of game machines by an organizer of gambling business with the violation of requirements of the legislation of the Republic of Kazakhstan in the field of technical regulation, shall –

entail a fine on subjects of medium entrepreneurship in amount of three hundred, on subjects of large entrepreneurship – in amount of one thousand monthly calculation indices with the suspension of the license validity term.

9. Paragraph 9 enters into force upon expiry of six months after the date of its first official publication in accordance with the Law of the Republic of Kazakhstan dated 24.04.2015 No. 310-V.

10. Paragraph 10 enters into force upon expiry of six months after the date of its first official publication in accordance with the Law of the Republic of Kazakhstan dated 24.04.2015 No. 310-V.

11. Actions (omission) provided by parts one, two, four, five, six, seven, nine and ten of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine on subjects of medium entrepreneurship in amount of four hundred, on subjects of large entrepreneurship – in amount of two thousand monthly calculation indices with the deprivation of the license.

12. Acts provided by parts three and eight of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall –

entail a fine on subjects of medium entrepreneurship in amount of four hundred, on subjects of large entrepreneurship – in amount of two thousand monthly calculation indices with the confiscation of incomes received due to commission of the administrative infraction, and deprivation of the license.

Footnote. Article 445 as amended by the Law of the Republic of Kazakhstan dated 24.04.2015 No. 310-V (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication).

Article 445-1. Violation of the legislation of the Republic of Kazakhstan on lotteries and lottery activity

1. Non- fulfillment of the requirements for publication in periodicals distributed throughout the territory of the Republic of Kazakhstan by a lottery operator, or for placement of the results of each draw and winnings on lottery tickets, receipts or other lottery documents on the internet resource of the lottery operator, as well as violation of the terms of publication or placement shall -

entail a fine on subjects of medium entrepreneurship in amount of five hundred, on subjects of large entrepreneurship - in amount of one thousand monthly calculation indices, with the suspension of activity.

2. Non-fulfillment of the requirements for sending a copy of the approved lottery conditions to the authorized body in the sphere of lottery and lottery activity and placement of the conditions of the lottery on its Internet resource, as well as violation of terms of direction and placement shall -

entail a fine on subjects of medium entrepreneurship in amount of five hundred, on subjects of large entrepreneurship - in amount of one thousand monthly calculation indices, with suspension of activity.

3. Violation of the requirements for collecting, forming, storing and recording information on distributed lottery tickets, receipts or other documents, registered lottery rates, revenue

from realized lottery tickets, receipts or other documents, paid out winnings, as well as its non-submission, untimely submission or submission of unreliable information to the authorized body shall -

entail a fine on subjects of medium entrepreneurship in amount of five hundred, on subjects of large entrepreneurship - in amount of one thousand monthly calculation indices, with suspension of activity.

4. Violation of the requirements for formation of the prize fund by a lottery operator shall

entail a fine on subjects of medium entrepreneurship in the amount of five hundred, on subjects of large entrepreneurship - in amount of one thousand monthly calculation indicators, with suspension of activity.

5. Actions provided by parts one, two, three and four of this Article, committed repeatedly within a year after imposing an administrative penalty, shall –

entail a fine on subjects of medium entrepreneurship in amount of one thousand, on subjects of large entrepreneurship - in amount of two thousand monthly calculation indices, with prohibition of activity.

Footnote. Chapter 25 is supplemented by Article 445-1 in accordance with the Law of the Republic of Kazakhstan dated 09.04.2016 No. 496-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 446. Advertising of the products of erotic content

Sale, distribution or advertising of the products of erotic content at the places not allocated for these purposes, shall –

entail a fine on individuals in amount of twenty monthly calculation indices with the confiscation of the products of erotic content.

Article 447. Violation of the rules for protection and use of the monuments of history and culture

Violation of the rules for protection and use of the monuments of history and culture protected by the state, shall –

entail a fine on individuals in amount of five, on civil servants – in amount of ten monthly calculation indices.

Article 448. Vandalism of minors

Vandalism, i.e. contamination of the buildings, other structures, monuments of history and culture, natural objects protected by the state, burial places of people by signatures or drawings, or by other actions offending public morality, and equally intended waste of the

property on a transport or in other public places, committed by the minors at the age under sixteen years, shall –

entail a fine on parents or the persons substituting them in amount of fifteen monthly calculation indices.

Article 449. Harassment in public places

1. Harassment, i.e. importunate address in public places for the purpose of purchase, sale, exchange or acquisition of the things by other method, by the person that is not an entrepreneurship entity, as well as for the purpose of fortunetelling, beggary, rendering of sexual services or solicitation of another services, shall –

entail a notification or a fine on individuals in amount of five monthly calculation indices.

2. Actions provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine in amount of ten monthly calculation indices or administrative arrest for the term up to five days.

3. Actions provided by a part one of this Article committed a foreign person or stateless person, shall –

entail a fine in amount of five monthly calculation indices or administrative arrest up to five days or administrative expulsion outside the Republic of Kazakhstan.

Footnote. Article 449 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 450. Provision of premises knowingly for prostitution or procurement

1. Provision of premises knowingly for prostitution or procurement, shall –

subject to fine physical and officials at a rate of hundred monthly settlement indicators, on small business entities – at a rate of hundred fifty, on subjects of average business – at a rate of three hundred, on subjects of large business – of one thousand monthly settlement indicators, with suspension of their activity or separate kinds of activity for a period of up to three months.

2. The same action committed repeatedly second time within a year after imposition of the administrative sanction, shall –

subject to fine physical and officials at a rate of hundred fifty monthly settlement indicators, on small business entities – at a rate of two hundred, on subjects of average business – at a rate of four hundred, on subjects of large business – of two thousand monthly settlement indicators, with prohibition of their activity or separate kinds of activity for a period of up to three years with confiscation of the income received owing to commission of administrative offense.

Footnote. Article 450 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days of its first official publication).

Chapter 26. ADMINISTRATIVE INFRACTIONS IN THE FIELD OF PRINT AND INFORMATION

Article 451. Breach of the legislation of the Republic of Kazakhstan on mass media

1. Distribution of production of mass media, messages and materials of news agency and online media without registration or after decision about stay, the termination of their release (broadcast) or recognition of the certificate on registration become invalid –

entail a fine on civil servants in amount of ten, on subjects of small entrepreneurship – in amount of twenty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of three hundred monthly calculation indices, with the confiscation of the media products.

2. Production, production, replication and (or) distribution of production of mass media, messages and materials of news agency and online media without inventory in cases of change of the owner or its legal form, the name and also name of mass media, change of language of the edition or broadcasting, the territory of distribution, the main thematic orientation, frequency of release –

entail a fine on civil servants in amount of forty, on subjects of small entrepreneurship – in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of one thousand monthly calculation indices, with the suspension of broadcast (airing) of the mass media for the term up to three months.

3. Actions provided by a part two of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a prohibition of the broadcast (airing) of the mass media.

4. Distribution with violation of requirements of the legislation of the Republic of Kazakhstan in mass media or on networks of telecommunications of the personal and biometric data, other information allowing to identify the personality of minor, injured illegal acts (inaction) and also the suspect and (or) the administrative and (or) criminal offense accused of commission except for the minors found by court guilty of commission of heavy or especially serious crimes, including information on their parents and other lawful representatives –

subject to fine natural persons at a rate of five, on officials, small business entities or non-profit organizations – at a rate of twenty five, on subjects of average business – at a rate of fifty, on subjects of large business – at a rate of hundred monthly settlement indicators.

5. The action provided by a part of the fourth present article perfect repeatedly within a year after imposing of an administrative penalty, –

subject to fine physical and officials, small business entities or non-profit organizations – at a rate of fifty, on subjects of average business – at a rate of hundred, on subjects of large business – at a rate of two hundred monthly settlement indicators.

Footnote. Article 451 with the changes made by the Laws of the Republic of Kazakhstan from 24.11.2015 No. 419-V (shall be enforced from 01.01.2016); from 28.12.2017 No. 128-VI (shall be enforced after ten calendar days of its first official publication).

Article 452. Breach of the legislation of the Republic of Kazakhstan on television and radio broadcasting

1. Breach of the legislation of the Republic of Kazakhstan on television and radio broadcasting by television and radio broadcasting companies committed in the form of:

1) distribution of domestic television and radio programs less than established rate of interest by domestic television and radio channels;

2) distribution of the television news programs on a television channel without ensuring of sign language interpretation or translation in the form of subtitles;

3) distribution of additional information on a television channel exceeding fifteen percent of the picture area;

4) failure to ensure the quality of providing television and radio programs by the television and radio channels in accordance with the rules for connecting the technical means of television and radio broadcasting to the operators' networks of the television and radio broadcasting, technical operation of the television and radio broadcasting systems and requirements of the national standards of television and radio broadcasting, shall –

entail a fine on civil servants in amount of fifty, on subjects of small entrepreneurship or non-profit organizations – in amount of one hundred, on subjects of medium entrepreneurship – in amount of one hundred fifty, on subjects of large entrepreneurship – in amount of three hundred monthly calculation indices.

2. Acts provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine on civil servants in amount of one hundred, on subjects of small entrepreneurship or non-profit organizations – in amount of one hundred fifty, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of four hundred monthly calculation indices.

3. Distribution of the programs through the television and radio channels in Kazakh language less than a total volume of the programs in other languages in time intervals with the length of six hours each, calculated from zero hours of local time, shall –

subject to prevention or fine officials at a rate of ten, on small business entities – at a rate of twenty, on subjects of average business – at a rate of fifty, on subjects of large business – at a rate of three hundred monthly settlement indicators.

4. Action provided by a part three of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

subject to fine officials at a rate of fifty, on small business entities – at a rate of hundred fifty, on subjects of average business – at a rate of two hundred fifty, on subjects of large business – of one thousand monthly settlement indicators, with deprivation of the license for activities for the organization television and (or) broadcastings and suspension of release (broadcast) of mass media for a period of up to three months.

5. Broadcasting of the relay of the television and radio programs of foreign television and radio channels in the weekly volume by domestic television and radio channel, exceeding twenty percent of the total volume of television and radio programs, shall –

entail a fine on civil servants in amount of fifty, on legal entities – in amount of one hundred monthly calculation indices.

6. Action provided by a part five of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

subject to fine subject to fine to officials at a rate of hundred, on legal entities – at a rate of two hundred monthly settlement indicators.

7. Breach of the legislation of the Republic of Kazakhstan on television and radio broadcasting by the operators of television and radio broadcasting committed in the form of:

1) failure to distribute compulsory television and radio channels by the operators of television and radio broadcasting;

2) violation of the conditions for relay of a television and radio channel by the operators of television and radio broadcasting, shall –

entail a fine on civil servants in amount of fifty, on subjects of small entrepreneurship or non-profit organizations – in amount of one hundred, on subjects of medium entrepreneurship – in amount of one hundred fifty, on subjects of large entrepreneurship – in amount of three hundred monthly calculation indices.

8. Acts provided by a part seven of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine on civil servants in amount of one hundred, on subjects of small entrepreneurship or non-profit organizations – in amount of one hundred fifty, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of four hundred monthly calculation indices.

9. Breach of the legislation of the Republic of Kazakhstan on television and radio broadcasting by television and radio broadcasting companies and operators of the television and radio broadcasting committed in the form of:

1) organization of a system of community reception that does not provide commercial purpose without the written consent of the owners of a building and (or) buildings;

2) is excluded by the Law of the Republic of Kazakhstan No. 170-VI dated 02.07.2018 (shall be enforced upon expiry of six months after its first official publication);

3) untimely distribution of a warning signal of the population by the operators of television and radio broadcasting and television and radio companies on a threat to life, health of people and procedure for the actions in the existing situation of natural and technogenic character, as well as in behalf of defence, national security and protection of public order;

4) use of technical means of television broadcasting that did not pass the procedures for confirmation of conformity;

5) creation of noises for the radio transmitting and radio receiving communication means by individually land satellite receiving facilities;

6) distribution of the television and radio channels by the operators of television and radio broadcasting that are not registered, reregistered in the authorized body, shall –

entail a fine on civil servants in amount of fifty, on subjects of small entrepreneurship or non-profit organizations – in amount of one hundred, on subjects of medium entrepreneurship – in amount of one hundred fifty, on subjects of large entrepreneurship – in amount of three hundred monthly calculation indices.

10. Acts provided by a part nine of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine on civil servants in amount of one hundred, on subjects of small entrepreneurship or non-profit organizations – in amount of one hundred fifty, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of four hundred monthly calculation indices.

Footnote. Article 452 with the changes made by the Laws of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days of its first official publication); from 28.12.2017 No. 128-VI (shall be enforced after ten calendar days of its first official publication); No. 170-VI dated 02.07.2018 (shall be enforced upon expiry of six months after its first official publication);

Article 453. Manufacturing, storage, inflow, transmission, distribution of media products, and equally other products in a territory of the Republic of Kazakhstan

1. Manufacturing, storage, inflow, transmission of the media products in a territory of the Republic of Kazakhstan containing details and materials oriented to the propaganda or agitation of the forcible change of constitutional order, violation of integrity of the Republic of Kazakhstan, subversion of the state security, wars, incitement of the social, race, national, religious, class and tribal dissension, cult of cruelty, violence and pornography, shall –

entail a fine on individuals in amount of twenty, on civil servants – in amount of twenty five, on subjects of small entrepreneurship or non-profit organizations – in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices, with the confiscation of the media products.

2. Distribution of the media products in a territory of the Republic of Kazakhstan containing details and materials oriented to the propaganda or agitation of the forcible change of constitutional order, violation of integrity of the Republic of Kazakhstan, subversion of the state security, wars, incitement of the social, race, national, religious, class and tribal dissension, propaganda and acquittal of extremism or terrorism, as well as disclosing the technique and tactics of the anti-terrorist operations during their conduct, if these actions do not contain the signs of a criminally punishable act, shall –

entail a fine on individuals in amount of twenty, on civil servants – in amount of twenty five, on subjects of small entrepreneurship or non-profit organizations – in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices, with the confiscation of the media products.

3. Actions provided by parts one and two of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine on individuals in amount of one hundred, on civil servants – in amount of one hundred fifty, on subjects of small entrepreneurship or non-profit organizations – in amount of two hundred, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship – in amount of one thousand five hundred monthly calculation indices, with the confiscation of the media products with the deprivation of the licence for the activity on organizing the television programs and (or) radio broadcasting and prohibition of the activity of a legal entity.

4. Manufacturing, storage, inflow, transmission, distribution of another products in a territory of the Republic of Kazakhstan that do not relate to the media products containing details and materials oriented to the propaganda or agitation of the forcible change of constitutional order, violation of integrity of the Republic of Kazakhstan, subversion of the state security, wars, incitement of the social, race, national, religious, class and tribal dissension, cult of cruelty, violence and pornography, if these actions do not contain the signs of a criminally punishable act, shall –

entail a fine on individuals in amount of one hundred, on civil servants – in amount of one hundred fifty, on subjects of small entrepreneurship or non-profit organizations – in amount of two hundred, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship – in amount of one thousand five hundred monthly calculation indices, with the confiscation of the media products.

5. Actions provided by parts three and four of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine on individuals in amount of two hundred, on civil servants – in amount of three hundred, on subjects of small entrepreneurship or non-profit organizations – in amount of three hundred fifty, on subjects of medium entrepreneurship – in amount of four hundred, on subjects of large entrepreneurship – in amount of two thousand monthly calculation indices, with the deprivation of the licence for the activity on organizing the television and (or) radio broadcasting and prohibition of the activity of a legal entity.

Article 454. Violation of the procedure for representing free samples of periodical printed publications, fixation, storage of the materials of television and radio programs

1. Non-representation of compulsory free samples of periodical printed publications, as well as fixation and storage of the materials of television and radio programs, shall – subject to prevention.

2. Actions provided by a part one of this Article committed repeatedly second time within a year after imposition of administrative sanction, shall – subject to fine a rate of twenty monthly settlement indicators.

Footnote. Article 454 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 128-VI (shall be enforced after ten calendar days of its first official publication).

Article 455. Breach of the legislation of the Republic of Kazakhstan on advertising

1. Production, dissemination, placement and use of advertising of the goods (works and services) prohibited to advertising by the Laws of the Republic of Kazakhstan, –

shall entail a fine on individuals in amount of fifty, on officials – in amount of seventy, on subjects of small entrepreneurship or non-profit organizations – in amount of one hundred, on subjects of medium entrepreneurship – in amount of one hundred fifty, on subjects of large entrepreneurship – in amount of four hundred monthly calculation indices.

2. Violation of the legislation of the Republic of Kazakhstan on advertising, committed in the form of:

1) unethical and hidden advertising, with the exception of cases provided by Article 163 of this Code;

2) unethical and hidden advertising;

3) advertisements in the days of national mourning on television and radio channels;

4) advertising in the form of various events, including prize draws, lotteries, aimed at stimulating demand and interest in alcoholic beverages, tobacco and tobacco products;

5) interruptions by advertising, including by running line, broadcasting official messages, speeches of presidential candidate of the Republic of Kazakhstan and deputies of

representative agencies, educational and religious television programs, as well as demonstrations of children's television programs, with the exception of advertising for children and teenagers;

6) interruption by advertising of film projection in motion picture and video services, with the exception of series breaks;

7) placement of outdoor (visual) advertising on historical and cultural monuments and in their protection zones, on religious buildings (structures) and on the territory allotted to them and their fences, as well as on specially protected natural territories;

8) advertising of a residential building (residential building) under construction or commissioned that shall not comply with the classification of residential buildings (residential buildings) in the approved project documentation;

9) advertisements of religious associations and spiritual (religious) educational organizations not registered in accordance with the legislation of the Republic of Kazakhstan,

– shall entail a fine on individuals in amount of twenty, on officials – in amount of seventy, on subjects of small entrepreneurship or non-profit organizations – in amount of one hundred, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of four hundred monthly calculation indices.

3. Violation of the requirements established by the Laws of the Republic of Kazakhstan to the of dissemination of advertising, –

shall entail a fine on individuals in amount of twenty, on officials – in amount of seventy, on subjects of small entrepreneurship or non-profit organizations – in amount of one hundred, on subjects of medium entrepreneurship – in amount of one hundred fifty, on subjects of large entrepreneurship – in amount of four hundred monthly calculation indices.

4. Action provided by part three of this Article committed with the use of mass media, –

shall entail a fine on individuals in amount of seventy, on officials – in amount of one hundred, on subjects of small entrepreneurship or non-profit organizations – in amount of one hundred fifty, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices.

5. Actions provided by parts one, two, three and four of this Article committed repeatedly second time within a year after imposition of administrative sanction, –

shall entail a fine on individuals in amount of one hundred fifty, on officials – in amount of one hundred seventy, on subjects of small entrepreneurship or non-profit organizations – in amount of two hundred, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship – in amount of six hundred monthly calculation indices.

Footnote. Article 455 is in the wording of the Law of the Republic of Kazakhstan No. 215 -VI dated 08.01.2019 (shall be enforced upon expiry of three months after its first official publication).

Article 456. Violation of the procedure for announcing output information

1. Issue of the periodic printing edition, distribution of messages and materials of news agency or online media without the established output data, broadcast TV, radio channels without announcement of the name, and it is equal with not clear or obviously false output data -

subject to prevention.

2. Actions provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

subject to fine a rate of twenty monthly settlement indicators.

Footnote. Article 456 with the changes made by the Laws of the Republic of Kazakhstan from 24.11.2015 No. 419-V (shall be enforced from 01.01.2016); from 28.12.2017 No. 128-VI (shall be enforced after ten calendar days of its first official publication).

Article 456-1. Illegal restriction of the right for access to information

1. Illegal refusal in providing information or granting obviously false information in cases when such information is subject to granting at the request of the user of information according to the legislation of the Republic of Kazakhstan, except for actions, responsibility for which is provided by other articles of the present Code, –

subject to fine s officials, small business entities, non-profit organizations – at a rate of thirty, on subjects of average business – at a rate of fifty, on subjects of large business – at a rate of hundred monthly settlement indicators.

2. Placement of obviously false information in mass media, on an Internet resource of the owner of information, on the Internet portal of open data or the different ways provided by the legislation of the Republic of Kazakhstan –

subject to fine officials, small business entities, non-profit organizations – at a rate of thirty, on subjects of average business – at a rate of fifty, on subjects of large business – at a rate of hundred monthly settlement indicators.

3. Illegal reference of information which isn't information with limited access to information with limited access, except for the actions provided by a part of the third article 504 of the present Code –

subject to fine subject to fine to officials at a rate of twenty monthly settlement indicators.

4. The acts provided by parts of the first and second present article perfect repeatedly within a year after imposing of an administrative penalty, –

subject to fine officials, small business entities or non-profit organizations – at a rate of fifty, on subjects of average business – at a rate of hundred, on subjects of large business – at a rate of two hundred monthly settlement indicators.

Footnote. Chapter 26 is supplemented with article 456-1 according to the Law of the Republic of Kazakhstan from 16.11.2015 No. 404-V (shall be enforced after ten days of its first official publication).

Chapter 27. ADMINISTRATIVE INFRACTIONS ENCROACHING ON ESTABLISHED CONTROL PROCEDURE

Article 457. Breach of the legislation of the Republic of Kazakhstan on the issues of the state registration of regulatory legal acts

1. Non-representation of a regulatory legal act by a civil servant for the state registration, subjected to such registration in the manner and in terms established by the legislation of the Republic of Kazakhstan, shall –

entail a fine in amount of ten monthly calculation indices.

2. Application of a regulatory legal act by a civil servant that ceased to be in force in established manner, recognized by the court as invalid, officially unpublished in the established manner, not entered into force, or the validation of which is suspended by the authorized body, as well as that did not pass the state registration in the bodies of justice, shall –

entail a fine in amount of twenty monthly calculation indices.

3. Actions provided by parts one or two of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine in amount of thirty monthly calculation indices.

Article 458. Violation of the procedure for use the National Flag of the Republic of Kazakhstan, National Emblem of the Republic of Kazakhstan, as well as use and performance of the National Anthem of the Republic of Kazakhstan

1. Illegal use the National Flag of the Republic of Kazakhstan, National Emblem of the Republic of Kazakhstan and their images, as well as use and performance of the National Anthem of the Republic of Kazakhstan with the violation of requirements of the legislation of the Republic of Kazakhstan, shall –

subject to fine a rate of fifty monthly settlement indicators.

2. Non-use of the state symbols in the cases when their use is compulsory, shall – subject to fine officials at a rate of fifty monthly settlement indicators.

3. Acts provided by parts one and two of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

subject to fine a rate of hundred monthly settlement indicators.

Footnote. Article 458 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten days of its first official publication).

Article 459. Violation of the procedure for the following official publication of the texts of regulatory legal acts

Footnote. Article 459 is excluded by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 460. Violation of a term of documents for the state registration of the rights for real estate

1. Violation by natural and (or) legal entities of the term of documents for the state registration of the rights for real estate established by the Law of the Republic of Kazakhstan “About the state registration of the rights for real estate” –

attracts prevention.

2. The same action made repeatedly within a year after imposing of the administrative penalty provided by part one of the present article –

subject to fine natural persons at a rate of ten, on legal entities – at a rate of twenty monthly settlement indicators.

Footnote. Article 460 in edition of the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days of its first official publication).

Article 460-1. Violation of an order of submission of data on receiving money and (or) other property from the foreign states, the international and foreign organizations, foreigners, persons without citizenship or their expenditure

1. Non-notification in terms and the cases provided by the tax law of the Republic of Kazakhstan, bodies of state revenues about receiving money and (or) other property of the foreign states, the international and foreign organizations, foreigners, persons without citizenship and also non-presentation or untimely submission of data on their receiving and expenditure –

subject to fine natural persons at a rate of fifty, on small business entities or non-profit organizations – at a rate of hundred, on subjects of average business – at a rate of two hundred, on subjects of large business – at a rate of three hundred fifty monthly settlement indicators.

2. Submission of the doubtful or obviously false data specified in part one of the present article –

subject to fine natural persons at a rate of hundred, on small business entities or non-profit organizations – at a rate of two hundred, on subjects of average business – at a rate of four

hundred, on subjects of large business – at a rate of seven hundred monthly settlement indicators with suspension of operations.

3. The actions (inaction) provided by parts of the first and second present article, made repeatedly within a year after imposing of an administrative penalty –

subject to fine natural persons at a rate of hundred fifty, on small business entities or non-profit organizations – at a rate of two hundred fifty, on subjects of average business – at a rate of four hundred fifty, on subjects of large business – of one thousand monthly settlement indicators with activity prohibition.

Footnote. The code is supplemented with article 460-1 according to the Law of the Republic of Kazakhstan from 26.07.2016 No. 12-VI (shall be enforced after two months of its first official publication).

Article 460-2. Violation of an order of the publication, distribution and (or) placement of materials by the persons receiving money and (or) other property from the foreign states, the international and foreign organizations, foreigners, persons without citizenship

1. The publication, distribution or placement of materials on the basis of the signed contracts on rendering the services, performance of work with the foreign states, the international and foreign organizations, foreigners and persons without citizenship which aren't containing the information about the persons who have made the order and from what means are paid the publication, distribution and (or) placement of this publication – subject to prevention.

2. The actions (inaction) provided by part one of the present article, made repeatedly within a year after imposing of an administrative penalty, - subject to fine a rate of twenty five monthly settlement indicators.

Footnote. The code is supplemented with article 460-2 according to the Law of the Republic of Kazakhstan from 26.07.2016 No. 12-VI (shall be enforced after two months of its first official publication).

Article 461. Violation of protective prescription

Violation of protective prescription issued by the internal affairs body, shall – entail a notification or administrative arrest for the term up to five days.

Article 462. Impeding to civil servants of the state inspections and bodies of state control and supervision in performing their official duties, failure to perform the regulations, prescriptions and other requirements

1. Impeding to civil servants of the state inspections and bodies of state control and supervision in performing their official duties in accordance with their competence being expressed in a refusal to represent necessary documents, materials, statistical (with the exception of the primary statistics) and other details, information on the activity, on incomes, on equipping by instruments for metering the energy resources, volume of consumption and losses of energy resources, water, on calculation and payment of insurance contributions, on use of nuclear energy, in a refusal of access for conducting the revisions, inspection, inventory, examination under the regulation of the authorized body and other actions provided by the legislation, or in creation of another obstacle in their carrying out, or provision of inaccurate information, shall –

entail a fine on individuals in amount of three, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of one hundred, on subjects of medium entrepreneurship – in amount of one hundred fifty, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

2. Actions provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine on individuals in amount of seven, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of two hundred, on subjects of medium entrepreneurship – in amount of three hundred, on subjects of large entrepreneurship – in amount of four hundred monthly calculation indices.

3. Non-performance or inadequate implementation of legal requirements or instructions, representations, the resolutions issued by bodies of the state control and supervision (officials), officials of public authorities within their competence except for the cases provided by articles 162 and 227 of the present Code –

subject to fine natural persons at a rate of five, on officials – at a rate of fifteen, on small business entities or non-profit organizations – at a rate of hundred, on subjects of average business – at a rate of two hundred, on subjects of large business – at a rate of five hundred monthly settlement indicators, with suspension of action of permission either without that or with suspension of operations or separate kinds of activity or without that.

4. Non-representation or untimely presentation of the information by inspected subjects on measures that will be taken to eliminate the violations detected by the bodies of control and supervision, shall –

entail a fine in amount of twenty monthly calculation indices.

5. Break of stamp (seal) imposed by a civil servant of the authorized body, with the exception of the cases provided by a part two of Article 625, part one of Article 626 of this Code, shall –

entail a fine on individuals in amount of five, on subjects of small entrepreneurship or non-profit organizations – in amount of ten, on subjects of medium entrepreneurship – in

amount of twenty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

Notes.

1. The natural person, except for subjects of financial monitoring, isn't subject to administrative prosecution according to parts of the first and second present article for refusal of providing necessary documents, materials statistical (except for primary statistical data) and other data, information on equipment metering devices of energy resources, waters.

2. The legal entity, except for subjects of financial monitoring, the state enterprises, the limited liability companies, joint-stock companies, including national managing directors of holdings, national holdings, the national companies, the participant or the shareholder of which is the state and also the affiliated, dependent and other legal entities which are affilirovanny with them isn't subject to administrative prosecution according to parts of the first and second present article for refusal of providing necessary documents, materials statistical (except for primary statistical data) and other data, information on equipment metering devices of energy resources, waters, volumes of consumption and losses of energy resources, waters in case such person consumes energy resources in volume, equivalent less than one thousand five hundred tons of conditional fuel a year.

Footnote. Article 462 with the changes made by laws of the Republic of Kazakhstan from 02.08.2015 No. 343-V (shall be enforced after six months after the day of its first official publication); from 03.07.2017 No. 84-VI (shall be enforced after ten calendar days of its first official publication); from 28.12.2017 No. 127 – VI (shall be enforced after ten calendar days of its first publication).

Article 463. Engagement in entrepreneurial or another activity, as well as carrying out of the actions (operations) without the relevant registration, permission or filing of notification

1. Engagement in entrepreneurial or another activity, as well as carrying out of the actions (operations) without the relevant registration, permission, and equally non-filing of a notification in the cases when the registration, permission, filing of the notification are compulsory, if these actions do not contain the signs of a criminally punishable act, shall –

Subject to fine natural persons at a rate of fifteen, on officials, small business entities or non-profit organizations – at a rate of twenty five, on subjects of average business – at a rate of forty, on subjects of large business – at a rate of hundred fifty monthly settlement indicators, with confiscation of objects and (or) tools of commission of administrative offenses or without that, and occupation in addition attracts with business or other activity without license confiscation of income (dividends), money, the securities received owing to administrative offense.

2. Actions provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

subject to fine natural persons at a rate of thirty, on officials, small business entities or non-profit organizations – at a rate of fifty, on subjects of average business – at a rate of eighty, on subjects of large business – at a rate of five hundred monthly settlement indicators, with confiscation of objects and (or) tools of commission of administrative offense, and occupation in addition attracts with business or other activity without license confiscation of income (dividends), money, the securities received owing to administrative offense.

Note. Responsibility under this Article shall not apply to the notification on made currency operations and accounting registration of currency contracts carried out in accordance with the Law of the Republic of Kazakhstan “On currency regulation and currency control” as well as the notifications carried out in accordance with the Law of the Republic of Kazakhstan “On natural monopolies”.

Footnote. Article 463 with changes, brought by laws of the Republic of Kazakhstan from 28.12.2016 No. 34-VI (shall be enforced from 01.01.2017); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days of its first official publication); No. 168-VI dated 02.07.2018 (shall be enforced from 01.07.2019).

Article 464. Violation of the rules for licensing

1. Violation of the rules for licensing established by the legislation of the Republic of Kazakhstan, including non-conformance to the qualification requirements submitted to the licensable types of activity, shall –

subject to fine natural persons at a rate of fifteen, on officials, small business entities or non-profit organizations – at a rate of forty five, on subjects of average business – at a rate of eighty, on subjects of large business – at a rate of hundred fifty monthly settlement indicators, with suspension of action of the license or without that.

2. Representation of knowingly inaccurate information by a licensee upon obtainment of the license, and equally the actions (omission) provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, as well as failure to eliminate the violations of the rules for licensing that entailed bringing to the administrative liability, upon expiry of the term for suspension of the license validity, shall –

entail a fine on individuals in amount of fourty, on subjects of small entrepreneurship or non-profit organizations – in amount of one hundred, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of three hundred and fifty monthly calculation indices, with or without revocation of the license.

Footnote. Article 464 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); from 28.12.2017 No. 127-VI (

shall be enforced after ten calendar days of its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 465. Violation of the procedure and terms for issuance of permission

1. Violation of the terms for issuance of permission, shall –
subject to fine officials at a rate of twenty monthly settlement indicators.
2. Issuance of permission with the violation of the procedure established by the legislation of the Republic of Kazakhstan on permissions and notifications, and equally unreasonable refusal in issuing the permission, shall –
subject to fine officials at a rate of thirty monthly settlement indicators.
3. Actions provided by parts one and two of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –
subject to fine officials at a rate of fifty monthly settlement indicators.

Footnote. Article 465 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days of its first official publication).

Article 466. Breach of the legislation of the Republic of Kazakhstan on state registration of legal entities and record registration of branches and representatives

1. Carrying out of the activity without reregistration of a legal entity, its branches and representatives in the cases provided by the legislation, shall –
subject to prevention or fine officials, small business entities or non-profit organizations at a rate of ten, on subjects of average business – at a rate of twenty, on subjects of large business – at a rate of forty monthly settlement indicators.
2. Untimely notification of a registering body on change of location of a legal entity, shall –
subject to prevention or fine officials, small business entities or non-profit organizations at a rate of five, on subjects of average business – at a rate of ten, on subjects of large business – at a rate of thirty monthly settlement indicators.

Footnote. Article 466 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days of its first official publication).

Article 467. Non-return of a license and (or) license addendum to a licensor

Footnote. Article 467 is excluded by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days of its first official publication).

Article 468. breach of the legislation of the Republic of Kazakhstan on the national registers of identification numbers

1. Divulgence of the details contained in the national registers of identification numbers that are not subjected to divulgence, and equally non-fulfillment or improper fulfillment of the obligations established by the legislation of the Republic of Kazakhstan on the national registers of identification numbers, committed:

by the authorized body in the form of:

1) non-formation of the identification number within one business date from the date of reference of the registering bodies;

2) non-representation of information to the registering state bodies and other state institutions no later than two business days from the date of their references;

by the registering body in the form of:

1) untimely representation of details to the authorized body for formation of the identification number within one business day from the date of receipt of such details;

2) non-representation of details to the authorized body for replenishment and maintenance of the actual data status of informational systems of the national registers of identification numbers within one business day from the date of receipt of such details;

3) non-representation of details to the authorized body for exclusion or conditional exclusion of the identification numbers from the national registers of identification numbers within one business day from the date of receipt of such details;

by the state bodies and other state institutions in the form of:

1) non-representation of details established by the Government of the Republic of Kazakhstan to the authorized body for replenishment and maintenance of the actual data status of informational systems of the national registers of identification numbers within one business day from the date of receipt of such details;

2) non-representation of details to the authorized body for exclusion or conditional exclusion of the identification numbers from the national registers of identification numbers within one business day from the date of receipt of such details;

3) non-considering the identification number upon issuance of the documents of registration, permission and other nature in accordance with the legislation of the Republic of Kazakhstan;

by banks and organizations carrying out separate types of banking operations in the form of

1) non-considering the identification number, as well as failure to control the correctness of stating in accordance with an algorithm of formation of an identification number established by the legislation of the Republic of Kazakhstan, shall –

entail a fine on civil servants in amount of twenty monthly calculation indices.

2. Acts provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine on civil servants in amount of thirty monthly calculation indices.

Article 469. Violation of the requirements submitted to the activity on assembling, checking and technical maintenance of the means of security alarm

1. Violation of the requirements by individuals or legal entities submitted to the activity on assembling, checking and technical maintenance of the means of security alarm by the Law of the Republic of Kazakhstan “On security activity”, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of fifty five, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of one hundred fifty monthly calculation indices.

2. Action provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, and equally non-elimination of the violation provided by a part one of this Article that entailed bringing to the administrative liability, shall –

entail a fine on individuals in amount of forty, on subjects of small entrepreneurship – in amount of ninety nine, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of three hundred fifty monthly calculation indices with the prohibition of activity.

Article 470. Breach of the legislation of the Republic of Kazakhstan in the field of security activity

1. Breach of the legislation of the Republic of Kazakhstan in the field of security activity committed in the form of:

1) non-performance and (or) improper performance of the requirements on ensuring the engineering and technical strengthening of the objects subjected to the state protection approved by the Government of the Republic of Kazakhstan;

2) provision of a right to foreign legal entities, legal entities with foreign participation, foreign persons, as well as stateless persons to carry out all the types of security activity; to establish or be a founder (founders) of the private protective organizations; to have a private protective organization in a trust management;

3) accept the persons that do not conform to the requirements of paragraph 6 of Article 6 of the Law of the Republic of Kazakhstan “On security activity” on position of a guard of a private protective organization;

4) failure to perform the requirements on providing a standard type document to the guard upon fulfilling own employment duties that certifies his (her) identity and belonging to the private protective organization, and special uniform;

5) non-compliance with the restrictions provided by Article 17-1 of the Law of the Republic of Kazakhstan “On security activity”;

6) carrying out of the activity on training and raising of qualification of the workers holding positions of a head and guard in the private protective organization with the violation of requirements established by the legislation of the Republic of Kazakhstan, shall –

subject to fine officials, small business entities at a rate of forty, on subjects of average business – at a rate of eighty, on subjects of large business – at a rate of hundred monthly settlement indicators.

1-1. The shelter, and is equal not informing law-enforcement bodies by the workers holding the security guard's position in the private security organization on the facts which have become known for him of the preparing or committed crimes if these actions don't contain signs of penal act, or about operation of the security alarm system from the protected objects in the territory of which are available weapon, ammunition and explosives, –

subject to fine natural persons at a rate of five monthly settlement indicators.

2. The actions (inaction) provided by parts of the first and 1-1 present article, made repeatedly within a year after imposing of an administrative penalty, and not elimination of the violation provided by part one of the present article, which has entailed administrative prosecution is equal –

subject to fine natural persons at a rate of ten, on officials, small business entities – at a rate of eighty, on subjects of average business – at a rate of hundred thirty, on subjects of large business – at a rate of hundred fifty monthly settlement indicators, with prohibition of activity or without that.

Footnote. Article 470 with the changes made by laws of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days of its first official publication).

Heading of Article 471 is provided in the wording of the Law of the Republic of Kazakhstan No. 412-V dated 18.11.2015 (shall be enforced from 01.01.2021).

Article 471. Non-fulfillment of the obligations by the local executive bodies and other authorized state bodies established by the tax legislation of the Republic of Kazakhstan

1. Non-transfer, untimely or incomplete transfer of the sums of taxes and other compulsory payments into the budget subjected to transfer into the budget by the local executive bodies or authorized state bodies in accordance with the tax legislation of the Republic of Kazakhstan and bodies mentioned in this part, shall –

entail a fine on civil servants in amount of thirty monthly calculation indices.

Paragraph 2 is provided in the wording of the Law of the Republic of Kazakhstan 18.11.2015 № 412-V (shall be enforced from 01.01.2021).

2. Non-representation, untimely, inaccurate or incomplete representation of the details determined by the tax legislation of the Republic of Kazakhstan for representation to the state revenues bodies by the local executive bodies and other authorized state bodies, shall –

entail a fine on civil servants in amount of thirty monthly calculation indices.

3. Failure to perform the requirements by the authorized state and local executive bodies on elimination of the violations detected in results of the tax control and mentioned in the act of control, shall –

entail a fine on civil servants in amount of thirty monthly calculation indices.

4. Actions (omission) provided by parts one, two of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine on civil servants in amount of sixty monthly calculation indices.

Article 471 is provided to supplement with Note in accordance with the Law of the Republic of Kazakhstan No. 412-V dated 18.11.2015 (shall be enforced from 01.01.2021).

Footnote. Article 471 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

Article 472. Violation of the rules for accounting and the following use of property received in ownership of the state on separate grounds, in cases provided by the legislative acts

1. Incomplete and (or) untimely transfer of property to the authorized body received in ownership of the state on separate grounds, if these acts do not have the signs of a criminally punishable act, specifically:

- 1) confiscated on the ground of court acts to the state budget;
- 2) material evidences on the ground of court acts turned into the state budget;
- 3) treasures containing the things related to the monuments of history and culture;

4) the gifts which have arrived to the persons holding a responsible state position, to the persons authorized for performance of the state functions, to the persons equated to them (except for candidates for president of the Republic of Kazakhstan, deputies of Parliament of the Republic of Kazakhstan or maslikhat, akims of the cities of regional value, settlements,

villages, rural districts and also in members of electoral local governments), to officials and also persons who are the candidates authorized for performance of the specified functions which are subject to gratuitous delivery in special public foundation;

5) transferred into republican ownership in the other cases provided by the legislative acts, including goods and transport vehicles registered in a customs regime of refusal in behalf of the state;

6) recognized ownerless in established manner;

7) transferred to the state by the right of succession, as well as escheated succession;

8) findings;

9) neglected animals, shall –

entail a fine on individuals in amount of eight, on civil servants – in amount of fifteen, on legal entities – in amount of forty five monthly calculation indices.

2. Non-compliance with the procedure for accounting, storage, assessment and sale of the property received in ownership of the state on separate grounds committed in the form of:

1) non-ensuring of storage of the documents certifying occurrence of the right of ownership of the state;

2) choice of an organizer of auction not by the state procurement of the services on organization and conduct of the auctions;

3) failure to destroy the property that is not sold at the minimal price;

4) untimely transfer of the sums from selling such property to the state budget, shall – entail a fine on civil servants in amount of fifteen, on legal entities – in amount of forty five monthly calculation indices.

Footnote. Article 472 with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days of its first official publication).

Article 473. Disclosure of information constituting tax secret

Disclosure of information constituting tax secret, without professional or service necessity by persons who have become aware of such information in the manner established by the tax legislation of the Republic of Kazakhstan, if this action shall not contain the elements of criminally punishable act, –

shall entail a fine in amount of forty monthly calculation indices.

Footnote. Article 473 as amended by the Law of the Republic of Kazakhstan No. 122-VI dated 25.12.2017 (shall be enforced from 01.01.2019).

Article 474. Carrying out of particular actions by the bodies (organizations) being authorized by the state without recovery of taxes and other compulsory payments to the budget, and equally without receipt of the documents confirming such payment

1. Carrying out of legally significant actions provided by the legislation of the Republic of Kazakhstan by bodies (organizations) being authorized by the state without recovery of taxes and other compulsory payments to the budget, shall –

entail a fine on civil servants in amount of thirty monthly calculation indices.

2. Carrying out of legally significant actions provided by the legislation of the Republic of Kazakhstan by the bodies (organizations) authorized by the state, without receipt of the document confirming payment of taxes and other compulsory payments to the budget in the cases when the receipt of confirming document is provided by the legislative acts, shall –

entail a fine on civil servants in amount of thirty monthly calculation indices.

3. Actions provided by parts one and two and this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine on civil servants in amount of seventy monthly calculation indices.

Article 475. Refusal in tax registering or violation of the terms for tax registration

1. Refusal in tax registering of a tax payer or registration of the tax payer as a payer of value added tax, and equally violation of the terms for such registration (recording) by a civil servant of the state revenues bodies established by the tax legislation, shall –

entail a fine in amount of twenty monthly calculation indices.

2. Actions provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine in amount of forty monthly calculation indices.

Article 476. Violation of the emergency situation

Violation of the regime or failure to perform the requirements established by the state body due to announcement of emergency situation, as well as non-execution of legal orders and regulations of a governor of a region, if these actions (omission) do not contain the signs of a criminally punishable act, insofar as:

1) special regime of entry and departure;

2) prohibition to leave particular place, own flat (house) for particular individuals for established term;

3) prohibition of holding the meetings, rallies, marches and demonstrations, as well as entertaining, sport and other mass events;

4) prohibition of strikes;

5) restriction or prohibition of trade in arms, virulent chemical and poisonous substances, as well as alcohol drinks and alcohol-containing substances;

6) quarantine and conduct of other compulsory sanitary- epidemiological measures;

7) restriction or prohibition of using multiplying technology, as well as radio and television transmitting equipment, audio and video recording technology; prescriptions on withdrawal of audio amplifier technical means; measures to ensure control of the mass media;

8) special rules for using communications;

9) traffic limitation of the transport vehicles and conduct of their search;

10) prohibition to stay on the streets or in other public places for individuals during the curfew restrictions without specially issued passes and documents certifying their identity or to stay outside own dwelling place without the documents certifying identity, shall –

entail a notification or fine in amount of ten monthly calculation indices or administrative arrest for the term up to fifteen days.

Article 477. Violation of the legal regime in a zone of conducting anti-terrorist operation

Violation of the legal regime or failure to perform the requirements established due to announcement of the anti-terrorist operation, insofar as:

1) special regime of entry and departure;

2) prohibition to stay on the separate fields of location and objects for individuals, as well as obstruction of towing transport vehicles;

2-1) stays in the anti-terrorist operation zone of representatives of mass media and implementation by them of sound recording, photo and video filming without the permission of the head of operational staff;

3) obstruction of inspecting the documents certifying identity of the individuals, conduct of personal inspection and search of the things being in possession of the individual, search of transport vehicles;

4) special rules for using communications;

5) obstruction of taking the transport vehicles for delivery of the persons being in need of emergency medical care to the medical institutions, transit to the place of commission of the act of terrorism, as well as for pursuing and detention of the persons being suspected in commission of the act of terrorism, if delay may create a real threat to life or health of the people;

6) suspension of the activity of hazardous production objects;

7) obstruction of temporary resettlement of individuals residing within the limits of the territory on which the legal regime of anti-terrorist operation is imposed;

8) introduction of quarantine, conduct of sanitary epidemiological, veterinary measures and measures on plant quarantine;

9) obstruction of entry to residential and other premises being in the ownership or in possession and in use of individuals and legal entities, and to the land fields belonging to them on the basis of the right of private ownership or land use;

10) restriction or prohibition of trade in arms, ammunition, explosive substances, virulent chemical and poisonous substances, establishment of the special regime of turnover of medical products, narcotic drugs, psychotropic substances and precursors, ethyl alcohol and alcohol products, shall –

entail a fine on individuals in amount of twenty monthly calculation indices or the administrative arrest for the term up to fifteen days, on subjects of small entrepreneurship or non-profit organizations – in amount of eighty five, on subjects of medium entrepreneurship – in amount of one hundred fifty, on subjects of large entrepreneurship – in amount of two hundred fifty monthly calculation indices, with the suspension of the activity of hazardous production objects.

Footnote. Article 477 with the changes made by the Law of the Republic of Kazakhstan from 02.08.2015 No. 343-V (shall be enforced after ten calendar days of its first official publication).

Article 478. Actions provoking the violation of legal order in emergency conditions

Actions provoking the violation of legal order or spreading the national and religious dissension, active obstruction of the exercising own legal rights and obligations by individuals and civil servants, and equally malicious insubordination to the legal regulation or requirement of the employee of the bodies of internal affairs, national security, the military servant, representatives of power or society fulfilling official duties or public debt on protection of the public order, or the actions violating the public order and calm of the individuals, as well as breach of the legislation on administrative supervision committed at the place where the emergency situation is imposed, shall –

entail a fine in amount of forty monthly calculation indices or administrative arrest for the term up to thirty days.

Article 479. Not message about the taken measures and (or) rejection of measures for elimination of the reasons and conditions promoting offense commission

Footnote. Article 479 heading in edition of the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days of its first official publication).

Not message the head of the organization and other persons about the taken measures, and is equal rejection of measures for elimination of the reasons and conditions promoting commission of crimes or administrative offenses on representations of bodies (officials) considering case –

entail a fine in amount of ten monthly calculation indices.

Footnote. Article 479 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days of its first official publication).

Article 480. Breach of the legislation of the Republic of Kazakhstan on administrative supervision

1. Failure to perform the rules of administrative supervision by a person released from the places of deprivation of freedom or restrictions imposed in respect of him (her) by the court, shall –

entail a notification or fine in amount of ten monthly calculation indices.

2. Actions provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine in amount of twenty monthly calculation indices or administrative arrest up to fifteen days.

Article 481. Transfer of banned substances, products and subjects to the persons detained in the correctional system facilities, special institutions

1. Transfer or attempt to transfer of alcohol drinks, medical and other substances having dopey effect, money, food products, products and other subjects by any method to the persons detained in the correctional system facilities, special institutions prohibited for storage and use in these institutions, hidden from searching, shall –

entail a notification or fine in amount of ten monthly calculation indices, with the confiscation of a subject being a tool or subject of commission of the administration infraction.

2. Actions provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine in amount of twenty monthly calculation indices or administrative arrest for the term up to thirty days, with the confiscation of a subject being a tool or subject of commission of the administrative infraction.

Article 482. Illegal acquisition, transfer, sale, keeping, bearing, carriage of weapons by individuals and legal entities

1. Illegal acquisition, transfer, sale, keeping, bearing, carriage of smoothbore, gas weapons and ammunition to them not registered in the internal affairs bodies, as well as electric, pneumatic weapons with a muzzle energy more than 7,5 Joul, a caliber more than 4,5 millimeters, shall –

entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship or non-profit organizations – in amount of twenty five, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of forty monthly calculation indices, with the confiscation of weapons.

2. Actions provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine on individuals in amount of thirty, on subjects of small entrepreneurship or non-profit organizations – in amount of twenty five, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices, with the confiscation of weapons.

Note. The person that delivered illegally kept weapons on a voluntary basis shall be released from administrative liability, if his (her) actions does not have the components of another infraction.

Article 483. Violation of the procedure for storage, accounting, use, carriage, trade, destruction, entry, inflow of non-military pyrotechnical substances and products with their applying

1. Violation of the procedure for storage, accounting, use, carriage, trade, destruction, entry, inflow of non-military pyrotechnical substances and products with their applying by the persons having the licenses for the right to activity in the scope of turnover of non-military pyrotechnical substances and products with their applying, shall –

entail a fine on individuals in amount of five, on subjects of small entrepreneurship or non-profit organizations – in amount of ten, on subjects of medium entrepreneurship – in amount of fifteen, on subjects of large entrepreneurship – in amount of forty five monthly calculation indices, with the confiscation of non-military pyrotechnical substances and products with their applying.

2. Sale of non-military pyrotechnical products of the 4 hazard class outside the places of their storage and (or) to the persons that do not have the license for acquisition of non-military pyrotechnical products of the 4 hazard class, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship or non-profit organizations – in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of seventy monthly calculation indices, with the confiscation of non-military pyrotechnical substances and products with their applying.

3. Actions provided by parts one and two of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship or non-profit organizations – in amount of forty, on subjects of medium entrepreneurship – in

amount of sixty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices, with the confiscation of non-military pyrotechnical substances and products with their applying.

Article 484. Violation of an order of acquisition, transfer, account, storage, use, transportation, import to the territory of the Republic of Kazakhstan, export from the territory of the Republic of Kazakhstan and transit across the territory of the Republic of Kazakhstan of civil, office, award, collection weapon, cartridges to him

1. Violation of an order of acquisition, transfer, account, storage, use, transportation, import to the territory of the Republic of Kazakhstan, export from the territory of the Republic of Kazakhstan and transit across the territory of the Republic of Kazakhstan of civil, office, award, collection weapon, cartridges to him the persons having permission of law-enforcement bodies to storage, storage and carrying weapon –

subject to fine natural persons at a rate of ten, on legal entities – at a rate of twenty monthly settlement indicators.

2. The action provided by part one of the present article perfect repeatedly within a year after imposing of an administrative penalty, –

subject to fine natural persons at a rate of twenty, on legal entities – at a rate of forty monthly settlement indicators.

Footnote. Article 484 in edition of the Law of the Republic of Kazakhstan from 22.12.2016 No. 28-VI (shall be enforced after ten calendar days of its first official publication).

Article 485. Illegal use of fire, fire besstvolny, gas weapon, gas weapon with a possibility of firing by cartridges of traumatic action, pneumatic, throwing and electric weapon

Footnote. Article 485 heading in edition of the Law of the Republic of Kazakhstan from 22.12.2016 No. 28-VI (shall be enforced after ten calendar days after day of its first official publication).

1. Illegal use of fire, fire besstvolny, gas weapon, gas weapon with a possibility of firing by cartridges of traumatic action, pneumatic, throwing and electric weapon if this action doesn't contain signs of penal act, –

subject to fine a rate of twenty monthly settlement indicators with suspension of action of permission to storage, storage and carrying weapon.

2. The action provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

subject to fine a rate of forty monthly settlement indicators.

Footnote. Article 485 with the changes made by the Law of the Republic of Kazakhstan from 22.12.2016 No. 28-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 485-1. Violation of an order of opening and functioning of shooting shooting galleries (shooting ranges) and stands

1. Violation of an order of opening and functioning of shooting shooting galleries (shooting ranges) and stands –

subject to fine a rate of twenty monthly settlement indicators with suspension of action of permission to the right of opening and functioning of shooting shooting galleries (shooting ranges) and stands.

2. The action provided by part one of the present article perfect repeatedly within a year after imposing of an administrative penalty, –

subject to fine a rate of forty monthly settlement indicators.

Footnote. The code is supplemented with article 485-1 according to the Law of the Republic of Kazakhstan from 22.12.2016 No. 28-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 486. Violation of an order of registration (re-registration) of civil, office, award, collection weapon or his statement on account

Footnote. Article 486 heading in edition of the Law of the Republic of Kazakhstan from 22.12.2016 No. 28-VI (shall be enforced after ten calendar days after day of its first official publication).

1. The violation of an order of registration (re-registration) of civil, office, award, collection weapon or his statement on account which was expressed in violation of terms:

1) registration and (or) obtaining of a permission by individuals to storage, storage and carrying weapon;

2) excluded by the Law of the Republic of Kazakhstan dated 25.11.2019 No. 272-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

3) notices the owner of weapon of law-enforcement body about loss or plunder of the weapon belonging to him;

4) appeals of the natural person to law-enforcement bodies for statement of weapon on account at change of the residence;

5) registration in law-enforcement bodies the legal entity of office, civil, collection weapon after his acquisition;

6) re-registrations or delivery on commission realization of civil weapon in case of the death of its owner;

7) appeals of legal entity to law-enforcement bodies for registration (re-registration) of weapon at the termination of period of validity of permission to storage, storage and carrying weapon, and it is equal to transfer to his branches (representations) without coordination with law-enforcement bodies, –

subject to fine natural persons at a rate of fifteen, on small business entities or non-profit organizations – at a rate of twenty, on subjects of average business – at a rate of thirty, on subjects of large business – at a rate of forty monthly settlement indicators.

2. The action provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

subject to fine natural persons at a rate of twenty, on small business entities or non-profit organizations – at a rate of thirty, on subjects of average business – at a rate of forty, on subjects of large business – at a rate of seventy monthly settlement indicators.

Footnote. Article 486 with the changes made by the Law of the Republic of Kazakhstan from 22.12.2016 No. 28-VI (shall be enforced after ten calendar days after day of its first official publication); dated 25.11.2019 No. 272-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 487. Evading from delivery of non-military weapons, ammunition to them for selling

Evading from delivery of non-military weapons, ammunition to them for selling by the individuals, the permission of whom for keeping and bearing them is annulled, shall –

entail a fine in amount of five monthly calculation indices.

Article 488. Breach of the legislation of the Republic of Kazakhstan on the procedure for organizing and holding peaceful meetings, rallies, marches, pickets and demonstrations

1. Breach of the legislation of the Republic of Kazakhstan on the procedure for organizing and holding peaceful meeting, rally, march, pickets and demonstration or another public event or obstruction of their organizing or holding, and equally participation in illegal meetings, rallies, marches, demonstrations, if these actions do not have the signs of a criminally punishable act, shall –

subject to prevention or fine at a rate of twenty monthly settlement indicators or arrest for a period of up to ten days.

2. Provision of a premise or another property (communications means, multiplying technology, equipment, transport) by the heads and other civil servants of organizations to the participants of unauthorized meeting, rally, picketing, demonstration or another public event or creation of the other conditions for organizing and holding such events, shall –

entail a fine in amount of twenty monthly calculation indices.

3. Actions provided by parts one and two of this Article committed repeatedly second time within a year after applying the measures of administrative sanction or by an organizer of the meeting, rally, march, demonstration, shall –

entail a fine in amount of fifty monthly calculation indices or administrative arrest for the term up to fifteen days.

Footnote. Article 488 with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 488-1. Violation of an order of the organization of holding sporting and sports and mass, spectacular cultural events

1. Violation of an order of the organization of holding sporting and sports and mass, spectacular cultural events in the form of failure to provide or untimely providing to local executive bodies information provided by the legislation on culture and on physical culture and sport –

subject to fine natural persons at a rate of twenty monthly settlement indicators, on legal entities – at a rate of fifty monthly settlement indicators.

2. The actions (inaction) provided by part one of the present article, made repeatedly within a year after application of measures of an administrative penalty –

subject to fine natural persons at a rate of forty monthly settlement indicators, on legal entities – at a rate of hundred monthly settlement indicators.

Footnote. Chapter 27 is supplemented with article 488-1 according to the Law of the Republic of Kazakhstan from 22.01.2016 No. 446-V (shall be enforced after ten calendar days after day of its first official publication).

Article 489. Breach of the legislation of the Republic of Kazakhstan on public associations, as well as management, participation in the activity of public, religious associations that are not registered in the manner established by the legislation of the Republic of Kazakhstan, financing of their activity

1. Commission of the actions by the heads, members of a public association or by the public association that are beyond the purposes and tasks determined by the charters of these public associations, shall –

entail a notification or fine on legal entities in amount of one hundred monthly calculation indices.

2. Commission of the actions by the heads, members of a public association or by the public association breaching the legislation of the Republic of Kazakhstan, shall –

entail a notification or fine on legal entities in amount of one hundred monthly calculation indices with the suspension of the activity of a public association for the term from three to six months.

3. The action provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine on legal entities in amount of one hundred fifty monthly calculation indices with the suspension of the activity of a public association for the term from three to six months.

4. Action provided by part two of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, shall –

entail a fine on legal entities in amount of two hundred monthly calculation indices with the prohibition of the activity of a public association.

5. Financing of political parties by foreign legal entities and international organizations, legal entities with foreign participation, state bodies and organizations, charitable organizations, shall –

entail a fine on civil servants in amount of four hundred, on legal entities – in amount of two thousand monthly calculation indices, with the confiscation of illegal donations.

6. Acceptance of illegal donations by a political party, shall –

entail a fine in amount of four hundred monthly calculation indices with the confiscation of the illegal donations and prohibition of the activity of the political party.

7. Failure to publish annual accounts on financial activity of a political party within the terms and volume established by the legislation of the Republic of Kazakhstan, shall –

entail a fine in amount of two hundred monthly calculation indices with the suspension of the activity of the political party for the term up to six months.

8. Carrying out of the activity of a political party, its structural subdivisions (branches and representatives) without reregistration in the cases provided by the legislation of the Republic of Kazakhstan, shall –

entail a fine in amount of two hundred monthly calculation indices with the prohibition of the activity of the political party.

9. Management of the activity of public, religious associations not registered in the manner established by the legislation of the Republic of Kazakhstan, and equally the activity of which is suspended or prohibited, shall –

entail a fine in amount of one hundred monthly calculation indices.

10. Participation in the activity of public, religious associations not registered in the manner established by the legislation of the Republic of Kazakhstan, and equally the activity of which is suspended or prohibited, shall –

entail a fine in amount of fifty monthly calculation indices.

11. Financing of the activity of public, religious associations unregistered in the manner established by the legislation of the Republic of Kazakhstan, and equally the activity of which is suspended or prohibited, shall –

entail a fine in amount of two hundred monthly calculation indices.

Footnote. Article 489 as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 489-1. Violation of the law of the Republic of Kazakhstan about non-profit organizations

1. Non-presentation, untimely presentation, as well as presentation of unreliable or knowingly false information to authorized agency with non-governmental organizations cooperation on own activities, including its founders (participants), the composition of the property, the sources of formation and money spending by non-profit organizations created in the form of a private institution, public, corporate and private Funds, an association of legal entities in the form of association (union), a public association, a non-profit Joint Stock Company (with the exception of political parties, religious associations and professional unions, non-profit Joint Stock Companies, founder or which shareholder shall be the state, subsidiaries, affiliates and other legal entities that shall be affiliated with them in accordance with the legislative acts Republic of Kazakhstan), as well as branches and representative offices (separate subdivisions) of international and foreign non-profit organizations carrying out activities in the territory of the Republic of Kazakhstan, -

subject to prevention.

2. The actions (inaction) provided by part one of the present article, made repeatedly within a year after imposing of an administrative penalty –

subject to fine a rate of twenty five monthly settlement indicators or suspension of operations for a period of three months.

Footnote. Chapter 27 is supplemented with article 489-1 according to the Law of the Republic of Kazakhstan from 02.12. 2015 No. 429-V (shall be enforced after ten calendar days after day of its first official publication); as amended by the Law of the Republic of Kazakhstan No. 160-VI dated 13.06.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 490. Breach of the legislation of the Republic of Kazakhstan on religious activity and religious associations

1. Violation of the requirements established by the legislation of the Republic of Kazakhstan to:

1) conduct of religious customs, ceremonies and (or) meeting;

2) carrying out of charitable activity;

3) to import, production, release, edition and (or) distribution of religious literature and other materials of religious contents, objects of religious appointment;

4) construction of cultic buildings (structures), reprofiling (change of functional purpose) of buildings (structures) into cultic buildings (structures), shall –

entail a fine on individuals in amount of fifty, on legal entities – in amount of two hundred monthly calculation indices with the suspension of the activity for the term of three months.

2. Obstruction of legal religious activity, and equally the violation of civil rights of individuals on the grounds of relation to the religious or insult of their religious feelings or desecration of the subjects, structures and places being respected by the followers of a particular religious, if all the above mentioned actions do not contain the signs of a criminally punishable act, shall –

entail a fine on individuals in amount of fifty, on civil servants – in amount of one hundred, on legal entities – in amount of two hundred monthly calculation indices.

3. Carrying out of a missionary work without registration (reregistration), and equally use of religious literature, informational materials of religious content and subjects of religious purpose by the missionaries without the favourable conclusion of the religious examination, the distribution of religious denomination of the religious associations unregistered in the Republic of Kazakhstan, shall –

entail a fine on citizens of the Republic of Kazakhstan in amount of one hundred monthly calculation indices, on foreign persons and stateless persons – in amount of one hundred monthly calculation indices with the administrative expulsion beyond the Republic of Kazakhstan.

4. Carrying out of the activity by a religious association that is not provided by its charter, shall –

entail a fine in amount of three hundred monthly calculation indices with the suspension of the activity for the term up to three months.

5. Engagement in political activity by a religious association, and equally participation in the activity of political parties and (or) rendering of financial support, interference in the activity of the state bodies or assumption of the functions of the state bodies or their civil servants by the members of religious associations, shall –

entail a fine in amount of three hundred monthly calculation indices with the suspension of the activity for the term up to three months.

6. Creation of organizational structures of religious associations in the state bodies, organizations, institutions, as well as public health and educational organizations, shall –

entail a fine on civil servants in amount of one hundred, on legal entities – in amount of two hundred monthly calculation indices.

7. Management of a religious association by the person appointed by a foreign religious centre without coordination with the authorized body, and equally failure to take measures by

a head of the religious association to non-admitting involvement and (or) participation of minors in the activity of the religious association in case of objection of one of the parents of the minor or his (her) other legal representatives, shall –

entail a fine in amount of fifty monthly calculation indices with the administrative expulsion beyond the Republic.

8. Actions (omission) provided by parts one, two, three, four, five and seven of this article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine on individuals in amount of two hundred, on civil servants in amount of three hundred, on legal entities – in amount of five hundred monthly calculation indices with the prohibition of their activity.

Footnote. Article 490 with the change made by the Law of the Republic of K from 22.12.2016 No. 28-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 491. Violation of the rules for registration of the acts of civil status

Concealment of the circumstances obstructing marriage, or informing false details to the civil registry bodies, shall –

entail a fine in amount of five monthly calculation indices.

Article 492. Residence in the Republic of Kazakhstan without registration or without identity documents

1. Accommodation of citizens of the Republic of Kazakhstan without identity card either according to the invalid identity card or without registration at the place of residence, in the place of temporary stay (accommodation) from ten calendar days up to one month – subject to prevention.

2. Accommodation of citizens of the Republic of Kazakhstan without identity card either according to the invalid identity card or without registration at the place of residence, in the place of temporary stay (accommodation) over one month – subject to fine a rate of seven monthly settlement indicators.

3. The act provided by parts of the first and second present article perfect repeatedly within a year after imposing of an administrative penalty, – subject to fine a rate of thirteen monthly settlement indicators.

4. Full-time residence in the Republic of Kazakhstan of the foreigner or the person without citizenship without registration on the permanent residence either without residence permit or without certificate of the person without citizenship or according to the invalid

residence permit, the certificate of the person without citizenship over ten calendar days and also the untimely notice of law-enforcement bodies on loss of the passport, a look on residence or the certificate of the person without citizenship –

subject to fine a rate of ten monthly settlement indicators.

5. The acts provided by a part of the fourth present article perfect repeatedly within a year after imposing of an administrative penalty, –

subject to fine a rate of twenty monthly settlement indicators.

Note. Requirements of part one of the present article about accommodation of citizens of the Republic of Kazakhstan without registration in the place of temporary stay (accommodation) don't extend to the temporary residents living for up to one month in the place of temporary stay (accommodation).

Footnote. Article 492 in edition of the Law of the Republic of Kazakhstan from 22.12.2016 No. 28-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 493. Assumption by the owner of the dwelling or other persons under whose authority dwellings, buildings and (or) rooms, registration of natural persons who actually at them don't live, or rejection of the measures for removal from registration of the natural persons registered and which aren't living in the dwellings, buildings and (or) rooms belonging to the owner or being under authority of other persons or assumption of accommodation of natural persons without registration are

1. Assumption by the owner of the dwelling or other persons under whose authority dwellings are, buildings and (or) rooms, registration of natural persons who actually don't live in dwellings, buildings and (or) rooms belonging to the owner or being under authority of other persons –

subject to fine natural persons at a rate of ten, on small business entities or non-profit organizations – at a rate of fifteen, on subjects of average business – at a rate of twenty five, on subjects of large business – at a rate of fifty monthly settlement indicators.

2. The act provided by part one of the present article perfect repeatedly within a year after imposing of an administrative penalty, –

subject to fine natural persons at a rate of twenty, on small business entities or non-profit organizations – at a rate of thirty, on subjects of average business – at a rate of fifty, on subjects of large business – at a rate of hundred monthly settlement indicators.

3. Failure to take measures by an owner of the dwelling or other persons under whose authority dwellings, buildings and (or) rooms, on removal from registration of the natural persons registered and who aren't living in the dwellings, buildings and (or) rooms belonging to the owner or being under authority of other persons are –

subject to fine natural persons at a rate of five, on small business entities or non-profit organizations – at a rate of fifteen, on subjects of average business – at a rate of twenty five, on subjects of large business – at a rate of forty five monthly settlement indicators.

4. The act provided by a part of the third present article perfect repeatedly within a year after imposing of an administrative penalty, –

subject to fine natural persons at a rate of ten, on small business entities or non-profit organizations – at a rate of twenty, on subjects of average business – at a rate of forty, on subjects of large business – at a rate of eighty monthly settlement indicators.

5. Assumption by the lessor (lessor) of accommodation of natural persons without registration in the dwellings, buildings and (or) rooms belonging to the owner or being under authority of other persons –

subject to fine natural persons at a rate of ten, on small business entities or non-profit organizations – at a rate of fifteen, on subjects of average business – at a rate of twenty five, on subjects of large business – at a rate of fifty monthly settlement indicators.

6. The act provided by a part of the fifth present article perfect repeatedly within a year after imposing of an administrative penalty, –

subject to fine natural persons at a rate of twenty, on small business entities or non-profit organizations – at a rate of thirty, on subjects of average business – at a rate of fifty, on subjects of large business – at a rate of hundred monthly settlement indicators.

Footnote. Article 493 in edition of the Law of the Republic of Kazakhstan from 22.12.2016 No. 28-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 494. Illegal confiscation of passports, identity certificates or taking them in pledge

1. Illegal confiscation of passports, identity certificates or taking them in pledge from the citizens, shall –

entail a notification or fine in amount of five monthly calculation indices.

2. The actions provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine in amount of ten monthly calculation indices.

Article 495. Representation of knowingly false details to the state bodies of the Republic of Kazakhstan upon acceptance of the documents certifying identity, or upon filing an application for obtainment of the permission of r a permanent residence in the Republic of Kazakhstan or on conferment of citizenship of the Republic of Kazakhstan or restoration of citizenship of the Republic of Kazakhstan

1. Representation of knowingly false details to the state bodies of the Republic of Kazakhstan upon receipt of the documents certifying identity, shall –
entail a fine in amount of twenty monthly calculation indices.

2. Representation of knowingly false details to the state bodies of the Republic of Kazakhstan by a foreign person or stateless person upon filing an application for obtainment of the permission for a permanent residence in the Republic of Kazakhstan or on conferment of citizenship of the Republic of Kazakhstan or restoration of the citizenship of the Republic of Kazakhstan, shall –
entail the administrative expulsion beyond the Republic of Kazakhstan.

Article 496. Breach of the legislation of the Republic of Kazakhstan on citizenship

1. Use of passport and (or) identity certificate of a citizen of the Republic of Kazakhstan by a person that lost the citizenship of the Republic of Kazakhstan, shall –
entail a fine on individuals in amount of one hundred monthly calculation indices.

2. Failure to report on a fact of acquisition of the foreign citizenship within the terms established by the legislation of the Republic of Kazakhstan, shall –
entail a fine in amount of two hundred monthly calculation indices or administrative expulsion beyond the Republic of Kazakhstan.

3. The acts provided by parts one and two of this Article committed by the persons being at the state service, as well as by the persons carrying out the functions of a representative of authority or performing organizational and management or administrative and economic functions in the state bodies, shall –
subject to fine a rate of three hundred monthly settlement indicators or administrative exclusion out of borders of the Republic of Kazakhstan.

Footnote. Article 496 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); from 22.12.2016 No. 28-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 497. Violation of an order of submission of primary statistical data

1. Submission of doubtful primary statistical data to appropriate authorities of the state statistics –
attracts prevention.

2. Non-presentation of primary statistical data in appropriate authorities of the state statistics at the scheduled time –
subject to fine natural persons at a rate of ten, on officials, on non-profit organizations, small business entities – at a rate of fourteen, on subjects of average business – at a rate of twenty, on subjects of large business – at a rate of hundred twenty monthly settlement indicators.

3. The acts provided by parts of the first and second present article perfect repeatedly within a year after imposing of an administrative penalty, –

subject to fine natural persons at a rate of fourteen, on officials, on non-profit organizations, small business entities – at a rate of twenty, on subjects of average business – at a rate of forty, on subjects of large business – at a rate of hundred fifty monthly settlement indicators.

Footnote. Article 497 in edition of the Law of the Republic of Kazakhstan from 03.12.2015 No. 432-V (shall be enforced from 01.01.2016).

Article 498. Refusal, non-representation, untimely representation, concealment, additions and other deviations of legal statistics data and special accountings

1. Refusal, non-representation to the state body carrying out the activity in the field of legal statistics and special accountings, legal statistics data and special accountings, their representation with the violation of established term, concealment, additions and other intended deviations of the legal statistics data and special accountings, and equally obstruction of receiving the legal statistics information and details of the special accountings in any form, shall –

subject to fine officials and private bailiffs at a rate of ten monthly settlement indicators.

2. It is excluded by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Footnote. Article 498 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 499. Violation of an order of submission of administrative data

1. Representation by an administrative source of doubtful administrative data to authorized body in the field of the state statistics –

subject to fine officials at a rate of twenty monthly settlement indicators.

2. Non-presentation by an administrative source of administrative data to authorized body in the field of the state statistics –

subject to fine officials at a rate of twenty monthly settlement indicators.

3. The acts provided by parts of the first and second present article perfect repeatedly within a year after imposing administrative

subject to fine subject to fine to officials at a rate of thirty monthly settlement indicators.

Note. In the present article it is necessary to understand the heads of an administrative source or persons fulfilling their duties as officials responsible for representation by an administrative source of administrative data and also for their reliability.

Footnote. Article 499 in edition of the Law of the Republic of Kazakhstan from 29.10.2015 No. 376-V (shall be enforced from 01.01.2016).

Article 500. Refusal from conduct of the state statistical supervision

Footnote. Article 500 is excluded by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 501. Loss, sale, transfer or other illegal disclosure of primary statistical data, statistical information and (or) databases official

Loss, sale, transfer or other illegal disclosure of primary statistical data, statistical information and (or) databases allowing to identify the respondent, the official of bodies of the state statistics subordinated to the organization of department of authorized body in the field of the state statistics except for the cases provided by article 8 of the Law of the Republic of Kazakhstan “On the state statistics” if these actions don't contain signs of penal act, –

subject to fine subject to fine to a rate of fifty monthly settlement indicators.

Footnote. Article 501 in edition of the Law of the Republic of Kazakhstan from 29.10.2015 No. 376-V (shall be enforced 01.01.2016).

Article 502. Collecting primary statistical data on an unconfirmed statistical form

Footnote. Article 502 is excluded by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 503. Collecting administrative data on an uncoordinated form

Collecting administrative data on an uncoordinated form –

subject to prevention or fine officials at a rate of twenty monthly settlement indicators.

Note. In the present article it is necessary to understand the heads of an administrative source or persons fulfilling their duties, who have charged to carry out collecting administrative data on an uncoordinated form as officials.

Footnote. Article 503 in edition of the Law of the Republic of Kazakhstan from 29.10.2015 No. 376-V (shall be enforced from 01.01.2016).

Article 504. Violation of established requirements in the scope of protection of the state secrets, as well as in work with service classified information

1. Violation of established procedure for access or admission to the state secrets, shall – entail a fine in amount of twenty monthly calculation indices.
2. Violation of established requirements on ensuring the secrecy order by the persons admitted to work with the state secrets or their carriers, if these actions do not contain the signs of a criminally punishable act, shall – entail a fine in amount of twenty monthly calculation indices.
3. Unreasonable classification of details and their carriers that are not subjected to classification, use of the secrecy labels and other restrictive labels for classifying the details that are not related to the state secrets, if these actions do not contain the signs of a criminally punishable act, shall – entail a fine in amount of twenty monthly calculation indices.
4. The actions mentioned in a part three of this Article committed for the purpose of concealing the violation of legality, shall – entail a fine in amount of fifty monthly calculation indices.
5. Unreasonable disclosure of details and their carriers constituting the state secrets, violation of the terms for disclosing the carriers established upon their classification, with the exception of the cases provided by the legislation on state secrets, if these actions do not contain the signs of a criminally punishable act, shall – entail a fine in amount of twenty monthly calculation indices.
6. Violation of established requirements of working with service classified information by the persons admitted to it due to professional or service activity that entailed disclosure or loss of these details, shall – entail a fine in amount of fifteen monthly calculation indices.

Article 505. Violation of the rules for site improvement of the territories of cities and inhabited localities, as well as destruction of infrastructure facilities, destruction and damage of green plantings of a city and inhabited localities

1. Violation of the rules for site improvement of the territories of cities and inhabited localities, as well as destruction of infrastructure facilities, destruction and damage of green plantings of a city and inhabited localities, shall – entail a notification or fine on individuals in amount of twenty, on subjects of small entrepreneurship – in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.
2. The actions provided by a part one of this Article committed repeatedly second time within a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a notification or fine on individuals in amount of twenty, on subjects of small entrepreneurship – in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

Article 506. Illegal entry to protected objects

Illegal entry to the object guarded in accordance with the legislation of the Republic of Kazakhstan by the State Security Service, agencies and subdivisions of the National Security Committee, the Ministry of Internal Affairs, the Ministry of Defence, as well as to a hazardous production object guarded by private security organization, –

entail a fine in amount of fifteen monthly calculation indices or administrative arrest for the term up to fifteen days.

Footnote. Article 506 as amended by the Law of the Republic of Kazakhstan No. 217-VI dated 21.01.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 507. Obstruction of the activity of participants of the national preventive mechanism

Obstruction of the legal activity of participants of the national preventive mechanism by a civil servant with the use of official position, and equally interference to this activity committed by the civil servant with the use of own official position that entailed essential violation of their rights and legal interests, shall –

entail a fine in amount of forty monthly calculation indices.

Article 508. Divulgence of details on a private life of a person by participants of the national preventive mechanism became known to them in the course of preventive visits

Divulgence of details on a private life of a person by participants of the national preventive mechanism became known to them in the course of preventive visits, without the consent of the person, if these actions do not contain the signs of a criminally punishable act, shall –

entail a fine in amount of twenty monthly calculation indices.

Article 509. Destruction of documents of the National archive fund

1. Destruction of documents of the National archive fund, personnel documents without coordination with the authorized body or local executive body of the oblast, city of republican significance, the capital, shall –

entail a fine on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of forty monthly calculation indices

2. The act provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of twenty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of eighty monthly calculation indices.

Chapter 28. ADMINISTRATIVE INFRACTIONS ENCROACHING ON ESTABLISHED MANNER OF THE STATE BORDER REGIME OF THE REPUBLIC OF KAZAKHSTAN AND PROCEDURE FOR STAYING IN A TERRITORY OF THE REPUBLIC OF KAZAKHSTAN

Article 510. Violation of the frontier regime in a frontier zone and procedure for staying in separate locations

1. Violation of the frontier regime in a frontier zone upon entry (passage), temporary staying or movement in the frontier zone:

1) by a citizen of the Republic of Kazakhstan without the documents certifying identity;

2) the foreigner or the person without citizenship without identity documents, or admissions issued by law-enforcement bodies;

3) the foreigner (the resident of border areas of the adjacent states) who has driven to the Republic of Kazakhstan through points of the simplified admission without identity documents, or evading from departure from the Republic of Kazakhstan at the scheduled time, and change of a route when following by the foreigner or person without citizenship through a border area on ways of the international railway and automobile communications to the check point for the purpose of departure from the Republic of Kazakhstan is equal –

subject to fine subject to fine to a rate of five monthly settlement indicators.

2. Carrying out of economic, fishing and other activity, conduct of public and political, cultural and other measures in a frontier zone without notifying the Frontier Service of the National Security Committee of the Republic of Kazakhstan, shall –

entail a fine on individuals in amount of five, on subjects of small entrepreneurship – in amount of twenty five, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of seventy five monthly calculation indices.

3. Entry (passage), temporary staying or movement of a foreign person or stateless person in a territory of the Republic of Kazakhstan, temporary closed for visiting by foreign persons and stateless persons without the permission of the Ministry of Foreign Affairs of the Republic of Kazakhstan and Internal Affairs Bodies, shall –

entail a fine in amount of ten monthly calculation indices.

4. The acts provided by parts, the second, third present article, made by the foreigner or the person without citizenship repeatedly within a year after imposing of an administrative penalty –

subject to fine subject to fine to a rate of fifteen monthly settlement indicators or administrative exclusion out of borders of the Republic of Kazakhstan.

5. The acts provided by part one of the present article, made by the citizen of the Republic of Kazakhstan repeatedly within a year after imposing of an administrative penalty –

subject to fine subject to fine to natural persons at a rate of ten monthly settlement indicators.

Footnote. Article 510 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 511. Violation of restrictions established in a territory of forbidden zone under arsenals, bases and warehouses of the Armed Forces of the Republic of Kazakhstan, other forces and military formations of the Republic of Kazakhstan and the forbidden district under arsenals, bases and warehouses of the Armed Forces of the Republic of Kazakhstan, other forces and military formations of the Republic of Kazakhstan

1. Staying of individuals in a territory of forbidden zone under arsenals, bases and warehouses of the Armed Forces of the Republic of Kazakhstan, other forces and military formations of the Republic of Kazakhstan, shall –

entail a fine in amount of ten monthly calculation indices.

2. Construction and conduct of any works, with the exception of the works performed for the purpose of ensuring counter-sabotage and fire security in a territory of forbidden zone under arsenals, bases and warehouses of the Armed Forces of the Republic of Kazakhstan, other forces and military formations of the Republic of Kazakhstan, shall –

entail a fine on individuals in amount of fifteen, on subjects of small entrepreneurship – in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of sixty monthly calculation indices.

3. Shooting from fire arms, use of pyrotechnical means, as well as arrangement of shooting ranges, stands and firing ranges in a territory of forbidden district under arsenals,

bases and warehouses of the Armed Forces of the Republic of Kazakhstan, other forces and military formations of the Republic of Kazakhstan, shall –

entail a fine on individuals in amount of fifteen, on subjects of small entrepreneurship – in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of sixty monthly calculation indices.

Article 512. Violation of the regimes of territorial waters (sea) and internal waters of the Republic of Kazakhstan

1. Violation of the regimes in territorial waters (sea) and internal waters of the Republic of Kazakhstan, Kazakhstan's part of the frontier rivers, lakes and other water reservoirs being expressed in non-compliance with the established procedure for accounting, maintenance, leaving the stationing sites and return to the stationing site, floatation of Kazakhstan's small size self-propelled and non-propelled (surface and underwater) vessels (crafts) and vessels (crafts) for overice movement, shall –

entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship – in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of eighty monthly calculation indices.

2. Carrying out of the fishing, research, prospecting and another activity in territorial waters (sea) and internal waters of the Republic of Kazakhstan, Kazakhstan's part of the waters of the frontier rivers, lakes and other water reservoirs without permission of the authorized state body with the violation of the procedure established by the legislation of the Republic of Kazakhstan, shall –

entail a fine on individuals in amount of twenty, on subjects of small entrepreneurship – in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of eighty monthly calculation indices, with the confiscation of transport vehicles and other subjects being indirect subjects for commission of the administrative infraction.

Article 513. Violation of the regime in checkpoints through the State border of the Republic of Kazakhstan

1. Violation of the regime in checkpoints through the State Border of the Republic of Kazakhstan by a citizen of the Republic of Kazakhstan being expressed in non-compliance with the established procedure for entry to the checkpoints, staying, movement and departure from them of the persons, transport vehicles, entry, staying, movement, inflow of cargo and goods, carrying out of economic and another activity, shall –

entail a fine in amount of five monthly calculation indices.

2. The same actions committed by a foreign person or stateless person, shall –

subject to fine subject to fine to a rate of ten monthly settlement indicators or administrative exclusion out of borders of the Republic of Kazakhstan.

Footnote. Article 513 with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 514. Violation of the regime of the State Border of the Republic of Kazakhstan

1. Violation of the regime of the State Border of the Republic of Kazakhstan being expressed in non-compliance with the established procedure for:

1) maintenance of the State Border of the Republic of Kazakhstan (with the exception of the field of the State Border of the Republic of Kazakhstan on Caspian sea);

2) crossings of Frontier of the Republic of Kazakhstan if this action doesn't contain signs of penal act;

3) pass of the persons, transport vehicles, cargo and goods through the State Border of the Republic of Kazakhstan;

4) entry, temporary staying, residence, movement in a frontier belt and performance of flights over the frontier belt;

5) carrying out of economic, fishing or another activity, conduct of public policy, cultural or another events on the State Border and in a frontier belt, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship – in amount of fifteen, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

2. The actions provided by a part one of this Article committed by a foreign person or stateless person, shall –

entail a fine in amount of twenty monthly calculation indices with the confiscation of transport vehicles and other subjects that are direct subjects for commission of the administrative infraction, or administrative arrest for the term up to ten days or administrative expulsion beyond the Republic of Kazakhstan.

Footnote. Article 514 with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 515. Illegal carriage through the State Border of the Republic of Kazakhstan

1. Failure to take measures on prevention of illegal entry of persons in a transport vehicle and its use for illegal crossing the State Border of the Republic of Kazakhstan by a transport

or another organization carrying out international carriage that entailed the illegal crossing or attempt of illegal crossing the State Border of the Republic of Kazakhstan by one or several violators, shall –

entail a fine in amount of five hundred monthly calculation indices.

2. Failure to take measures on prevention of illegal entry of persons in a transport vehicle and its use for illegal crossing the State Border of the Republic of Kazakhstan by a worker of a transport or another organization carrying out international carriage, that are included in his (her) official duties, that entailed the illegal crossing the State Border of the Republic of Kazakhstan, if the mentioned act was not the aiding in a crime or attempt of illegal crossing the State Border of the Republic of Kazakhstan by one or several violators, shall –

entail a fine in amount of twenty five monthly calculation indices.

3. Failure to take measures by a person crossing the State Border of the Republic of Kazakhstan with regard to private affairs on prevention of using the transport vehicle operated by him (her) by the order person for the illegal crossing the State Border of the Republic of Kazakhstan that entailed illegal crossing of the State Border of the Republic of Kazakhstan by one or several violators, shall –

entail a fine in amount of ten monthly calculation indices.

Article 516. Insubordination to legal regulation or requirement of a military servant due to fulfillment of the obligations on protection of the State Border of the Republic of Kazakhstan

1. Insubordination to legal regulation or requirement of a military servant due to fulfillment of the obligations on protection of the State Border of the Republic of Kazakhstan, shall –

entail a fine in amount of ten monthly calculation indices or administrative arrest for the term up to five days.

2. The actions provided by a part one of this Article committed repeatedly second time by a foreign person or person without the citizenship, shall –

entail the administrative arrest for the term up to five days beyond the Republic of Kazakhstan.

Article 517. Breach of the legislation of the Republic of Kazakhstan in the field of migration of population by a foreign person or stateless person

1. Excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 292-VI (order of enforcement see Article 2).

2. Violation of the legislation of the Republic of Kazakhstan in the field of migration of population by a foreign person or stateless person being expressed in non-compliance with the rules for the transit passing through the territory of the Republic of Kazakhstan, shall – entail a fine in amount of fifteen monthly calculation indices or administrative expulsion from the Republic of Kazakhstan.

3. Violation of the legislation of the Republic of Kazakhstan in the field of migration of population by a foreign person or stateless person being expressed in non-departure from the Republic of Kazakhstan after expiration of the period established by the legislation of the Republic of Kazakhstan:

1) within three days, -

entail a warning;

2) more than three before the expiration of five days, -

entail a fine in amount of ten monthly calculation indices;

3) more than five before the expiration of ten days, -

entail a fine in the amount of fifteen monthly calculation indices.

4. Violation by a foreigner or stateless person of the legislation of the Republic of Kazakhstan in the field of population migration, expressed in evasion from departure for a period exceeding ten days after the expiration of the period established by law, shall –

entail a fine in amount of twenty-five monthly calculation indices or administrative expulsion from the Republic of Kazakhstan.

5. Violation by a foreigner or stateless person of the legislation of the Republic of Kazakhstan in the field of population migration, expressed in the inconsistency of the activities carried out with the goals specified in the visa, or employment in the Republic of Kazakhstan without obtaining a certificate of conformity of qualifications for self-employment, issued by the authorized authority for migration population, or work permits, when obtaining such a certificate or permit shall be a prerequisite for the implementation of labor activity, shall -

entail a fine in amount of twenty five monthly calculation indices or administrative arrest for the term up to ten days or administrative expulsion beyond the Republic of Kazakhstan.

6. Actions provided by part three of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, shall –

entail a fine in amount of fifteen monthly calculation indices or administrative expulsion beyond the Republic of Kazakhstan.

7. The acts provided by a part two, four and five of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail the administrative arrest for the term up to fifteen days with administrative expulsion from the Republic of Kazakhstan.

Footnote. Article 517 with the changes made by laws of the Republic of Kazakhstan from 24.11.2015 No. 421-V (shall be enforced from 01.01.2017); from 28.12.2017 No. 127-VI (

shall be enforced after ten calendar days after day of its first official publication); dated 27.12.2019 No. 292-VI (order of enforcement see Article 2).

Article 518. Breach of the legislation of the Republic of Kazakhstan in the field of migration of population by individuals or legal entities accepting foreign persons and stateless persons

1. Rejection by the accepting person of measures for timely registration of documents for the right to stay of foreigners and stateless persons in the Republic of Kazakhstan, or their departure from the Republic of Kazakhstan after a certain period of stay, or late informing the internal affairs authorities on immigrants staying with them, shall –

subject to prevention natural persons, a penalty on officials, small business entities or non-profit organizations at a rate of ten, on subjects of average business – at a rate of fifteen, on subjects of large business – at a rate of twenty monthly settlement indicators.

2. Provision of a dwelling place to a foreign person or stateless person staying in the Republic of Kazakhstan with the breach of the legislation of the Republic of Kazakhstan in the field of migration of population or avoidance from departure from the Republic of Kazakhstan within the established terms, or non-conformance of the actual residence place to the address stated upon registration, shall –

subject to fine natural persons at a rate of twenty five, on the official, on small business entities or non-profit organizations – at a rate of forty, on subjects of average business – at a rate of fifty five, on subjects of large business – at a rate of seventy five monthly settlement indicators.

3. The actions provided by parts one and two of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

subject to fine natural persons at a rate of thirty, on the official, on small business entities or non-profit organizations – at a rate of forty, on subjects of average business – at a rate of seventy, on subjects of large business – at a rate of hundred monthly settlement indicators.

4. Excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 292-VI (order of enforcement see Article 2).

5. Excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 292-VI (order of enforcement see Article 2).

Footnote. Article 518 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); from 22.12.2016 No. 28-VI (shall be enforced after ten calendar days after day of its first official publication); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); dated 27.12.2019 No. 292-VI (order of enforcement see Article 2).

Article 519. Engagement of foreign labour force and labour immigrants with breach of the legislation of the Republic of Kazakhstan

Footnote. Title of Article 519 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

1. Involvement of foreign labor by the employer without the permission of local executive authority or use of work of the foreigners and (or) stateless persons, not having the certificates of compliance of qualification for independent employment issued by authorized authority concerning population shift, or the permissions to the labor immigrant given by the internal affairs authorities, –

subject to fine natural persons at a rate of thirty, on officials – at a rate of fifty, on small business entities or non-profit organizations – at a rate of hundred, on subjects of average business – at a rate of two hundred, on subjects of large business – at a rate of seven hundred monthly settlement indicators.

2. Appointment of a foreign person by an employer to the position (profession or specialty) that does not conform to the position (profession or specialty) stated in permission of the local executive body for engagement of foreign labour force, shall –

subject to fine natural persons at a rate of thirty, on officials – at a rate of fifty, on small business entities or non-profit organizations – at a rate of hundred, on subjects of average business – at a rate of two hundred, on subjects of large business – at a rate of seven hundred monthly settlement indicators.

3. The actions provided by parts one and two of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

subject to fine natural persons at a rate of fifty, on officials – at a rate of hundred, on small business entities or non-profit organizations – at a rate of two hundred, on subjects of average business – at a rate of three hundred, on subjects of large business – of one thousand monthly settlement indicators.

4. Is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

5. Engagement of labour immigrants to perform the works (render the services) in a private household by an employer-individual that are without the relevant permission issued by the internal affairs bodies, or conclusion of the labour contracts on performance of works (rendering of services) in a private household by one employer-individual with more than five labour immigrants at the same time, shall –

entail a fine in amount of thirty monthly calculation indices.

6. The actions provided by a part five of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine in amount of fifty monthly calculation indices.

Footnote. Article 519 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); from 24.11.2015 No. 421-V (shall be enforced from 101.01.2017); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 520. Illegal activity on employment of the citizens of the Republic of Kazakhstan abroad

Footnote. Article 520 is excluded by the Law of the Republic of Kazakhstan No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 29. ADMINISTRATIVE INFRACTIONS IN THE SCOPE OF CUSTOMS AFFAIRS

Article 521. Violation of the mode of a customs control zone

Movement of goods, vehicles and persons, including officials of public authorities (except customs), through borders of a customs control zone and also implementation in this zone of production and other business activity without the permission of body of state revenues –

subject to fine natural persons, officials at a rate of ten, on small business entities or non-profit organizations – at a rate of fifteen, on subjects of average business – at a rate of twenty, on subjects of large business – at a rate of twenty five monthly settlement indicators.

Footnote. Article 521 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 522. Violation of a procedure of activity in the sphere of customs affairs

Non-compliance by the customs representative, owners of a warehouse of storage of own goods, warehouse of temporary storage, free or customs warehouse, duty free shop of conditions and duties of implementation of such activity according to the Code of the Republic of Kazakhstan “On customs regulation in the Republic of Kazakhstan” or discrepancy of the rooms or territories intended for establishment of the place or a warehouse of temporary storage, a customs or free warehouse, duty free shop, to the requirements established by the customs legislation of the Eurasian Economic Union and (or) the Republic of Kazakhstan –

subject to fine a rate of hundred monthly settlement indicators.

Footnote. Article 522 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 523. Violation of a procedure of activity by customs carrier

Non-compliance by customs carrier with the conditions and duties provided by the customs legislation of the Eurasian Economic Union and (or) the Republic of Kazakhstan for implementation of such activity including absence or malfunction of the technical equipment on the vehicle allowing body of state revenues to define the location of this vehicle – subject to fine a rate of hundred monthly settlement indicators.

Footnote. Article 523 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 524. Non-notification of body of state revenues about arrival of goods

Non-notification of body of state revenues when importing goods to the customs territory of the Eurasian Economic Union about arrival by non-presentation of documents according to the customs legislation of the Eurasian Economic Union and (or) the Republic of Kazakhstan –

subject to fine natural persons at a rate of five, on small business entities or non-profit organizations – at a rate of ten, on subjects of average business – at a rate of fifteen, on subjects of large business – at a rate of twenty five monthly settlement indicators.

Footnote. Article 524 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 525. Violation of an order of departure of goods

1. Violation of an order of departure of goods from the customs territory of the Eurasian Economic Union without the permission of body of state revenues of the Republic of Kazakhstan or non-presentation of documents for departure according to the customs legislation of the Eurasian Economic Union and (or) the Republic of Kazakhstan – subject to prevention.

2. The act provided by part one of the present article perfect repeatedly within a year after imposing of an administrative penalty, –

subject to fine natural persons at a rate of five, on small business entities or non-profit organizations – at a rate of ten, on subjects of average business – at a rate of fifteen, on subjects of large business – at a rate of twenty five monthly settlement indicators.

Footnote. Article 525 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 526. Rejection of measures in case of accident, force majeure or other circumstances

Rejection in case of accident, force majeure or other circumstances of measures for ensuring safety of goods, not message in the nearest body of state revenues about these circumstances and the location of such goods or a failure to provide of their transportation (transportation) in the nearest body of state revenues or other place specified by body of state revenues –

subject to fine natural persons at a rate of ten, on small business entities or non-profit organizations – at a rate of fifteen, on subjects of average business – at a rate of twenty, on subjects of large business – at a rate of twenty five monthly settlement indicators.

Footnote. Article 526 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 527. Failure to represent goods and transport vehicles at the place of delivery

Failure to represent goods and transport vehicles at the place of delivery and failure to deliver them to the state revenues body of the Republic of Kazakhstan, shall –

entail a fine on individuals in amount of ten, on subjects of small entrepreneurship or non-profit organizations – in amount of fifteen, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of twenty five monthly calculation indices.

Article 528. Issuance without permission of the state revenues body of the Republic of Kazakhstan, loss or non-delivery of goods, transport vehicles and documents on them to the state revenues body of the Republic of Kazakhstan

1. Delivery without the permission of bodies of state revenues of the Republic of Kazakhstan of the goods and vehicles which are under customs control –

subject to fine a rate of forty monthly settlement indicators.

1-1. Loss or not bringing in the place of delivery of the goods and vehicles which are under customs control determined by bodies of state revenues or customs authority of the member state of the Eurasian Economic Union –

subject to fine a rate of thirty monthly settlement indicators with confiscation of the goods and vehicles which are direct objects of commission of administrative offense.

2. Non-delivery of the customs or other documents on goods and transport vehicles being under the customs control accepted for delivery to the state revenues body, shall –

subject to fine a rate of fifteen monthly settlement indicators.

3. Non-compliance established by body of state revenues or customs authority of the member state of the Eurasian Economic Union of delivery period of goods, vehicles and documents on them –

subject to fine a rate of fifteen monthly settlement indicators.

Footnote. Article 528 with the changes made by laws of the Republic of Kazakhstan from 03.12.2015 No. 432-V (shall be enforced from 01.01.2016); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 529. Vehicle Not stop

Not stop of the vehicle going through customs border of the Eurasian Economic Union and also the vehicle moved through customs border of the Eurasian Economic Union as goods in places of movement of goods through customs border of the Eurasian Economic Union except for cases when such not stop is caused by technical malfunction of the vehicle or force majeure, –

subject to fine a rate of ten monthly settlement indicators.

Footnote. Article 529 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 530. Departure of the vehicle without the permission of body of state revenues of the Republic of Kazakhstan

Departure of the vehicle which is under customs control or the vehicle moved through customs border of the Eurasian Economic Union as goods from the place of his parking without the permission of body of state revenues of the Republic of Kazakhstan –

subject to fine a rate of ten monthly settlement indicators.

Footnote. Article 530 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 531. Violation of an order of commission of the customs operations connected with goods placement under customs procedure and customs cleaning of goods

Violation of an order of commission of the customs operations connected with goods placement under customs procedure, and customs cleaning of goods, that is non-compliance by the established customs legislation of the Eurasian Economic Union and (or) the Republic of Kazakhstan of requirements for goods placement under customs procedure, to the space and time of commission of customs operations and also the conditions of application of a prime order of the room of separate types of goods for customs procedure, except for the cases provided by other articles of the present chapter –

subject to fine a rate of twenty five monthly settlement indicators.

Footnote. Article 531 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 532. Illegal operations, change of a state, use and (or) the order of goods concerning which customs cleaning isn't complete

1. Carrying out operations, change of a state, use and (or) the order of goods concerning which customs cleaning isn't complete, in defiance of the requirements and conditions established by the customs legislation of the Eurasian Economic Union and (or) the Republic of Kazakhstan except for the cases provided by other articles of the present chapter –

subject to fine a rate of twenty five monthly settlement indicators.

2. The actions provided by part one of the present article perfect repeatedly within a year after imposing of an administrative penalty, –

subject to fine a rate of forty monthly settlement indicators with confiscation of the goods which are direct objects of commission of administrative offense or without that.

Footnote. Article 532 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 533. Conduct of cargo and other operations with the goods being under the customs control without permission of the state revenues body

Transportation, loading, unloading, transshipment, correction of damages to packing, packing, repacking or acceptance for transfer of the goods and transport vehicles being under the customs control, taking samples and examples of such goods, opening of premises, capacities and other places where the mentioned goods and transport vehicles may be located, or the change of a transport vehicle of international carriage carrying the goods being under the customs control without the permission of the state revenues body or notification, shall –

entail a fine in amount of twenty five monthly calculation indices.

Article 534. Destruction, removal, change or exchange of the mends of identification

1. Destruction, removal, change or exchange of the mends of identification used by the state revenues bodies, including foreign states without the permission of the state revenues body, or damage or loss of such means of identification, shall –

entail a fine in amount of twenty monthly calculation indices.

2. The acts provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine in amount of forty monthly calculation indices.

Article 535. Violation of an order of customs declaration of goods

1. Violation by the customs applicant and (or) customs representative of an order of customs declaration of goods, that is non-compliance by the established customs legislation

of the Eurasian Economic Union and (or) the Republic of Kazakhstan of requirements for an order of filling of the customs declaration and customs declaring, including preliminary, incomplete, periodic and temporary customs declaration of goods, in the place of customs declaration of goods, except for the cases provided by other articles of the present chapter – subject to prevention.

2. The act provided by part one of the present article perfect repeatedly within a year after imposing of an administrative penalty, –

subject to fine a rate of twenty five monthly settlement indicators.

Footnote. Article 535 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 536. Violation of the procedure for carrying out the activity in the scope of the customs affairs by a customs representative

1. Carrying out of the activity by a customs representative in the scope of the customs affairs in behalf of a third party without conclusion of the civil law contract with the third person or upon expiry of the contract's validity term or after its dissolution, shall – entail a fine in amount of thirty monthly calculation indices.

2. The action provided by a part one of this Article committed by a customs representative repeatedly second time within a year, shall – entail a fine in amount of fifty monthly calculation indices.

Article 537. Violation of a procedure of activity in the sphere of customs affairs Authorized Economic Operator

Non-compliance by Authorized Economic Operator with the requirements provided by the customs legislation of the Eurasian Economic Union and (or) the Republic of Kazakhstan for implementation of such activity –

subject to fine a rate of hundred monthly settlement indicators.

Footnote. Article 537 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 538. Violation of terms of the customs declaration, documents and data

1. Non-presentation to body of state revenues at the scheduled time of the customs declaration, documents and data at customs declaration of goods, except for the cases provided by other articles of the present chapter –

subject to fine a rate of twenty monthly settlement indicators.

2. Non-presentation to body of state revenues in the terms established by the customs legislation of the Eurasian Economic Union and (or) the Republic of Kazakhstan, the

statement for commission of operations concerning temporarily taken out vehicles of the international transportation which are the goods placed under customs procedure of temporary import (admission) –

subject to fine a rate of fifteen monthly settlement indicators.

Footnote. Article 538 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 539. Non-presentation to body of state revenues of the Republic of Kazakhstan of the reporting or submission of the doubtful reporting and non-compliance with an order of conducting account

Non-presentation by customs carrier, the customs representative, owners of a warehouse of storage of own goods, a warehouse of temporary storage, a customs or free warehouse, duty free shop, Authorized Economic Operators, customs applicants as it should be and terms which are determined by the customs legislation of the Eurasian Economic Union and (or) the Republic of Kazakhstan, the reporting on the imported, taken out, declared, arriving, stored, processed, produced, acquired and realized goods which are under customs control or in the territory of free customs areas or submission of the doubtful reporting and is equal to body of state revenues of the Republic of Kazakhstan non-compliance with an order of conducting accounting of such goods –

subject to fine a rate of twenty five monthly settlement indicators.

Footnote. Article 539 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 540. Violation of an order of goods placement on storage, an order of their storage and carrying out operations with them

Violation of an order of goods placement on storage and an order of their storage, the established customs legislation of the Eurasian Economic Union and (or) the Republic of Kazakhstan, periods of storage under customs locks, about movement of goods from one warehouse on another, and is equal carrying out operations with goods in customs warehouses , warehouses of temporary storage and free warehouses –

subject to fine a rate of twenty five monthly settlement indicators.

Footnote. Article 540 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 541. Violation of the terms of temporary storage of goods

Footnote. Article 541 is excluded by the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 542. Violation of the procedure for processing of goods and exchange of the products after processing

1. Violation of an order of processing of goods, that is non-compliance with the requirements established by the customs legislation of the Republic of Kazakhstan, conditions which are contained in the document on conditions of processing of goods if such document is obligatory according to conditions of customs procedure, an order and terms of processing of goods, quantities of an exit of products of processing, carrying out operations on processing of such goods, shall –

entail a fine in amount of fifty monthly calculation indices.

2. Violation of established procedure for replacing the products after processing of domestic goods by other goods, shall –

entail a fine in amount of twenty monthly calculation indices.

Footnote. Article 542 with the change made by the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 543. Failure to terminate the customs procedure within established terms

1. Failure to complete at the scheduled time of customs procedure concerning which the requirement about its end is established –

entail a fine on individuals in amount of fifteen, on subjects of small entrepreneurship – in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

1-1. Not export from the customs territory of the Eurasian Economic Union of temporarily imported vehicles of the international transportation –

subject to fine natural persons at a rate of fifteen, on small business entities – at a rate of twenty, on subjects of average business – at a rate of thirty, on subjects of large business – at a rate of fifty monthly settlement indicators, with confiscation of the vehicles which are direct objects of commission of administrative offense or without that.

2. Not export from the customs territory of the Eurasian Economic Union of temporarily imported goods and (or) vehicles for private use at the scheduled time of temporary import – subject to fine a rate of fifteen monthly settlement indicators.

3. Representation to body of state revenues of the Republic of Kazakhstan of invalid documents, the documents received in the illegal way or the documents relating to other goods and (or) vehicles as confirmation of the return export or import or impossibility of it for

the reasons of destruction or loss of goods and (or) vehicles owing to accident or force majeure, natural wear or a decrease or their leaving from possession in connection with illegal actions of bodies and officials of the foreign state –

entail a fine on individuals in amount of fifteen, on subjects of small entrepreneurship or non-profit organizations – in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices, with or without confiscation of goods and (or) vehicles that are direct subjects of an administrative infraction.

4. Action provided by part one of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, shall –

entail a fine on individuals in amount of thirty, on subjects of small entrepreneurship – in amount of forty, on subjects of medium entrepreneurship – in amount of sixty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices, with or without confiscation of vehicles that are direct subject of an administrative offense.

Footnote. Article 543 with the changes made by laws of the Republic of Kazakhstan from 03.12.2015 No. 432-V (shall be enforced from 01.01.2016); from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 544. Unlawful operations, change of state, use and (or) disposal of goods and transport vehicles put under particular customs procedure

Conduct of operations, change of the state, use and (or) disposal of goods and transport vehicles not in accordance with their customs procedure, and equally transfer of the right to use the customs procedure by transferring the rights of possession, use or disposal in respect of the goods to the other person without permission of the state revenues body if this decision is compulsory, if it is allowed in accordance with the customs procedure, shall –

entail a fine on individuals in amount of twenty monthly calculation indices, with the confiscation of the transport vehicles being direct subjects for commission of the administrative infraction with the exclusion of the persons carrying out the activity in the scope of customs affairs from the relevant register.

Article 545. Non-compliance with an order of application of the bans and restrictions when moving goods and vehicles through customs border of the Eurasian Economic Union

Movement through customs border of the Eurasian Economic Union of goods and vehicles with non-compliance with the bans and the restrictions set by the customs legislation of the Eurasian Economic Union and (or) the Republic of Kazakhstan –

subject to fine natural persons at a rate of fifteen, on small business entities or non-profit organizations – at a rate of twenty, on subjects of average business – at a rate of thirty, on subjects of large business – at a rate of fifty monthly settlement indicators, with confiscation of the goods and (or) vehicles which are direct objects of commission of administrative offense or without that.

Footnote. Article 545 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 546. Movement of goods and vehicles through customs border of the Eurasian Economic Union natural persons with violation of an order of movement of goods for the private use established by the customs legislation of the Eurasian Economic Union and (or) the Republic of Kazakhstan

Footnote. Article 546 heading in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Failure to declare goods and (or) transport vehicles by individuals according to established form for the personal use subjected to the customs declaring, with the exception of the cases provided by Article 547 of this Code, shall –

entail a fine in amount of ten monthly calculation indices.

Footnote. Article 546 with the change made by the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 547. Violation of an order of movement of goods in the international mailings

Violation of an order of the movement of goods in the international mailings established by the customs legislation of the Eurasian Economic Union and (or) the Republic of Kazakhstan –

Subjects to fine natural persons at a rate of ten, on small business entities or non-profit organizations – at a rate of twenty, on subjects of average business – at a rate of thirty, on subjects of large business – at a rate of fifty monthly settlement indicators.

Footnote. Article 547 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 548. Movement of goods and vehicles through customs border of the Eurasian Economic Union besides customs control

Footnote. Article 548 heading in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

1. Movement of goods and vehicles through customs border of the Eurasian Economic Union besides customs control, that is out of the state revenues of the Republic of Kazakhstan

of places of movement of goods determined by bodies through customs border of the Eurasian Economic Union or out of the determined working hours of bodies of state revenues of the Republic of Kazakhstan in the specified places if this action doesn't contain signs of penal act, –

Subjects to fine natural persons at a rate of twenty, on small business entities or non-profit organizations – at a rate of forty, on subjects of average business – at a rate of hundred, on subjects of large business – at a rate of two hundred monthly settlement indicators.

2. The actions provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

subject to fine natural persons at a rate of twenty five, on small business entities – at a rate of fifty, on subjects of average business – at a rate of two hundred, on subjects of large business – at a rate of three hundred monthly settlement indicators, with confiscation of the goods and vehicles which are direct objects of commission of administrative offense.

Footnote. Article 548 with the changes made by the Laws of the RK from 03.12.2015 No. 432-V (shall be enforced from 01.01.2016); from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 549. Concealment from customs control of the goods moved through customs border of the Eurasian Economic Union

Concealment from customs control of the goods moved or moved through customs border of the Eurasian Economic Union including with use of the hiding places or other ways complicating detection of goods, or giving to one goods of a type of others –

subject to fine a rate of twenty five monthly settlement indicators with confiscation of the goods which have been direct objects of offense or without that and also confiscation of goods and vehicles with specially made hiding places used for movement through customs border of the Eurasian Economic Union with concealment of the goods and objects which are direct objects of commission of administrative offense.

Footnote. Article 549 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 550. Movement of goods and vehicles through customs border of the Eurasian Economic Union with deceptive use of documents or means of identification

Movement through customs border of the Eurasian Economic Union of goods and vehicles and also goods placement under customs procedure of customs transit or on a warehouse of temporary storage with representation of state revenues to body as the documents necessary for the customs purposes, the invalid documents including able to form

the basis for non-compliance with the bans and restrictions, documents received in the illegal way or the documents relating to other goods and vehicles and also use of counterfeit means of identification or the original means of identification relating to other goods and vehicles except for the cases provided by article 555 of the present Code –

subject to fine a rate of twenty monthly settlement indicators with confiscation of the goods and (or) vehicles which are direct objects of commission of administrative offense or without that.

Footnote. Article 550 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 551. Non declaration or doubtful customs declaration of goods, cash, monetary instruments, the doubtful statement of data in customs documents

1. Non declaration or doubtful customs declaration of goods, moved or moved through customs border of the Eurasian Economic Union, that is not statement in the established form or the statement with the customs applicant, the customs representative, Authorized Economic Operator in the customs declaration and other documents necessary for the customs purposes, false information on goods, the chosen customs procedure, customs cost or the country of goods' origin or the statement of other false information giving the grounds for remission of customs payments, taxes or understating of the amount of customs payments, taxes, special, anti-dumping, countervailing duties, or attracting non-execution or inadequate discharge of duty on their payment except for the cases provided by other articles of the present chapter –

subject to fine natural persons at a rate of thirty, on small business entities or non-profit organizations – at a rate of fifty, on subjects of average business – at a rate of eighty, on subjects of large business – at a rate of hundred fifty monthly settlement indicators.

2. The acts provided by part one of the present article perfect repeatedly within a year after imposing of an administrative penalty, –

subject to finenatural persons at a rate of sixty, on small business entities or non-profit organizations – at a rate of hundred, on subjects of average business – at a rate of hundred sixty, on subjects of large business – at a rate of three hundred monthly settlement indicators.

3. Non declaration or doubtful declaring by natural persons of the money and monetary instruments moved through customs border of the Eurasian Economic Union and subjects to written declaring –

subject to fine a rate of ten monthly settlement indicators.

4. The doubtful statement of data on the goods moved or moved through customs border of the Eurasian Economic Union in the statement for release of goods before submission of the declaration on goods or in the statement for commission of operations concerning temporarily taken out vehicles of the international transportation which are the goods placed under customs procedure of temporary import (admission), that is not statement in the

established form or the statement by the person in the specified documents of false information on goods, the chosen customs procedure, customs cost or the statement of other false information attracting understating of the amount of the customs duties, taxes, special, anti-dumping, countervailing duties –

subject to fine natural persons at a rate of thirty, on small business entities or non-profit organizations – at a rate of fifty, on subjects of average business – at a rate of eighty, on subjects of large business – at a rate of hundred fifty monthly settlement indicators.

Footnote. Article 551 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 552. Transportation, storage, acquisition, use or the order by the goods and vehicles imported on the customs territory of the Eurasian Economic Union with violation of customs rules

Footnote. Article 552 heading in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

1. Transportation, storage, acquisition, use or the order by the goods and vehicles imported on the customs territory of the Eurasian Economic Union besides customs control or with concealment from such control, or with the deceptive use of documents or means of identification or which aren't declared or doubtfully declared, and equally in transportation, storage and purchase of goods and vehicles concerning which customs privileges regarding the customs payments and taxes used or alienated without the permission of body of state revenues of the Republic of Kazakhstan in other purposes, than in connection with what such privileges have been provided are provided –

2. The actions provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine in amount of fifty monthly calculation indices with the confiscation of the goods and transport vehicles that are direct subjects for commission of the administrative infraction, or without such.

Footnote. Article 552 with the changes made by the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 553. Violation of the procedure for use and (or) disposal of goods being restricted in use and (or) disposal, as well as conditionally released goods and transport vehicles

Use and (or) disposal of goods being restricted in use and (or) disposal, as well as conditionally released goods and transport vehicles in other purposes than those provided by

the customs legislation of the Republic of Kazakhstan, as well as in connection of which such privileges were provided, shall –

entail a fine in subjects of small entrepreneurship or non-profit organizations – in amount of two hundred, on subjects of medium entrepreneurship – in amount of four hundred, on subjects of large entrepreneurship – in amount of one thousand monthly calculation indices.

Article 554. The actions directed to return without the appropriate bases of the paid (collected) customs duties, customs duties, taxes, special, anti-dumping, countervailing duties, advance payments, receiving payments and other compensations or their not return

Representation to body of state revenues of the Republic of Kazakhstan of the documents containing the false information granting the right for return of the paid (collected) customs duties, customs duties, taxes, special, anti-dumping, countervailing duties, advance payments made on account of payment of the forthcoming customs duties, customs duties, taxes, special, anti-dumping, countervailing duties, a penalty fee, percent and also the advance payments made as ensuring discharge of duty on payment of the customs duties, taxes, special, anti-dumping, countervailing duties, receiving payments and other compensations or their not return or return not in full without the appropriate bases if these actions don't contain signs of penal act, –

subject to fine legal entities at a rate of two hundred fifty monthly settlement indicators.

Footnote. Article 554 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 555. Violation of terms of payment of the customs duties, taxes, special, anti-dumping, countervailing duties, customs duties, percent

Non-execution or inadequate execution by the payers and (or) persons performing with the payer a solidary duty, obligations for payment of the customs duties, taxes, special, anti-dumping, countervailing duties at the scheduled time, failure to pay customs duties, percent at the scheduled time –

subject to fine natural persons at a rate of thirty, on small business entities or non-profit organizations – at a rate of thirty five, on subjects of average business – at a rate of forty, on subjects of large business – at a rate of fifty monthly settlement indicators.

Footnote. Article 555 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 556. Non-execution of the requirement of body of state revenues of the Republic of Kazakhstan about payment of the due amounts of the customs duties,

taxes, special, anti-dumping, countervailing duties, a penalty fee, percent at the scheduled time

Non-execution by bank, insurance company, the guarantor of the requirement of body of state revenues about payment of the due amounts of the customs duties, taxes, special, anti-dumping, countervailing duties, a penalty fee, percent at the scheduled time –

subject to fines small business entities or non-profit organizations at a rate of twenty, on subjects of average business – at a rate of forty, on subjects of large business – at a rate of fifty monthly settlement indicators.

Footnote. Article 556 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 557. Non-execution by the banks and organizations which are carrying out separate types of bank operations, decisions of bodies of state revenues of the Republic of Kazakhstan

Non-execution of decisions of bodies of state revenues of the Republic of Kazakhstan on collecting debt on customs payments, taxes, special, anti-dumping, countervailing duties, a penalty fee, percent or about suspension of account transactions of bank accounts of the payer because of the banks and the organizations which are carrying out separate types of bank operations –

subjects a fine legal entities at a rate of two hundred fifty monthly settlement indicators.

Footnote. Article 557 in edition of the Law of the Republic of Kazakhstan from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 558. Failure to meet requirements of bodies of state revenues of the Republic of Kazakhstan in the sphere of customs affairs

1. Failure to meet requirements of bodies of state revenues and their officials in the sphere of customs affairs –

subject sv prevention.

2. Action (inaction) provided by part one of the present article perfect repeatedly within a year after imposing of an administrative penalty, –

subjects to fine a rate of fifteen monthly settlement indicators.

Footnote. Article 558 in edition of the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Chapter 30. ADMINISTRATIVE INFRACTIONS IN A TRANSPORT, IN ROAD FACILITIES

Article 559. Violation of the rules ensuring safety of railway traffic

1. Violation of the rules of transit of horse-drawn carriage (sleighs) and driving of baggage, riding animals and livestock through the railway lines, cattle grazing in a railroad precinct, shall –

entail a notification or fine in amount of five monthly calculation indices.

2. Damage of railway lines, shelter forests, snow fences and other track facilities, structures and signaling arrangement and communication devices, shall –

entail a fine on individuals in amount of five, on legal entities – in amount of twenty monthly calculation indices.

3. Non-compliance with the established gauges upon loading and unloading of cargo, shall –

entail a fine on individuals in amount of five, on legal entities – in amount of fifteen monthly calculation indices.

4. Laying, dropping or leaving subjects on the railway lines that may cause violation of the train traffic, shall –

entail a fine in amount of twenty monthly calculation indices.

5. Passage on the railway lines in undesignated areas, shall –

entail a notification or fine in amount of three monthly calculation indices.

6. Violation of the requirements of the legislation of the Republic of Kazakhstan on railway transport committed upon:

1) maintenance of turnouts, station and main lines of railway network and railway approaching lines;

2) maintenance, operation and repair of rolling stock, technical means aimed at ensuring traffic safety on railway transport, artificial structures, as well as railway crossings, shall –

entail a fine on individuals in amount of three, on civil servants – in amount of seven, on subjects of small entrepreneurship – in amount of eight, on subjects of medium entrepreneurship – in amount of ten, on subjects of large entrepreneurship – in amount of thirty monthly calculation indices.

7. Violation of the rail safety rules that entailed damage of a railway rolling stock to the state that may not be restored, shall –

entail a fine on subjects of small entrepreneurship in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of two hundred monthly calculation indices.

8. Violation of the rail safety rules in result of which the rolling stock is damaged in the volume that requires its uncoupling and repairing, shall –

entail a fine on subjects of small entrepreneurship in amount of thirty, on subjects of medium entrepreneurship – in amount of seventy, on subjects of large entrepreneurship – in amount of one hundred fifty monthly calculation indices.

9. Failure to represent information on committed security violations on railway lines to the authorized body by participants of a carriage process within the terms established by the rail safety rules, shall –

subject to fine officials, on small business entities at a rate of twenty, on subjects of average business – at a rate of twenty five, on subjects of large business – at a rate of thirty monthly settlement indicators.

Footnote. Article 559 with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); dated 27.12.2019 No. 295-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 560. Violation of the rules for use of the means of railway transport

1. Illegal transit in freight trains, boarding and unloading on the way, transit on a footboard and roofs of wagons, illegal stop of train without necessity, shall –
entail a fine on individuals in amount of five monthly calculation indices.

2. Discharge of rubbish and other subjects from windows and doors of the wagons of trains, illegal opening of the outer doors during train traffic, shall –
entail a notification or fine on individuals in amount of three monthly calculation indices.

Article 561. Operation of the rolling stock and city rail transport without the state registration or a re-registration

Footnote. Article 561 heading in edition of the Law of the Republic of Kazakhstan from 05.05.2017 No. 59-VI (shall be enforced after ten calendar days after day of its first official publication).

1. Operation of the rolling stock and city rail transport without the state registration or a re-registration -

subject to fine natural persons at a rate of two, on small business entities - at a rate of five, on subjects of average business - at a rate of seven, on subjects of large business - at a rate of twenty monthly settlement indicators.

2. The action (omission) provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine on individuals in amount of five, on subjects of small entrepreneurship – in amount of seven, on subjects of medium entrepreneurship – in amount of ten, on subjects of large entrepreneurship – in amount of thirty monthly calculation indices.

Footnote. Article 561 with the changes made by the Law of the Republic of Kazakhstan from 05.05.2017 No. 59-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 562. Damage of transport public transport vehicles and their internal equipment

Damage of public transport vehicles, specifically passenger wagons and locomotives on a railway transport, vessels on marine and river transport, buses, trolleys, trams, as well as damage of their internal equipment, shall –

entail a fine on individuals in amount of ten monthly calculation indices.

Article 563. Violation of the procedure for use of the air space of the Republic of Kazakhstan

1. Violation of the procedure for use of the air space of the Republic of Kazakhstan, specifically flights of aerial vessels and other flight vehicles, conduct of all the types of shootings, rocket launching, explosive works and carrying out of another activity linked with the movement of material objects in the air space of the Republic of Kazakhstan committed in the form of:

1) carrying out the activity without representation of the flight plan (upon flights in uncontrollable air space without notifying) and (or) without permission for carrying out of the activity constituting a security threat of the flights of aerial vehicles;

2) flight of the group of aerial vehicles, the number of which exceeds the number stated in the permission;

3) non-compliance with the regimes of using the air space by aerial vehicles;

4) landing of aerial vehicles on aerodrome that is not stated in the flight plan, except for the cases of forced landing and direction to the alternate aerodrome;

5) flight of the aerial vehicle without permission of the Ministry of defence of the Republic of Kazakhstan over the territory of forbidden zone and restricted area;

6) deviations from airways, route axes on distances of more established norms, except for cases of obvious threat to security of flights and prevention of aviation incident;

7) non-execution of commands of the bodies of air traffic service or air traffic control by users of the air space, with the exception of obvious security threat of flights and prevention of the aviation accidents, shall –

entail a fine on individuals in amount of ten, on civil servants – in amount of twenty monthly calculation indices.

2. The actions provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine on individuals in amount of fifteen, on civil servants – in amount of twenty five monthly calculation indices, with the confiscation of the subject that was an instrument for commission of the infraction.

Footnote. Article 563 with the change made by the Law of the Republic of Kazakhstan from 10.05.2017 No. 64-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 564. Violation of the flight safety rules

1. Placement of any signs and devices in the area of aerodrome being similar to the identification marks and devices being accepted for aerodrome identification, or firing of pyrotechnic products without the permission of the administration of airport, aerodrome, or installation of the objects that promote mass gathering of birds being dangerous for flights of aerial vehicles, shall –

entail a fine on individuals in amount of ten, on civil servants – in amount of twenty monthly calculation indices.

2. Failure to comply with the rules on placement of the night and day identification marks or devices on buildings and structures, shall –

entail a fine on individuals in amount of ten, on civil servants – in amount of twenty monthly calculation indices.

3. Damage of the aerodrome equipment, aerodrome signs, aerial vehicles and their equipment, shall –

entail a fine on individuals in amount of fifty monthly calculation indices.

4. Passage or transit without the proper permission through the territory of airports (except for airport terminals), aerodromes, objects of radio and light supply of the flights, shall –

entail a fine on individuals in amount of one monthly calculation indices.

5. Creation of a situation by persons on the aircraft as passengers threatening the safety of a flight on board an aircraft, except for the case provided by part 1-2 of Article 441 of this Code, shall –

entail a fine on individuals in amount of two hundred monthly calculation indices or administrative arrest for the term up to fifteen days.

Footnote. Article 564 with the change made by the Law of the Republic of Kazakhstan from 10.05.2017 No. 64-VI (shall be enforced after ten calendar days after day of its first official publication); dated 19.04.2019 No. 249-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 565. Work permit to the aviation personnel that did not pass professional training or that does not have the relevant qualification

Work permit to the aviation personnel that did not pass professional training or that does not have the relevant qualification, shall –

entail a fine on civil servants in amount of forty, on legal entities – in amount of sixty monthly calculation indices.

Article 565-1. Violation of requirements for medical examination in the sphere of civil aviation

1. The non-compliance by the aviation medical expert with requirements for medical examination in the sphere of civil aviation constituting danger to performance of flights – subject to fine a rate of hundred monthly settlement indicators.

2. The action provided by part one of the present article perfect repeatedly within a year after imposing of an administrative penalty, – subject to fine a rate of two hundred monthly settlement indicators.

3. Concealment by the person who is directly connected with performance and ensuring flights of aircrafts, service of air traffic, information on existence at him of a disease known to him and constituting danger to performance of flights, during passing of medical examination – subject to fine a rate of hundred eighty monthly settlement indicators.

4. The action provided by a part of the third present article perfect repeatedly within a year after imposing of an administrative penalty, – subject to fine a rate of two hundred monthly settlement indicators.

Footnote. Chapter 30 is supplemented with article 565-1 according to the Law of the Republic of Kazakhstan from 10.05.2017 No. 64-VI (shall be enforced after ten calendar days after day of its first official publication); with the changes made by the Law of the Republic of Kazakhstan of t 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 565-2. Non-execution or inadequate execution of the plan of the correcting actions or non-presentation of the notice by the supplier of air navigation service

Non-execution or inadequate execution by the certificate holder of the supplier of air navigation service of the plan of the correcting actions at the scheduled time or non-presentation of the notice by the supplier of air navigation service of changes of functional systems of the organization of air traffics –

subject to fine small business entities at a rate of two hundred, on subjects of average business – at a rate of five hundred, on subjects of large business – of two thousand monthly settlement indicators.

Footnote. Chapter 30 is supplemented with article 565-2 according to the Law of the Republic of Kazakhstan from 10.05.2017 No. 64-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 566. Violation of the rules of conduct on aerial vehicle

1. Violation of the rules of conduct on aerial vehicle committed in the form of non-execution of the regulations of a commander of aerial vehicle or other crew members by a person being on the aerial vehicle, if the acts of this person do not create security threat of the flight, shall –

entail a fine in amount of three monthly calculation indices.

2. Use of services of cellular, trunking communication onboard the aircraft at all stages of flight, radio-electronic means and high-frequency devices of household purpose at stages of taxing, ascent, landing approach of the aircraft, except for use of cellular communication and radio-electronic means onboard the aircraft in the autonomous mode "in flight", -

subjects prevention or a fine to a rate of five monthly settlement indicators.

3. The acts provided by parts one and two of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine in amount of ten monthly calculation indices.

Footnote. Article 566 with the change made by the Law of the Republic of Kazakhstan from 10.05.2017 No. 64-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 567. Non-fulfillment or improper fulfillment of the obligations by a carrier on rendering of services to a passenger upon cancellation or delay of flight due to the fault of the carrier or delay, cancellation of the flight due to late arrival of aerial vehicle, route change of carriage

1. Non-fulfillment or improper fulfillment of the obligations by a carrier provided by the legislation of the Republic of Kazakhstan on use of air space of the Republic of Kazakhstan and activity of aviation on rendering of services to a passenger upon cancellation or delay of flight due to the fault of the carrier or delay, cancellation of the flight due to late arrival of aerial vehicle, route change of carriage, shall –

entail a fine in amount of two hundred monthly calculation indices.

2. The action (omission) provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine in amount of one thousand monthly calculation indices.

Article 568. Intended concealment of aviation accident or incident

Intended concealment of aviation accident, incident or details on them or deviation of information, or damage or destruction of the aircraft or ground facilities of objective control or other evidential matters linked with the aviation accident or incident, shall –

entail a fine on individuals in amount of twenty, on civil servants – in amount of thirty, on legal entities – in amount of one hundred monthly calculation indices.

Article 569. Violation of the safety rules for operation of aerial vehicles

1. Violation of the procedure for access to performance of flights of aerial vehicles or the rules for training and performance of the flights, with the exception of the cases provided by parts two, three, four, five, six, seven and eight of this Article, if these actions carelessly entailed infliction of light harm to health of an injured party, shall –

entail a fine on individuals in amount of thirty monthly calculation indices with the deprivation of the right to operate the aerial vehicle (air traffic service, technical maintenance of aerial vehicle) for the term of six months, on civil servants – in amount of thirty, on legal entities – in amount of fifty monthly calculation indices.

2. Take off on aerial vehicle in existence of the defects with which it is prohibited to begin the flight operations without the permission of the authorized organization in the field of civil aviation, or with the violation of the passenger capacity (cargo capacity) standards or of the restrictions on flying weight or aircraft center-of-gravity, shall –

entail a fine on a commander of the aerial vehicle in amount of forty monthly calculation indices or deprivation of the right to operate the aerial vehicle for the term of one year.

3. Operation of the aerial vehicle by a person that does not have the right of its operation, shall –

entail a fine in amount of forty monthly calculation indices.

4. Operation of the aerial vehicle that did not pass the state registration or not having the state and registering identification marks, or not recorded in the authorized authority in the field of civil aviation, or having knowingly false state and registering identification marks, shall –

entail a fine on a commanding officer of the aerial vehicle in amount of forty monthly calculation indices or deprivation of the right to operate the aerial vehicle for the term of one year.

5. Operation of the aerial vehicle on which there are no vehicle and flight documents provided by the legislation of the Republic of Kazakhstan, or operation of the aerial vehicle by a flight crew member that does not have the documents for the right to operate this type of the aerial vehicle, shall –

entail a fine in amount of forty monthly calculation indices.

6. Permit to flight of the aerial vehicle that did not pass the state registration or that does not have state and registration of identification marks, or not registered with an authorized

organization in the field of civil aviation, or which has deliberately forged state and registration identification marks, or which does not have a ship and flight documentation provided for by the legislation of the Republic of Kazakhstan, or on which the flight or cabin crew is not staffed, or which has malfunctions, with which its operation is prohibited without a permit issued by an authorized organization in the field of civil aviation, or on which the passenger capacity (cargo capacity) standards are violated, or restrictions on the flight weight or balance of an aircraft, as well as admission to service or maintenance of an aircraft by a person who does not have the right to do so or is in a state of intoxication, shall –

entail a fine on individuals and civil servants in amount of forty, on legal entities – in amount of one hundred monthly calculation indices.

7. Performance of flights by aerial vehicles on the board of which there are no search and emergency-rescue means provided by the legislation of the Republic of Kazakhstan, shall –

entail a fine on individuals and civil servants in amount of forty, on legal entities – in amount of one hundred monthly calculation indices.

8. Damage or loss of aviation personnel certificate, shall –

entail a fine on individuals in amount of twenty monthly calculation indices.

Footnote. Article 569 as amended by the Law of the Republic of Kazakhstan dated 19.04.2019 № 249-VI (shall be enforced from 01.08.2019).

Article 570. Violation of requirements for ensuring aviation safety

Footnote. Article 570 heading in edition of the Law of the Republic of Kazakhstan from 10.05.2017 No. 64-VI (shall be enforced after ten calendar days after day of its first official publication).

1. Non-execution or inadequate execution of requirements for ensuring aviation safety – subject to fine natural persons at a rate of twenty, on officials – at a rate of forty, on legal entities – at a rate of hundred monthly settlement indicators.

2. Failure to take measures on maintenance of the fences of the territory perimeter of airport, aerodrome, if these actions did not entail the aviation accident or incident, shall – entail a fine on legal entities in amount of four hundred monthly calculation indices.

Footnote. Article 570 with the changes made by the Law of the Republic of Kazakhstan from 10.05.2017 No. 64-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 571. Violation of the rules of carriage of passengers, luggage and cargo

1. Violation of the rules of international transport of passengers, baggage and freights, except for transportations automobile and by rail, – entail a fine in amount of fifty monthly calculation indices.

2. Violation of the rules of transportations of passengers and baggage by the motor transport –

entail a fine on individuals in amount of five, on subjects of small entrepreneurship – in amount of ten, on subjects of medium entrepreneurship – in amount of fifteen, on subjects of large entrepreneurship – in amount of twenty five monthly calculation indices.

2-1. Violation of the rules of transportation of goods by the motor transport –

subjects a fine to subject to fine to natural persons at a rate of five, on small business entities – at a rate of ten, on subjects of average business – at a rate of fifteen, on subjects of large business – at a rate of twenty five monthly settlement indicators.

3. The actions provided by parts of the second and 2-1 present article perfect repeatedly within a year after imposing of an administrative penalty, –

subject to fine natural persons at a rate of ten, on small business entities – at a rate of fifteen, on subjects of average business – at a rate of twenty, on subjects of large business – at a rate of fifty monthly settlement indicators.

4. Violation of the rules of transportation of goods, passengers, baggage and cargo baggage by rail –

subject to fine natural persons at a rate of five, on officials – at a rate of ten, on small business entities – at a rate of fifteen, on subjects of average business – at a rate of twenty five , on subjects of large business – at a rate of thirty five monthly settlement indicators.

5. Transportation of dangerous freights by vehicles or specialized vehicles with violation of the established rules, and it is equal without special permission to transportation of dangerous freight of classes 1, 6 and 7 –

subject to fine natural persons at a rate of twenty, on small business entities – at a rate of thirty, on subjects of average business – at a rate of forty, on subjects of large business – at a rate of fifty monthly settlement indicators.

6. The journey of heavy vehicles with excess of weight parameters including fixed with use of the special automated measuring means, and it is equal without special permission –

subject to fine excess of admissible weight parameters from one to five tons on natural persons at a rate of forty, on small business entities – at a rate of eighty, on subjects of average business – at a rate of hundred twenty, on subjects of large business – at a rate of two hundred monthly settlement indicators, at excess from five to ten tons on natural persons – at a rate of eighty, on small business entities – at a rate of hundred thirty, on subjects of average business – at a rate of hundred eighty, on subjects of large business – at a rate of two hundred eighty monthly settlement indicators, at excess from ten tons and above on natural persons – at a rate of hundred eighty, on small business entities – at a rate of four hundred eighty, on subjects of average business – at a rate of seven hundred eighty, on subjects of large business – of one thousand monthly settlement indicators.

7. The journey of large-size vehicles with excess of dimensional parameters including fixed with use of the special automated measuring means, and it is equal without special permission –

subject to fine to natural persons at a rate of twenty, on small business entities – at a rate of thirty, on subjects of average business – at a rate of forty, on subjects of large business – at a rate of fifty monthly settlement indicators.

8. Journey of large-size and (or) heavy vehicles with excess of one of parameters or a deviation from the route or terms specified in special permission –

subject to fine to natural persons at a rate of twenty, on small business entities – at a rate of thirty, on subjects of average business – at a rate of forty, on subjects of large business – at a rate of fifty monthly settlement indicators.

9. Excess of the admissible weight parameters by the consignor in excess of one ton and (or) dimensional parameters established by the legislation of the Republic of Kazakhstan in the course of loading of vehicle –

subject to fine to natural persons at a rate of thirty, on small business entities – at a rate of fifty, on subjects of average business – at a rate of eighty, on subjects of large business – at a rate of hundred monthly settlement indicators.

Footnote. Article 571 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 571-1. Non-presentation of the commodity-transport consignment note by carrier (the act of measurement or weighing), the waybill at implementation of transportations by the motor transport

1. Non-presentation of the consignment voucher by carrier (act of measurement or weighing, CMR), the waybill at implementation of transportation of freight, passengers and baggage by vehicle, and is equal their not filling –

subject to fine natural persons at a rate of twenty, on small business entities – at a rate of forty, on subjects of average business – at a rate of fifty, on subjects of large business – at a rate of sixty monthly settlement indicators.

2. Action provided by part one of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, shall –

subject to fine natural persons at a rate of thirty, on small business entities – at a rate of sixty, on subjects of average business – at a rate of seventy, on subjects of large business – at a rate of eighty monthly settlement indicators.

Footnote. Chapter 30 is supplemented with article 571-1 according to the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 572. Violation of the regime of labour and rest of drivers upon carrying out of automobile carriage of passengers, luggage or cargo

1. Operation of mechanical transport vehicles without the control devices for recording the regimes of labour and rest of drivers (tachographs) or with such properly operating devices being turned off or with unfilled diagram sheets, or with application of previously used diagram sheets or without the use of electronic cards in case of applying electronic (digital) tachographs, and equally without maintenance of the daily registry sheets of the regime of labour and rest of the drivers (in case of defect of the control device) upon carrying out of:

- 1) automobile carriage of hazardous cargo;
- 2) international automobile carriage of passengers, luggage and cargo;
- 3) long-distance interregional regular automobile transportations of passengers and baggage;
- 4) international, inter-oblast, inter-district (international intra-oblast) non-scheduled automobile carriage of passengers and luggage, shall – entail a fine on subjects of small entrepreneurship in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

2. Violation of the regime of labour and rest by the drivers of mechanical transport vehicles upon carrying out of automobile carriage of passengers, luggage or cargo, shall – entail a fine in amount of ten monthly calculation indices.

Footnote. Article 572 with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 573. Violation of the Rules for applying the authorization system of automobile carriage in the Republic of Kazakhstan in international traffic

1. Carrying out of international automobile carriage by foreign persons or foreign legal entities in a territory of the Republic of Kazakhstan without the permit or special permit in the cases provided by the legislation of the Republic of Kazakhstan on automobile transport, shall –

subject to fine drivers of vehicles at a rate of two hundred, on legal entities – at a rate of five hundred monthly settlement indicators.

2. Use of foreign permit to mechanical transport vehicle by a domestic carrier that is not specified in the records of access of the domestic carrier, shall –

entail a fine on subjects of small entrepreneurship in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of forty monthly calculation indices.

3. Transfer of the forms of foreign permits by one domestic carrier to another domestic carrier, shall –

entail a fine on subjects of small entrepreneurship in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of forty monthly calculation indices.

4. Violation of the coordinated route plan by a driver upon carrying out of carriage of passengers and luggage in international traffic, shall –

entail a fine in amount of ten monthly calculation indices.

5. Use of domestic permit by a foreign carrier that is not registered in accordance with the Rules for applying the authorization system of automobile carriage in the Republic of Kazakhstan in the international traffic, shall –

entail a fine on drivers of mechanical transport vehicles in amount of twenty monthly calculation indices.

6. Implementation of the international automobile transportation in the presence of not executed notice issued by authorized body of transport control of member states of the Eurasian Economic Union and also a deviation from the route specified in the notice –

subject to fine a rate of hundred monthly settlement indicators.

7. Implementation of replacement (peretsepka) of the tractor or the truck on other tractor or the truck which isn't registered in the state of registration of carrier, –

subject to fine drivers of vehicles at a rate of two hundred, on legal entities – at a rate of five hundred monthly settlement indicators.

Footnote, Article 573 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 574. Absence of the lists of passengers at drivers of mechanical transport vehicles upon carrying out of unscheduled international automobile carriage of passengers and luggage

Footnote. Article 574 is excluded by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 575. Carrying out of automobile carriage in a territory of the Republic of Kazakhstan by automobile transport vehicles registered in a foreign state

Carriage of passengers, luggage or cargo by automobile transport vehicles registered in a territory of a foreign state between the points located in the territory of the Republic of Kazakhstan, with the exception of carriage by the automobile transport vehicles temporary imported to the territory of the Republic of Kazakhstan, shall –

subject to fine a rate of hundred monthly settlement indicators.

Footnote. Article 575 with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 576. Absence of the contract of carriage at drivers of mechanical transport vehicles upon carrying out of unscheduled automobile carriage of passengers and luggage in the intra-republican communication

Footnote. Article 576 is excluded by the Law of the Republic of Kazakhstan No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 577. Carriage of passengers between the points in a territory of the Republic of Kazakhstan upon carrying out of regular carriage in international traffic

1. Organization of selling travel documents (tickets) for carriage of passengers between the points in a territory of the Republic of Kazakhstan upon carrying out of regular carriage in international traffic, shall –

entail a fine on subjects of small entrepreneurship in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of thirty monthly calculation indices.

2. Carriage of passengers by mechanical transport vehicles between the points in a territory of the Republic of Kazakhstan upon carrying out of regular carriage in the international traffic, shall –

entail a fine on drivers of mechanical transport vehicles in amount of thirty monthly calculation indices.

3. The action provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine on subjects of small entrepreneurship in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of forty monthly calculation indices.

4. The action provided by a part two of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –
entail a fine on drivers of automobile transport vehicles in amount of fifty monthly calculation indices.

Article 578. Violation of the rules ensuring the safety of traffic on a marine transport

1. Violation of the established order of maneuvering and movement of the vessels on a marine transport, non-compliance with the prescribed speed of movement, requirements for giving audio and light alarms, bearing ship lights and signs, premeditated stoppage or dockage of a vessel in forbidden places, violation of the procedure for vessel towing, as well as failure to perform the compulsory requirements of a dispatcher, shall –
entail a fine in amount of seven monthly calculation indices.

2. Performance of diving operations without the proper permit in harbor waters or non-compliance with the rules for signaling during these works, shall –
entail a fine in amount of ten monthly calculation indices.

Article 579. Damage of the structures and devices of signaling and communicating on a marine transport

Damage of the structures and devices of signaling and communicating on a marine transport, shall –
entail a fine in amount of ten monthly calculation indices.

Article 580. Violation of the rules ensuring safety of passengers in vessels of a marine and river transport, as well as small size vessels

Absence, understaffing or use of the rescue and emergency means and equipment with the expired term of certification on the vessels of a marine and river transport, as well as small size vessels, violation of the requirements on equipping the gangways and ladders on the vessels of a marine and river transport, shall –
entail a fine in amount of ten monthly calculation indices.

Article 581. Violation of the rules for releasing a vessel in sailing or permit for operation of the vessel by the persons that do not have the relevant diploma (certificate, identity document)

1. Release (route) of a vessel (except for the small size vessel) in sailing without the documents certifying belonging of the vessel, its seaworthiness with the unstaffed crew team, upon non-conformance of the technical condition of the vessel to available documents, with

the violation of established rules for loading, passenger capacity standards, restrictions in the area and conditions for sailing, as well as permit for operation of the vessel or its mechanisms and equipment by the persons that do not have the relevant diploma (certificate, identity document), shall –

entail a fine in amount of twenty monthly calculation indices.

2. Release of small size vessels in sailing that are not registered in established manner or did not pass technical inspection (examination), or that have the defects with which their operation is prohibited, or unstaffed with equipment, or re-equipped without the relevant permit, as well as the permit for operation of the small size vessels by the persons that do not have the right of operation of these vessels, shall –

entail a fine on civil servants, subjects of small entrepreneurship in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

Article 582. Violation of the rules for operation of vessels, including small size vessels, as well as operation of the vessel, including small size vessel by the person that does not have the right of operation

1. Operation of a vessel (including small size vessel) that is not registered in established manner or did not pass technical inspection (examination), or that does not have the side numbers and designations, or that is reequipped without the relevant permit, or that has defects with which its operation is prohibited, or with violation of the rules for loading of passenger capacity standards, restrictions in the area and conditions of sailing, shall –

entail a fine in amount of fifteen monthly calculation indices.

2. Operation of a vessel, including small size vessel by the person that does not have the right of operation of this vessel, including small size vessel, and equally operation of the vessel, including small size vessel, by the person that does not have the document confirming the right of operation of this vessel, including small size vessel or transfer of operation of such vessel, including small size vessel to the person that does not have the right of operation, shall –

entail a fine in amount of ten monthly calculation indices.

3. Operation of a vessel, including small size vessel in the absence of vessel documents, as well as with the violation of requirements submitted to the vessel documents, shall –

entail a fine in amount of five monthly calculation indices.

4. Operation of a vessel, including small size vessel with knowingly false or forged registering side numbers and designations, shall –

entail a fine in amount of twenty monthly calculation indices.

5. Control of the small size vessel without the put-on and fastened individual saving means on the faces which are on the small size vessel or the towed swimming means –

subject to fine natural persons at a rate of five monthly settlement indicators.

Footnote. Article 582 with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 583. Violation of the rules of swimming on internal waterways

Footnote. Article 583 heading in edition of the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

1. Violation by boatmasters of vessels (except undersized) the traffic regulation and giving sound and light signals, executions of ship fires and signs and also damage of port and hydraulic engineering constructions and the equipment –

entail a fine in amount of five monthly calculation indices.

2. Excess of the established speed by navigators of small size vessels and other floating objects, non-compliance with the requirements, navigation marks, premeditated stoppage or dockage of a vessel in forbidden places, damage of water development facilities or technical means and signs of the shipping and navigation circumstances, violation of the rules for maneuvering, giving audio alarms, bearing of side lights and marks, shall –

entail a fine in amount of two monthly calculation indices..

3. Violation of the other rules for using small size vessels by the navigators of the small size vessels, shall –

subject to fine a rate of one monthly settlement indicator.

Footnote. Article 583 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 584. Violation of the rules ensuring security of operation of vessels on inland water ways

1. It is excluded by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

2. Destruction, damage, breakage, illegal displacement of floating and non-floating aids to navigation, communication and signalling, violation of the rules for maintenance, operation and established work regime of the navigational equipment on bridges, dams and other water development facilities, installation of signs, structures, sources of audio and light alarms without the proper permit (coordination), creating noises in identifying the navigation marks and alarms, shall –

entail a fine in amount of ten monthly calculation indices.

3. Discharge of rubbish and other subjects overboard, shall –
subject to fine a rate of one monthly settlement indicator.

Footnote. Article 584 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 585. Violation of the rules of loading, unloading and warehousing of freights in river ports and on piers

1. Violation of specifications of loading, unloading and warehousing of freights in river ports and on piers, specifications of fastening of freights in the vessel, not execution of the act of loading (unloading) of freight –
subject prevention.

2. The actions provided by part one of the present article perfect repeatedly within a year after imposing of an administrative penalty, –
subject to fine a rate of two monthly settlement indicators.

Footnote. Article 585 in edition of the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 586. Violation of the rules of using the bases (structures) for dockages of small size vessels

1. Violation of the standards for basing small size vessels, conditions and technical requirements for a safety operation of the bases (structures), and equally maintenance of the small size vessels on the mentioned bases (structures) that are not registered in established manner on the bases (structures) for dockage of the small size vessels, shall –

entail a fine on individuals and civil servants in amount of ten, on subjects of small entrepreneurship – in amount of fifteen, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of thirty monthly calculation indices.

2. Non-compliance with the established control regime of releasing small size vessels in sailing and return to the base, shall –

entail a notification or fine on individuals and civil servants in amount of five monthly calculation indices.

Article 587. Violation of the requirements on operation of port structures

Violation or non-compliance with the terms for conduct of regular and periodical technical inspections of the port structures, being in defective condition or non-conformance

of the mooring devices and fenders of berthing facilities to own characteristics, as well as the absence of examination record book of the port structures and passport of a sea port, shall –
entail a fine on individuals and civil servants in amount of five monthly calculation indices.

Article 588. Violation of the rules for investigation of accidents and traffic accident with vessels, including small size vessels

1. Non-representation of information by a ship captain, ship owner, civil servant of water development facilities to the transport control bodies on emergency case with a vessel of marine transport, on traffic accident with a vessel of river transport, shall –

entail a fine on individuals and civil servants in amount of ten, on subjects of small entrepreneurship – in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of forty monthly calculation indices.

2. Non-representation of information by a navigator or ship owner to the transport control bodies on traffic accident with a small size vessel, shall –

entail a fine on individuals and civil servants in amount of five, on subjects of small entrepreneurship – in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of thirty monthly calculation indices.

3. Non-representation or untimely representation of materials, certificates, explanatory notes, extracts from vessel documents or other information required for conduct of investigation upon request of the body or civil servant conducting the investigation of emergency case or traffic accident, shall –

entail a fine on individuals in amount of five, on civil servants – in amount of ten, on subjects of small entrepreneurship – in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of forty monthly calculation indices.

Article 589. Violation of the rules of fire security in transport

1. Violation of the rules of fire security established in transport, shall –
entail a fine in amount of five monthly calculation indices.

2. The actions provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –
entail a fine in amount of ten monthly calculation indices.

Article 590. Violation of the rules for operation of transport vehicles

1. Operation of the registered vehicle with unreadable or non-compliant to the requirements of the national standard or the state registration plates (plate) established out of the provided places –

entail a fine in amount of five monthly calculation indices.

2. Operation of a transport vehicle without the state registering number plates (plate) or after prohibition of its operation, or that is not registered in the established manner, shall –

entail a fine in amount of ten monthly calculation indices.

3. Installation of knowingly false or forged state registering number plates (plate) on a transport vehicle, shall –

subject to fine natural persons at a rate of fifteen, on officials – at a rate of fifty, on small business entities or non-profit organizations – at a rate of hundred, on subjects of average business – at a rate of two hundred, on subjects of large business – at a rate of four hundred monthly settlement indicators.

4. Driving (I am familiar) with obviously false or counterfeit state registration registration plates, and driving with the state registration registration plates equipped with use of the devices and materials interfering identification of the state registration registration plates (sign) or allowing them is equal to alter or to hide, –

entail a fine in amount of twenty monthly calculation indices or deprivation of the right of operation of transport vehicles for the term of one year.

5. Operation of a transport vehicle non-confirming the requirements of technical regulations, national standards, as well as with the faults or conditions under which the exploitation of vehicles shall be prohibited, with the exception of cases provided by part six of this Article, –

entail a fine in amount of five monthly calculation indices.

6. Operation of the transport vehicles that have the defects of braking system, steering control, tow hitch, shall –

entail a fine in amount of fifteen monthly calculation indices.

7. Operation of the transport vehicle being reequipped without the relevant permit, shall –

entail a fine in amount of fifteen monthly calculation indices.

8. Release of the mechanical transport vehicles into operation that did not pass the pre-trip (pre-shift) technical inspection, as well as permit to operation to the driver that did not pass pre-trip (pre-shift) medical inspection, upon carrying out of regular or unscheduled automobile carriage of passengers, luggage, as well as carriage of cargo, shall –

subject to fine officials and small business entities at a rate of thirty, on subjects of average business – at a rate of forty, on subjects of large business – at a rate of fifty monthly settlement indicators.

9. Operation of the transport vehicle that did not pass the state or compulsory technical inspection, shall –

entail a fine in amount of five monthly calculation indices.

10. The actions provided by parts of the first, fifth, sixth, seventh and ninth present article, made repeatedly within a year after imposing of an administrative penalty – entail a fine in amount of twenty monthly calculation indices.

Note. The transport vehicles in this chapter of the Code shall be regarded as all the types of automobiles, tractors and other self-propelled vehicles, trams, trolleys, as well as motorcycles and other mechanical transport vehicles.

Footnote. Article 590 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

Article 591. Use of phone or radio station by a driver upon operation of a transport vehicle

1. Use of phone or radio station by a driver upon operation of a transport vehicle, shall – entail a fine in amount of five monthly calculation indices.

2. The action provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall – entail a fine in amount of ten monthly calculation indices.

Note. During operation of a transport vehicle, it is allowed to use phone or radio station by using headphones or speaker phone.

Article 592. Excess of the established speed of the movement

Footnote. Article 592 heading in edition of the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

1. Excess of the established speed of the movement of the vehicle at a size from ten to twenty kilometers per hour – subject to fine a rate of five monthly settlement indicators.

2. Exceeding of established driving speed of the transport vehicle in a range from twenty to forty kilometres per hour, shall – subject to fine a rate of ten monthly settlement indicators.

3. Exceeding the established speed of the vehicle by amount of forty or more kilometers per hour, shall – subject to fine a rate of twenty monthly settlement indicators.

4. The actions provided by parts of the second and third present article perfect repeatedly within a year after imposing of an administrative penalty, – subject to fine a rate of thirty monthly settlement indicators.

Footnote. Article 592 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 593. Non-compliance with requirements for transportation of the passengers and freights, to use of seat belts or crash helmets provided by traffic regulations

1. Non-compliance with rules of transportation of passengers and freights – subject to fine a rate of five monthly settlement indicators.
2. Non-compliance with instructions for use seat belts or crash helmets – subject to fine a rate of five monthly settlement indicators.
3. The actions provided by parts of the first and second present article perfect repeatedly within a year after imposing of an administrative penalty, – subject to fine a rate of ten monthly settlement indicators.

Footnote. Article 593 in edition of the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 594. Violation of the rules for passage of crossroads or intercrossing of carriage way

1. Driving on a crossroad or intercrossing of carriage way in the case of formed jam that lead to creation of the obstacle (jam) for the flow of transport vehicles in a transverse direction, shall –

Subjects to prevention or a fine a rate of three monthly settlement indicators.

2. Non-performance of the requirement of the road traffic rules to give the road to a transport vehicle enjoying the right of priority of passing the crossroads, shall – entail a fine in amount of fifteen monthly calculation indices.

3. It is excluded by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

4. The actions provided by part one of the present article perfect repeatedly within a year after imposing of an administrative penalty, – subject to fine a rate of seven monthly settlement indicators.

5. The action provided by a part of the second present article perfect repeatedly within a year after imposing of an administrative penalty, – subject to fine a rate of twenty monthly settlement indicators.

Footnote. Article 594 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 595. Violation of the rules of maneuvering

1. Non-performance of the requirement of the road traffic rules to set a signal before moving, turning or stopping, shall –
entail a fine in amount of five monthly calculation indices.
2. The movement by a backing in places where such maneuvers are forbidden, –
entail a fine in amount of ten monthly calculation indices.
3. Non-performance of the requirement of the road traffic rules to give the road to a transport vehicle enjoying the right of priority of moving, with the exception of cases provided by a part two of Article 594 and Article 598 of this Code, shall –
entail a fine in amount of fifteen monthly calculation indices.
4. The actions provided by parts of the second and third present article perfect repeatedly within a year after imposing of an administrative penalty, –
entail a fine in amount of twenty monthly calculation indices.

Footnote. Article 595 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 596. Violation of the rules of situation of a transport vehicle on a carriage way, opposite pass-by or overdrive

1. Moving on pedestrian footpaths, waysides or sidewalks in violation of the road traffic rules, shall –
entail a fine in amount of fifteen monthly calculation indices.
2. Violation of the rules of an arrangement of the vehicle on a carriageway, counter travel or overtaking, and is equal crossing of an organized transport or pedestrian column or occupation of the place in her –
subject to fine a rate of fifteen monthly settlement indicators.
3. Departure on the party of a carriageway intended for oncoming traffic in cases if it is forbidden by traffic regulations, including interfaced to a turn or turn, –
subjects deprivation of the right for control of vehicles for the term of six months.
4. The actions provided by parts one and two of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –
entail a fine in amount of thirty monthly calculation indices.
5. The action provided by a part three of this Article committed by a person deprived of the right of operation of a transport vehicle, shall –
entail a fine in amount of fifty monthly calculation indices.

Footnote. Article 596 with the changes made by the Laws of the Republic of Kazakhstan from 7/3/2017 No. 83-VI (shall be enforced after ten calendar days after day of its first

official publication); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 597. Violation of the rules for stopping or parking of transport vehicles

1. Violation of the rules of a stop or the parking of vehicles, except for the cases provided by parts of the second, third present article –

subject to fine a rate of five monthly settlement indicators.

2. Violation of the rules for stopping or parking of vehicles on a sidewalk, as well as stopping or parking of vehicles on garden beds, children's playgrounds and sports grounds, shall –

subject to fine a rate of ten monthly settlement indicators.

3. Violation of the rules for stopping or parking of transport vehicles on a carriage way that entailed creation of the obstacles for moving of other transport vehicles, shall –

subject to fine a rate of ten monthly settlement indicators.

4. Violation of the rules for stopping or parking of transport vehicles at the places allocated for stopping or packing of the transport vehicles for disabled persons, shall –

subject to fine a rate of ten monthly settlement indicators.

4-1. Avoidance from payment for parking at the places equipped by the special certified devices designated for taking payment for parking and recording time of parking of transport vehicles determined by the local executive bodies of oblasts, cities of republican significance and the capital, shall –

entail a fine in amount of three monthly calculation indices.

4-2. The action provided by a part 4-1 of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine in amount of five monthly calculation indices.

5. The actions provided by part one of the present article perfect repeatedly within a year after imposing of an administrative penalty, –

subject to fine a rate of ten monthly settlement indicators.

5-1. The actions provided by parts of the second and third present article perfect repeatedly within a year after imposing of an administrative penalty, –

subject to fine a rate of fifteen monthly settlement indicators.

6. The action provided by a part four of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

subjects to fine rate of fifteen monthly settlement indicators.

Footnote. Article 597 as amended by the Law of the Republic of Kazakhstan dated 05.05.2015 No. 312-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar

days after day of its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 598. Non-provision of a priority while moving to the vehicle of operative and special services with the turned on special light and sound signals

1. Non-provision of a priority while moving to the vehicle of operative and special services as well as to a vehicle that has special color schemes, inscriptions and designations printed on the outer surfaces with a flashing beacon and a special sound signal turned on at the same time, shall -

entail a fine in amount of seven monthly calculation indices.

2. Action provided by part one of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, shall –

entail a fine in amount of fifteen monthly calculation indices.

Footnote. Article 598 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 599. Driving through red traffic light or through restricted gesture of a traffic-controller

1. Driving through red traffic light or through restricted gesture of a traffic-controller, with the exception of cases provided by a part one of Article 607 of this Code, shall –

entail a fine in amount of ten monthly calculation indices.

2. The action provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

subject to fine a rate of fifteen monthly settlement indicators.

Footnote. Article 599 with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 600. Non-provision of a priority while moving to pedestrians or other road traffic participants

1. Non-fulfillment of the requirements of the road traffic rules to give the road to pedestrians or other road traffic participants, with the exception of the drivers of transport vehicles taking priority while moving, shall –

entail a fine in amount of ten monthly calculation indices.

2. The action provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

subject to fine a rate of fifteen monthly settlement indicators.

Footnote. Article 600 with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 601. Non-compliance with the requirements prescribed by road signs or marking of a carriage way

1. Non-compliance with the requirements prescribed by road signs or marking of a carriage way, with the exception of cases provided by the other Articles of this chapter, shall

–
subject to fine a rate of three monthly settlement indicators.

2. The action provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –
entail a fine in amount of ten monthly calculation indices.

Footnote. Article 601 with the change made by the Law of the Republic of Kazakhstan from 7/3/2017 No. 83-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 602. Violation by drivers of vehicles of instructions for use external light devices and (or) sound signals, use of the alarm system

Footnote. Article 602 heading in edition of the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

1. Violation by drivers of vehicles of instructions for use external light devices during daylight hours and (or) sound signals –
attracts prevention or a penalty at a rate of three monthly settlement indicators.

1-1. Violation by drivers of vehicles of instructions for use external light devices in night-time or in the conditions of insufficient visibility, use of the alarm system and the sign of an emergency stop –
subject to fine a rate of five monthly settlement indicators.

2. The action provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –
subject to fine a rate of five monthly settlement indicators.

3. The actions provided by a part of 1-1 present article perfect repeatedly within a year after imposing of an administrative penalty, –
subject to fine a rate of seven monthly settlement indicators.

Footnote. Article 602 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 603. Violation of the rules for installation of devices on a transport vehicle for giving special light and (or) audio alarms or illegal marking of the special colour schemes of the automobiles of operative and special services

1. Installation of the lights with red colour or reflective arrangements of red color on a front element of a transport vehicle, and equally the lights the colour and work regime of which do not conform to the requirements of admission of the transport vehicles to operation, shall –

subject to fine natural persons at a rate of fifteen, on small business entities or non-profit organizations – at a rate of seventy, on subjects of average business – at a rate of hundred fifty, on subjects of large business – of one thousand monthly settlement indicators, with confiscation of the specified devices and devices.

2. Installation of devices for giving special light and (or) audio alarms (with the exception of security alarm) on a transport vehicle without the relevant permit, shall –

subject to fine natural persons at a rate of twenty five, on small business entities or non-profit organizations – at a rate of hundred, on subjects of average business – at a rate of two hundred, on subjects of large business – of one thousand monthly settlement indicators, with confiscation of the specified devices.

3. Illegal marking of the special color schemes of the automobiles of operative and special services on exterior surface of a transport vehicle, shall –

subject to fine natural persons at a rate of twenty five, on small business entities or non-profit organizations – at a rate of hundred, on subjects of average business – at a rate of two hundred, on subjects of large business – of one thousand monthly settlement indicators.

Footnote. Article 603 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 604. Violation of the rules for training of drivers of transport vehicles

Footnote. Article 604 is excluded by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 605. Violation of the law of the Republic of Kazakhstan about traffic

Footnote. Article 605 is excluded by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 606. Violation of the traffic rules by a road traffic participant that entailed creation of emergency situation

1. Violation of the traffic rules by a road traffic participant that entailed creation of emergency situation, i.e. that forced the other road traffic participants to change speed, direction of movement dramatically, shall –

entail a fine in amount of ten monthly calculation indices.

2. The action provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail the deprivation of the right of operation of transport vehicle for the term of six months.

Article 607. Violation of the rules for transit of railroad crossing

1. Crossing of a railway track out of the railway crossing, departure on the railway crossing at the closed or closed barrier or at the forbidding signal of the traffic light or the person on duty on moving –

entail a fine in amount of ten monthly calculation indices.

2. The actions provided by a part one of this article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail the deprivation of the right of operation of transport vehicle for the term of six months.

Footnote. Article 607 with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 608. Operation of a transport vehicle by the driver being in a state of alcohol, narcotic and (or) substance abuse intoxication, and equally transfer of operation of the transport vehicle to the person being in a state of alcohol, narcotic and (or) substance abuse intoxication

1. Operation of a transport vehicle by the driver being in a state of alcohol, narcotic and (or) substance abuse intoxication, and equally transfer of operation of the transport vehicle to the person being in a state of alcohol, narcotic and (or) substance abuse intoxication, shall –

entail the administrative arrest for fifteen days and deprivation of the right of operation of vehicle for the term of seven years.

2. Excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 292-VI (order of enforcement see Article 2).

3. The actions provided by a part one of this Article that entailed infliction of harm to health to an injured party that do not have the signs of a criminally punishable act, or damage of the transport vehicles, cargo, road and other structures or another property, shall –

entail the administrative arrest for a term of twenty days and deprivation of the right of operation of vehicles for the term up to seven years.

3-1. Actions provided by part one of this Article committed repeatedly second time within a year after expiration of the term of the administrative sanction, shall –

entail the administrative arrest for a term of twenty days and deprivation of the right of operation of vehicles for the term up to eight years.

3-2. Actions provided by part three of this Article committed repeatedly second time within a year after expiration of the term of the administrative sanction, shall –

entail the administrative arrest for a term of twenty days and deprivation of the right of operation of vehicles for the term up to nine years.

4. Excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 292-VI (order of enforcement see Article 2).

5. Excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 292-VI (order of enforcement see Article 2).

6. The actions provided by parts one, two and three of this Article committed by the persons that do not have the rights of operation of transport vehicles, shall –

entail the administrative arrest for the term up to twenty days.

7. The actions provided by a part six of this Article committed repeatedly second time within a year after expiration of the term of the administrative sanction provided by a part six of this Article, shall –

entail the administrative arrest for the term up to thirty days.

8. The actions provided by parts six and seven of this Article committed by the persons to which the administrative arrest in accordance with a part two of Article 50 of this Code is not applied, shall –

entail a fine in amount of two hundred monthly calculation indices.

Footnote. Article 608 as amended by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 292-VI (order of enforcement see Article 2).

Article 609. Carrying out of regular automobile carriage of passengers and luggage without the relevant certificate confirming the right to service the routes of mentioned carriage

Footnote. Article 609 is excluded by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 610. The violation by drivers of vehicles of traffic regulations which has entailed infliction of harm to human health, damage of vehicles or other property

Footnote. Article 610 heading in edition of the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

1. The violation by drivers of vehicles of traffic regulations which has entailed the damage of vehicles, freights, roads, road and other constructions or other property which has caused material damage –

subject to fine a rate of twenty monthly settlement indicators or deprivation of the right of driving for a period of up to six months.

2. The same action that entailed infliction of light harm to health of an injured party, shall

–
subject to fine a rate of forty monthly settlement indicators or deprivation of the right of driving for a period of up to nine months.

3. The actions provided by parts of the first and second present article, made by the person who doesn't have or deprived the right of driving –

subject to fine a rate of sixty monthly settlement indicators.

Footnote. Article 610 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 611. Non-fulfillment of the obligations by a driver due to traffic accident

1. Non-fulfillment of the obligations provided by the legislation of the Republic of Kazakhstan in the scope of road traffic by a driver due to traffic accident the participant of which he (she) is, with the exception of the cases provided by a part two of this Article, shall

–
entail a fine in amount of five monthly calculation indices.

2. Leaving the place of the traffic accident in violation of the road traffic rules by a driver the participant of which he (she) was, shall –

entail a fine in amount of fifty monthly calculation indices or deprivation of the right of operation of vehicles for the term up to one year.

3. The action provided by a part two of this Article committed by the person being deprived of the right of operation of transport vehicle or that did not have the right of operation of transport vehicles, shall –

entail a fine in amount of one hundred monthly calculation indices or administrative arrest for the term of thirty days.

Note. The person that left the place of traffic accident due to rendering of medical assistance to an injured party shall be released from the liability in accordance with this Article.

Footnote. Article 611 as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Articled 612. Operation of transport vehicle without the documents and that do not have the rights of operation

1. Operation of the vehicle by the driver not carrying the driving license or temporary certificate issued instead of the driving license for the right of operation, registering and other documents for the vehicle established by the legislation, –

entail a warning or a fine in amount of five monthly calculation indices.

2. Operation of transport vehicle by the person that does not have the right of its operation (except for driving lessons), and equally operation of transport vehicle by the driver that does not have the right of operation of the relevant category of transport, shall –

entail a fine in amount of twenty monthly calculation indices.

3. Operation of transport vehicle by a driver being deprived of the right of operation of transport vehicle, shall –

entail a fine in amount of fifty monthly calculation indices or an administrative arrest for ten days.

4. The actions provided by a part of the second present article perfect repeatedly within a year after imposing of an administrative penalty, –

entail a fine in amount of thirty monthly calculation indices.

4-1. The actions provided by a part of the third present article perfect repeatedly within a year after imposing of an administrative penalty, –

entail a fine in amount of seventy monthly calculation indices or administrative arrest for fifteen days.

5. Transfer of operation of the transport vehicle to the person that does not have the right of operation (with the exception of cases of driving instruction in accordance with the established rules), or to the person being deprived of the right of operation of transport vehicle, shall –

entail a fine in amount of fifty monthly calculation indices.

6. The action provided by a part five of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine in amount of seventy monthly calculation indices.

Footnote. Article 612 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); No. 166-VI dated 02.07.2018 (shall be enforced from 01.01.2019); dated 27.12.2019 No. 292-VI (order of enforcement see Article 2); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 613. Non-performance of the requirements of an employee of the bodies of internal affairs (police), transport control on the checkpoints of mechanical transport vehicles through the State Border of the Republic of Kazakhstan and on the posts of transport control in a territory of the Republic of Kazakhstan, military police, avoidance from passing certification of the state of alcohol, drug and (or) substance abuse intoxication

1. Non-performance of the legal requirement of an employee of the internal affairs authorities (police), military police (exceptionally by the person operating the vehicle of the national security authorities, Armed Forces of the Republic of Kazakhstan, other forces and military formations of the Republic of Kazakhstan) of transport control authorities at transport control posts on the territory of the Republic of Kazakhstan on stopping of vehicle, shall – entail a fine in amount of thirty monthly calculation indices.

2. Excluded by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

3. The action provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall – attracts deprivation of the right for control of vehicles for the term of six months.

3-1. The action provided by part one of the present article, made by the person who doesn't have the right of management or deprived of the right of control of vehicles – subject to fine a rate of fifty monthly settlement indicators.

4. Non-performance of the legal requirement of an employee of the bodies of internal affairs (police), military police (exceptionally by the person that operates the transport vehicle of the national security bodies, Armed Forces of the Republic of Kazakhstan, other forces and military formations of the Republic of Kazakhstan) on passing certification of the state of alcohol, drug and (or) substance abuse intoxication in accordance with the established procedure, shall –

entail the administrative arrest for the term of fifteen days and deprivation of the right of operation of transport vehicle for the term of eight years.

5. The action provided by a part four of this Article committed repeatedly second time within a year after expiration of the term of administrative sanction, shall –

entail the administrative arrest for the term of twenty days and deprivation of the right of operation of transport vehicle for the term of nine years.

6. Excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 292-VI (order of enforcement see Article 2).

7. Excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 292-VI (order of enforcement see Article 2).

8. Excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 292-VI (order of enforcement see Article 2).

9. Action provided by part four of this Article committed by the persons not having the right to operate of vehicle, shall –

entail the administrative arrest for the term of twenty days.

10. the action provided by a part nine of this Article committed repeatedly second time within a year after expiration of the term of the administrative sanction provided by a part nine of this Article, shall –

entail the administrative arrest for the term of thirty days.

11. Actions provided by parts nine and ten of this article, committed by persons to whom administrative arrest in accordance with part two of Article 50 of this Code shall not apply -

entail a fine in amount of two hundred monthly calculation indices.

12. Leaving by the driver of a cabin (salon) of the vehicle in case of his stop the employee of law-enforcement bodies (police), military police (only the person steering the military vehicle) without his permission and also failure to meet requirements about an exit from a cabin (salon) of the vehicle –

subject to fine the driver at a rate of five monthly settlement indicators.

13. The actions provided by a part twelve of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

subject to fine the driver at a rate of ten monthly settlement indicators.

Note. The requirement of employees of the bodies of internal affairs (police), transport control, military police in the official uniform on stopping of the transport vehicle shall be expressed by signalling with a gesture of hand or traffic baton with the simultaneous whistle signal or with the use of loudspeaker system. The alarms shall be understandable for a driver and set in due time so their performance does not create the emergency situation.

Footnote. Article 613 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); from 03.07.2017 No. 83-VI (shall be enforced after ten calendar days after day of its first official publication); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); dated 27.12.2019 No. 292-VI (order of enforcement see Article 2); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 614. Creation of the obstacles for movement of transport vehicles

Deliberate creation of obstacles for the movement of vehicles, shall –
entail a fine on individuals in a mount of three, on civil servants – in amount of ten monthly calculation indices.

Footnote. Article 614 with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 615. Violation of the traffic rules by pedestrians and other road traffic participants

1. Non-performance by pedestrians and other participants of traffic of requirements of traffic regulations –

subject to fine a rate of two monthly settlement indicators.

2. The action provided by a part one of this Article that entailed infliction of harm to health of an injured party that does not have the signs of a criminally punishable act or that inflicted material damage, shall –

entail a fine in amount of ten monthly calculation indices.

3. The action provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

subject to fine a rate of ten monthly settlement indicators.

4. The action provided by a part two of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine in amount of twenty monthly calculation indices or administrative arrest for the term of three days.

Note. The other road traffic participants in this Article shall be regarded as the persons operating scooters, bicycles and horse-drawn carriages, drovers leading baggage, riding animals or herd, as well as passengers of the transport vehicles.

Footnote. Article 615 with the changes made by the Laws of the Republic of Kazakhstan from 03.07.2017 No. 84-VI (shall be enforced after ten calendar days after day of its first official publication); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 616. Violation of the rules of organizing and conducting compulsory technical inspection of motor vehicles and their trailers

1. Violation of the rules of organizing and conducting compulsory technical inspection of motor vehicles and their trailers committed in the form of:

1) issuance of the diagnostic card of technical inspection with the indication of parameters that do not conform to the technical inspection of the motor vehicles and their trailers established upon conduct of the inspection of activity of the operator of technical inspection;

2) unreasonable refusal from conduct of compulsory technical inspection;

3) non-representation of the details to the single informational system of compulsory technical inspection of the motor vehicles and their trailers;

4) failure to notify or untimely notification on changing location of the centre of technical inspection;

5) failure to inform the population on a schedule for conducting compulsory technical inspection in a region of activity;

6) violation of a schedule for conducting compulsory technical inspection;

7) issuance of the diagnostic card of technical inspection by the operator of technical inspection without conducting compulsory technical inspection;

8) conduct of compulsory technical inspection without the use of control and diagnostic equipment or with defective control and diagnostic equipment and (or) that did not pass the adjustment;

9) failure to ensure the archival storage of video files of the daily video recording within six months from the date of conduct of compulsory technical inspection;

10) absence of video recording of the procedure for conduct of compulsory technical inspection or photographic recording of the transport vehicle in a diagnostic card of technical inspection;

11) drawing up and issuance of a diagnostic card of technical inspection that does not conform to the approved form;

12) failure to enter, and equally entering of inaccurate and (or) incomplete details to the single informational system of compulsory technical inspection of the motor vehicles and their trailers;

13) non-conformance of the production premise and territory of a centre for technical inspection to the requirements established by the national standards, –

entail a fine on subjects of small entrepreneurship in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of thirty monthly calculation indices.

2. Combination of rendering of the services on conducting compulsory technical inspection and repair, technical maintenance of the motor vehicles and their trailers, shall –

entail a fine on civil servants, subjects of small entrepreneurship in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices, with the exclusion of the operators of technical inspection from register.

3. Rendering of services on repair and technical maintenance of the motor vehicles and their trailers in a territory of the centre of technical inspection, shall –

entail a fine on civil servants, subjects of small entrepreneurship in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

4. Provision of knowingly false information upon entering of the operators of technical inspection into register, shall –

entail a fine on civil servants, subjects of small entrepreneurship in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices, with the exclusion of the operators of technical inspection from register.

5. The acts provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine on civil servants, subjects of small entrepreneurship in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices, with the exclusion of the operators of technical inspection from register.

Footnote. Article 616 as amended by the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

Article 617. Release of the transport vehicles having technical defects in operation and other violations of the rules of operation

1. Non-performance of the requirements, established road traffic safety rules by the persons being liable for technical condition and operation of the transport vehicles, with the exception of the cases provided by Article 619 of this Code, shall –

entail a fine on civil servants, subjects of small entrepreneurship in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of forty monthly calculation indices.

2. The same actions that entailed the infliction of the light harm to health of an injured party or damage of transport vehicles, cargo, road or other structures or another property, shall –

entail a fine on civil servants, subjects of small entrepreneurship in amount of twenty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

Footnote. Article 617 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

Article 618. Recognition or issue of the certificates or other documents confirming compliance of vehicles in defiance of the established norms in the field of providing requirements to safety of vehicles

Footnote. Article 618 heading in edition of the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

1. Recognition or issuance of certificates or other documents confirming the conformance of transport vehicles in violation of the established standards in the field of ensuring the safety requirements of the transport vehicles being the ground for their admission of participation in road traffic, shall –

entail a fine in amount of two hundred monthly calculation indices with the deprivation of the right of engagement in this activity for the term of one year.

2. The actions provided by a part one of this Article that entailed damage of transport vehicles or another property, shall –

entail a fine in amount of three monthly calculation indices with the deprivation of the right of engagement in this activity for the term of two years.

3. The actions provided by a part one of this Article that entailed infliction of the bodily damage of light and average gravity, shall –

entail a fine in amount of five hundred monthly calculation indices with the deprivation of the right of engagement in this activity for the term of three years.

Footnote. Article 618 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 619. Permit to operation of transport vehicle to the driver that does not have the right of operation of transport vehicles, and equally the relevant category

1. Permit to operation of transport vehicle to the driver that does not have or being deprived of the right of operation of transport vehicle, and equally the relevant category by the person being liable for technical condition and operation of the transport vehicles, shall –

entail a fine on individuals in amount of twenty, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of thirty, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

2. The same action that entailed infliction of a light harm to health of an injured party or damage of transport vehicles, cargo, road or other structures or another property, shall –

entail a fine on individuals in amount of fifty, on civil servants, subjects of small entrepreneurship or non-profit organizations – in amount of seventy, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of one hundred fifty monthly calculation indices.

Article 619-1. The admission to driving of the driver who is in state of intoxication

1. The admission the person responsible for technical condition and operation of vehicles, to driving of the driver who is in a state alcoholic narcotic or an inhalant intoxication, – subject to fine officials, small business entities or non-profit organizations at a rate of forty, on subjects of average business – at a rate of fifty, on subjects of large business – at a rate of sixty monthly settlement indicators.

2. The same action which has entailed causing to the health which was injured a little harm or damage of vehicles, freights, road or other constructions or other property – subject to fine natural persons at a rate of seventy, on officials, small business entities or non-profit organizations – at a rate of hundred, on subjects of average business – at a rate of hundred fifty, on subjects of large business – at a rate of two hundred monthly settlement indicators.

Footnote. Chapter 30 is supplemented with article 619-1 according to the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 620. Violation of other requirements submitted to road traffic participants

Violation of requirements of traffic regulations, basic provisions according to the admission of the vehicles to operation which aren't listed in the present chapter of the Code – entail a notification or fine in amount of three monthly calculation indices.

Note. By drawing up the protocol it is specified what standard of traffic regulations is broken.

Footnote. Article 620 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 621. Violation of the rules of carriage of hazardous substances or subjects by transport

1. Violation of the rules of carriage of hazardous substances or hand-luggage subjects by railway transport, shall – entail a notification or fine in amount of one monthly calculation index.

2. Violation of the rules of carriage of hazardous substances or subjects by marine and river transport, as well as non-fulfillment of the obligations by civil servants on registration of the operations with hazardous substances or subjects in the relevant documents, entering of inaccurate records or unlawful refusal to represent such documents to the relevant civil servants, shall –

entail a notification or fine in amount of ten monthly calculation indices.

3. Violation of the rules of carriage of hazardous substances or subjects in aerial vehicles, shall –

entail a fine in amount of ten monthly calculation indices with the confiscation of mentioned substances and subjects.

4. Carrying of explosive substances or subjects in a bus, tram, trolley, taxi bus, as well as their delivery in luggage or in storage room of automobile transportation, shall –

entail a fine in amount of three monthly calculation indices.

Article 622. Violation of the rules of using public urban and suburban transport

1. Violation of the rules of using tram, trolley, bus of urban and suburban communication or taxi committed in the form of transit on footboards and other projecting parts of transport vehicle, entering and quit while moving, obstruction of opening and closing doors, carrying of cutting items without the relevant packing, as well as items and things polluting the passenger compartment and clothes of passengers, shall –

entail a fine in amount of one monthly calculation index.

2. Avoidance from paying passenger fare in public transport, shall –

entail a fine in amount of two monthly calculation indices.

Footnote. Article 622 is in the wording of the Law of the Republic of Kazakhstan dated 05.05.2015 No. 312-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 623. Ticketless carriage of passengers

Ticketless carriage of passengers:

1) on international trains, shall –

entail a fine in amount of seven monthly calculation indices;

2) on trains of intra-republican communication shall –

entail a fine in amount of five monthly calculation indices;

3) in a tram, trolleybus, city and suburban bus and minibus, shall –

entail a fine in amount of five monthly calculation indices;

4) in the bus of international, intercity interregional, interdistrict (intercity intraregional) and intradistrict communication –

entail a fine in amount of seven monthly calculation indices.

Footnote. Article 623 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 624. Violation of the rules of the organization of sale of travel documents (tickets) on railway transport

Footnote. Article 624 is excluded by the Law of the Republic of Kazakhstan No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 624-1. Violation of the rules for organizing the sale of travel documents (tickets) on railway transport in the Republic of Kazakhstan

1. Violation of the rules for organizing the sale of travel documents (tickets) on railway transport in the Republic of Kazakhstan, committed in the form of resale, illegal sale of travel documents (tickets) on railway transport, as well as assistance in the resale, illegal sale of travel documents (tickets) on railway transport, shall –

entail a fine on individuals in amount of one hundred, on subjects of small entrepreneurship – in amount of fifty, on subjects of medium entrepreneurship – in amount of two hundred, on subjects of large entrepreneurship – in amount of two hundred and fifty monthly calculation indices.

2. Actions provided by part one of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, shall –

entail a fine on individuals in amount of two hundred, on subjects of small entrepreneurship – in amount of three hundred, on subjects of medium entrepreneurship – in amount of four hundred, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices.

Footnote. Chapter 30 is supplemented by Article 624-1 in accordance with the Law of the Republic of Kazakhstan dated 27.12.2019 No. 295-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 625. Violation of the rules of protection of cargo on railway, marine, river and automobile transport

1. Damage of a rolling stock, containers, floating and other transport vehicles designated for carriage of cargo, as well as transportation appliances, shall –

entail a fine in amount of five monthly calculation indices.

2. Damage of seals and locking devices of goods wagons, automobiles, automobile trailers, containers, holds and other cargo spaces of the floating crafts, breakage of seals from them, damage of separate cargo items and their packing, packs, fences of cargo sites, railway stations, cargo automobile stations, container terminals (grounds), ports (berths) and

warehouses that are used for performance of the operations linked with cargo operations, as well as staying without the relevant permit in a territory of the cargo sites, container terminals (grounds), cargo districts (fields), ports (berths), locks and warehouses mentioned above, shall –

entail a fine in amount of ten monthly calculation indices.

Article 626. Violation of the rules on protection of cargo on air transport

1. Damage of seals and locking devices of containers, breakage of seals from them, damage of separate cargo items and their packing, packs, fences of warehouses that are used for performance of the operations linked with cargo operations on air transport, shall –

entail a fine in amount of ten monthly calculation indices.

2. Damage of containers and transport vehicles designated for carriage of cargo on air transport, shall –

entail a fine in amount of ten monthly calculation indices.

Article 627. Violation of the rules of operation of tractors, other self-propelled vehicles and equipment

Violation of the rules of operation of tractors, other self-propelled vehicles and equipment , with the exception of the rules provided by Articles 333, 334, 590, 610, 617, 619 of this Code, shall –

entail a fine on individuals in amount of three monthly calculation indices.

Article 628. Untimely payment of passenger fare on toll automobile roads (fields)

Untimely payment of passenger fare on toll automobile roads (fields), shall –

entail a fine on individuals in amount of five, on legal entities – in amount of ten monthly calculation indices.

Article 629. Systematic violation of the rules of operation and road traffic by individuals operating transport vehicles

Footnote. Article 629 is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

Article 630. Damage of roads, railroad crossings and other road structures

1. Damage of roads, railroad crossings and other structures or technical means of regulating road traffic, including pollution of the road surface or driving of animals outside the special allocated places and through the roads with improved surface, as well as visibility

restriction of the means of regulating road traffic due to installation of different structures or planting of green plantings, or their untimely cutting, shall –

entail a fine on individuals in amount of two, on civil servants, subjects of small entrepreneurship – in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of thirty monthly calculation indices.

2. Violations provided by a part one of this Article that entailed traffic accident with infliction of a light harm to health of an injured party, damage of transport vehicles, cargo or another property, shall –

entail a fine on individuals in amount of five, on civil servants, subjects of small entrepreneurship – in amount of thirty, on subjects of medium entrepreneurship – in amount of fifty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

Footnote. Article 630 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

Article 631. Failure to comply with the requirements for performance of work on roads, maintenance of roads, railway crossings and other road structures

Footnote. Heading of Article 631 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. Failure to comply with the requirements for performance of work on roads, the maintenance of roads, railway crossings and other road structures, other requirements established by the legislation of the Republic of Kazakhstan in the field of road traffic, shall –

entail a fine on individuals in amount of two, on subjects of small entrepreneurship – in amount of ten, on subjects of medium entrepreneurship – in amount of fifteen, on subjects of large entrepreneurship – in amount of thirty monthly calculation indices.

2. The actions provided by a part one of this Article that entailed the traffic accident with infliction of a light harm to health of an injured party, damage of transport vehicles, cargo, roads, road and other structures or another property, shall –

entail a fine on civil servants, subjects of small entrepreneurship in amount of fifteen, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of thirty monthly calculation indices.

Footnote. Article 631 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 632. Failure to comply with the requirements of the legislation of the Republic of Kazakhstan on maintenance of inspection wells of underground utilities, creating a threat to road safety

1. Failure to comply with the requirements of the legislation of the Republic of Kazakhstan on maintenance of inspection wells of underground utilities located on the roads, as well as failure to take measures to eliminate malfunctions of underground utilities, leading to the emergence of water, technical liquids, steam on the road surface and formation, for this reason, of destruction of the roadbed, ice, visibility restrictions and other obstacles, shall –

entail a fine on officials, on subjects of small entrepreneurship or non-profit organizations in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of thirty monthly calculation indices.

2. Action (inaction) provided by part one of this Article, which entailed a road traffic accident causing minor harm to human health, damage to vehicles, cargo and other property, shall –

entail a fine on officials, on subjects of small entrepreneurship or non-profit organizations in amount of fifteen, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of forty monthly calculation indices.

Footnote. Article 632 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 633. Violation of the rules of protection and use of the right of way of automobile roads

1. Plowing land reserves, cutting, grubbing and damage of plantings, turf removal and digging of earth, storage materials and cargo, performance of topographic and other works, equipping of crossroads and entrances, building of structures, underground and above-ground structures or communications, installation of advertising and another information in a right of way of automobile roads without coordination in the established manner, as well as firing, cattle grazing, landfill and snow disposal sites, trade outside the established places within the borders of the right of way, disposal of sewage, commercial, amelioratory and discharge waters in a roadway drainage system or use of the road side ditches as irrigators, shall –

entail a fine on individuals in amount of three, on subjects of small entrepreneurship or non-profit organizations – in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of fifty monthly calculation indices.

2. The violations provided by a part one of this Article that entailed the traffic accidents with infliction of light bodily damage to the people, damage of transport vehicles or another

property or committed repeatedly second time within a year after imposition of the administrative sanction provided by a part one of this Article, shall –

entail a fine on individuals in amount of five, on subjects of small entrepreneurship or non-profit organizations – in amount of twenty five, on subjects of medium entrepreneurship – in amount of forty, on subjects of large entrepreneurship – in amount of one hundred monthly calculation indices.

Article 634. Violation of the rules of operation and protection of automobile roads and road structures by land users

Failure to fulfill the obligations on arrangement, repair and regular clearing of pedestrian footpaths and pedestrian (crossing) overpasses, irrigation systems admitting water logging of automobile roads and bogging of the right of way being settled on the fields of land users adjoining to the right of way of automobile roads, as well as the obligations on maintenance of technical working condition and clearance of the egresses from the fields being settled on these users or approaching lines to the public automobile road, including the crossing overpasses, shall –

entail a fine on individuals in amount of three, on subjects of small entrepreneurship or non-profit organizations – in amount of ten, on subjects of medium entrepreneurship – in amount of twenty, on subjects of large entrepreneurship – in amount of thirty monthly calculation indices.

Article 635. Violation of the rules of protection of the main pipelines

1. Violation of the rules of protection of the main pipelines –

attracts prevention on natural persons, a penalty on small business entities or non-profit organizations – at a rate of seven, on subjects of average business – at a rate of seventeen, on subjects of large business – at a rate of twenty seven monthly settlement indicators.

2. Action (inaction) provided by part one of the present article perfect repeatedly within a year after imposing of an administrative penalty, –

subject to fine natural persons at a rate of one, on small business entities or non-profit organizations – at a rate of ten, on subjects of average business – at a rate of twenty, on subjects of large business – at a rate of thirty monthly settlement indicators.

3. Non-presentation and also untimely presentation of data on oil transportation to the authorized authority in the field of hydrocarbons, required for departmental statistical observation or administrative accounting, in accordance with the legislation of the Republic of Kazakhstan on subsoil and subsoil use, shall –

subject to fine small business entities at a rate of twenty, on subjects of average business – at a rate of forty, on subjects of large business – at a rate of eighty monthly settlement indicators.

Footnote. Article 635 in edition of the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 31. ADMINISTRATIVE INFRACTIONS IN THE FIELD OF INFORMATIZATION AND COMMUNICATION

Article 636. Illegal connection of terminal units (equipment) to the telecommunication networks

Footnote. Article 636 is excluded by the Law of the Republic of Kazakhstan No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 637. Breach of the legislation of the Republic of Kazakhstan in the field of communications

1. Breach of the legislation of the Republic of Kazakhstan in the field of communications committed in the form of:

1) unreasonable refusal of the dominating telecom operator of signing of the contract of accession or establishment by the dominating telecom operator of obviously restrictive conditions on accession or laying of communication lines;

2) violation of the terms for connection of telecommunication networks to the public communication network provided by the legislation of the Republic of Kazakhstan in the field of communications;

3) violation of the levels of connecting telecommunication networks by communications providers, including traffic transmission and procedure for settlement payments;

4) cutoff and (or) limitation of communications with the numbers of gratuitous connections with emergency medical, law enforcement, fire, accident, reference and other services;

5) non-compliance with the size of tariffication units;

6) it is excluded by the Law of the Republic of Kazakhstan from 28.12.2017 No. 128-VI (shall be enforced after ten calendar days after day of its first official publication);

7) failure to notify the subscribers about a cost of connecting upon providing the access to intellectual services (lottery, voting, game shows, quiz programs, reference and information services, dating services);

8) rendering of communication services to users that do not conform to the quality standards, technical regulations and quality indices of the communication services;

9) uses of a radio-frequency range at discrepancy of technical parameters of radio-electronic means to the data specified in permission to use of a radio-frequency range of the Republic of Kazakhstan;

9-1) - 9-2) it is excluded by the Law of the Republic of Kazakhstan from 28.12.2017 No. 128-VI (shall be enforced after ten calendar days after day of its first official publication);

9-3) violations by telecom operators of rules of application of the certificate of safety;

9-4) violations of an order of functioning of system of the centralized management of telecommunications of the Republic of Kazakhstan of networks;

9-5) providing by telecom operator access to information forbidden by the judgment which has taken legal effect or laws of the Republic of Kazakhstan;

9-6) substitutions of network addresses;

10) non-compliance by telecom operators, the operator of the centralized database of subscriber numbers of rules of transfer of a subscriber number in networks of cellular communication;

11) non-performance by mobile operator of an obligation for granting to the operator of the centralized database of subscriber numbers of information on subscriber numbers of cellular communication;

12) rendering by telecom operator and (or) the owner of a communication network of communication services, and equally in distribution by the representative of telecom operator of subscriber numbers without the conclusion of the relevant contract on rendering communication services;

13) non-compliance by operators with mail of the established requirements for the organization of service of users and an order of carrying out operational day;

14) violations by operators of mail of the established requirements for an order of reception and delivery of mailings and also their registrations which have led to loss of the mailing;

15) violations by operators of mail of requirements for establishment on post networks of the technical means and oborudovaniye allowing to reveal the forbidden objects and substances in mailings;

16) a failure to provide telecom operators and owners of networks of optimization of own communication networks, including timely reaction and taking measures for the purpose of decrease in distribution of a radio signal in the territory of institutions of a penal correction system, –

subject to fine natural persons at a rate of ten, on officials, small business entities at a rate of twenty, on subjects of average business – at a rate of forty, on subjects of large business – at a rate of hundred monthly settlement indicators.

2. The acts provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

subject to fine natural persons at a rate of twenty, on officials, small business entities at a rate of forty, on subjects of average business – at a rate of eighty, on subjects of large business – at a rate of two hundred monthly settlement indicators.

3. Violation of an obligation for collecting and storage of office information on subscribers and (or) users of communication services –

entail a fine on subjects of small entrepreneurship in amount of fifty, on subjects of medium entrepreneurship – in amount of one hundred, on subjects of large entrepreneurship – in amount of five hundred monthly calculation indices.

4. The action provided by a part three of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

subject to fine small business entities at a rate of hundred, on subjects of average business – at a rate of two hundred, on subjects of large business – of two thousand monthly settlement indicators.

5. Non-performance by telecom operator and (or) the owner of a communication network of obligations for providing the bodies which are carrying out operational search, counterintelligence activities on communication networks, organizational and technical capabilities of holding operational search, counterprospecting actions on all communication networks and also to taking measures to prevention of disclosure of forms and methods of holding operational search, counterprospecting actions –

subject to fine small business entities – at a rate of fifty, on subjects of average business – at a rate of hundred, on subjects of large business – at a rate of five hundred monthly settlement indicators.

6. Non-performance by telecom operator and (or) the owner of a communication network of obligations for providing to the bodies which are carrying out operational search, counterintelligence activities on communication networks, access to office information on subscribers and also taking measures to prevention of disclosure of forms and methods of holding operational search, counterprospecting actions –

subject to fine small business entities – at a rate of fifty, on subjects of average business – at a rate of hundred, on subjects of large business – at a rate of five hundred monthly settlement indicators.

7. Failure to follow by telecom operator and (or) the owner of a communication network of an obligation for ensuring functions of the telecommunication equipment for technical holding operational search, counterprospecting actions according to requirements to networks and means of communication –

subject to fine small business entities – at a rate of fifty, on subjects of average business – at a rate of hundred, on subjects of large business – at a rate of five hundred monthly settlement indicators.

8. The actions provided by parts of the sixth, seventh present article, made repeatedly within a year after imposing of an administrative penalty –

subject to suspension of the license for rendering of services in the field of communication.

9. Failure to follow by mobile operator of obligations for providing services for communication of the settlements and (or) territories specified in permission to use of a radio-frequency range of the Republic of Kazakhstan – subjects deprivation of permission to use of a radio-frequency range.

10. Non-use of a radio-frequency range within one year – attracts deprivation of permission to use of a radio-frequency range.

11. Non-performance by mobile operator of an obligation for ensuring transfer of subscriber numbers in networks of cellular communication –

subject to fine small business entities – at a rate of five hundred, on subjects of average business – of one thousand, on subjects of large business – of two thousand monthly settlement indicators.

12. Violation of the rules of assignment of strips of frequencies, radio frequencies (radio-frequency channels), operation of radio-electronic means and high-frequency devices and also carrying out calculation of electromagnetic compatibility of radio-electronic means of civil appointment –

subjects prevention or a penalty on natural persons at a rate of five, on officials, individual entrepreneurs at a rate of twenty, on small business entities or non-profit organizations – at a rate of twenty, on subjects of average business – at a rate of forty, on subjects of large business – at a rate of eighty monthly settlement indicators.

13. The actions provided by a part of the twelfth present article perfect repeatedly within a year after imposing of an administrative penalty, –

subject to fine to natural persons at a rate of ten, on officials, individual entrepreneurs – at a rate of forty, on small business entities or non-profit organizations – at a rate of thirty, on subjects of average business – at a rate of sixty, on subjects of large business – at a rate of hundred monthly settlement indicators.

Notes.

1. Radio-electronic devices in the present Code are understood as the technical means consisting of one or several radio-transmitting or radio-receiving devices or their combinations and the service equipment, intended for transfer and reception of radio waves.

2. High-frequency devices in the present Code are understood as the equipment or devices intended for generation and local use of radio-frequency energy in the industrial, scientific, medical, household purposes except for application in the field of telecommunication.

3. Shutdown and (or) restriction of communication for the present Code is understood as action (inaction) of telecom operator which has resulted in impossibility of connections with emergency medical, law-enforcement, fire, emergency, help and other services, except for the

circumstances connected with force majeure or the carried-out preventive and (or) emergency maintenance and also in other cases provided by the legislation of the Republic of Kazakhstan

Footnote. Article 637 with the changes made by laws RK from 24.11.2015 No. 419-V (shall be enforced from 1/1/2016); from 09.04.2016 No. 499-V (shall be enforced after ten calendar days after day of its first official publication); from 28.12.2016 No. 36-VI (shall be enforced after two months after day of its first official publication); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); from 28.12.2017 No. 128-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 638. Use of the communications means subjected to the compulsory confirmation of conformance, but that did not pass it

1. Use of the technical means of communications in unified telecommunications network of the Republic of Kazakhstan, and equally use of radio electronic means and high frequency devices that are the sources of electromagnetic radiation, technical means of postal communications subjected to the compulsory confirmation of conformance in the field of technical regulation and that did not pass it, shall –

subject prevention or a penalty on natural persons at a rate of five, on officials, small business entities or non-profit organizations – at a rate of sixty, on subjects of average business – at a rate of hundred, on subjects of large business – at a rate of two hundred fifty monthly settlement indicators.

2. The action provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

subject to fine natural persons at a rate of ten, on officials, small business entities or non-profit organizations – at a rate of hundred twenty, on subjects of average business – at a rate of hundred fifty, on subjects of large business – at a rate of three hundred fifty monthly settlement indicators, with confiscation of not certified means of communication.

Footnote. Article 638 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 639. Violation of requirements for maintenance of the protection of electronic information resources

1. Violation of the requirements for maintenance of the protection of electronic information resources in the form of obstructing the work of, or blocking software (software and hardware) of of State technical services, as well as obstructing the work of employees of the State technical service with informatization objects that interact with the public technical

service-involves either a warning or fine of ten individuals, officials, small businesses or non-profit organizations-in the amount of twenty, to medium-sized business entities in the amount of forty, on subjects large enterprise-100 MCI.

2. Actions (inaction), referred to in paragraph 1 of this article committed repeatedly or if they result in the emergence of information security incident-involve a penalty on individuals in the amount of twenty, to officials, small businesses or non-profit organizations-in the amount of fifty, on the subjects of medium-sized businesses-at a rate of one hundred major subjects entrepreneurship-in amount of 200 monthly calculation indexes.

Footnote. Article 639 in the redaction of law No. 419 of 24.11.2015-V (shall be enforced from 01.01.2016).

Article 640. Violation of the law of the Republic of Kazakhstan about the electronic document and the digital signature

1. Refusal in adoption of electronic documents in the cases provided by laws of the Republic of Kazakhstan –

subject to fine officials at a rate of twenty, on legal entities – at a rate of fifty monthly settlement indicators.

2. Rejection of necessary measures by certification center for prevention of loss, modification and a fake of the open keys of the digital signature which are stored –
subject to fine a rate of hundred monthly settlement indicators.

3. A failure to provide certification center of protection of information about owners of registration certificates –
subject to fine a rate of hundred monthly settlement indicators.

4. Rejection by the owner of the registration certificate of measures for protection of the closed key of the digital signature belonging to him against illegal access and use and also on storage of open keys in the order established by the legislation of the Republic of Kazakhstan

–

subject to fine a rate of fifty monthly settlement indicators.

5. Illegal transfer of the closed key of the digital signature to other persons –
subject to fine natural persons at a rate of ten, on officials, small business entities or non-profit organizations – at a rate of fifteen, on subjects of average business – at a rate of thirty, on subjects of large business – at a rate of hundred fifty monthly settlement indicators.

Footnote. Article 640 in edition of the Law of the Republic of Kazakhstan from 24.11.2015 No. 419-V (shall be enforced from 01.01.2016).

Article 641. Violation of the law of the Republic of Kazakhstan about informatization

1. The violation of the law of the Republic of Kazakhstan about informatization made in a look:
 - 1) failure or inadequate implementation by the owner or owner of the information systems containing personal data, measures for their protection;
 - 2) violations of uniform requirements in the field of information and communication technologies and ensuring information security;
 - 3) No. 237-VI is excluded by the Law of the Republic of Kazakhstan dated 18.03.2019 (shall be enforced upon expiry of ten calendar days after its first official publication);
 - 4) non-presentations of the developed software, initial program codes (if available), a set of settings for licensed software of "electronic government" informatization objects to the service integrator of "electronic government";
 - 5) losses of originals of technical documentation on papers;
 - 6) industrial operation of "electronic government" informatization object without an act of positive test result for compliance with information security requirements –
subject to fine natural persons at a rate of ten, on officials, small business entities or non-profit organizations – at a rate of fifteen, on subjects of average business – at a rate of thirty, on subjects of large business – at a rate of hundred monthly settlement indicators.
2. Not production of a backup copy of the state electronic information resources –
subject to fine officials at a rate of thirty, on legal entities – at a rate of eighty monthly settlement indicators.
3. The actions (inaction) provided by parts of the first and second present article, made repeatedly within a year after imposing of an administrative penalty –
subject to fine natural persons at a rate of twenty, on officials – at a rate of fifty, on legal entities – at a rate of hundred fifty monthly settlement indicators.
4. Use of the electronic information resources containing personal data about natural persons for causing property and (or) moral harm by it, restrictions of realization of the rights and freedoms guaranteed by laws of the Republic of Kazakhstan –
attracts prevention or a penalty on natural persons at a rate of ten, on officials, small business entities or non-profit organizations – at a rate of twenty, on subjects of average business – at a rate of forty, on subjects of large business – at a rate of two hundred monthly settlement indicators.
5. Not notification the owner or the owner of crucial objects of information and communication infrastructure of the National coordination center of information security about incidents of information security and about results of response to them as it should be and terms which are determined by rules of carrying out monitoring of ensuring information security of objects of informatization of "the electronic government" and crucial objects of information and communication infrastructure if other isn't established by acts of the Republic of Kazakhstan, –

subject to fine physical and officials at a rate of twenty, on small business entities – at a rate of forty, on subjects of average business – at a rate of sixty, on subjects of large business – at a rate of hundred monthly settlement indicators.

6. The act provided by a part of the fifth present article perfect repeatedly within a year after imposing of an administrative penalty, –

subject to fine physical and officials at a rate of forty, on small business entities – at a rate of eighty, on subjects of average business – at a rate of hundred twenty, on subjects of large business – at a rate of two hundred monthly settlement indicators.

Footnote. Article 641 in edition of the Law of the Republic of Kazakhstan from 24.11.2015 No. 419-V (shall be enforced from 01.01.2016); with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 128-VI (shall be enforced after ten calendar days after day of its first official publication); No. 237-VI dated 18.03.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 32. ADMINISTRATIVE INFRACTIONS IN THE FIELD OF MILITARY OBLIGATIONS, MILITARY SERVICE AND DEFENCE

Article 642. Non-representation or untimely representation of the lists of citizens to the local body of military administration subjected to primal military registration or assignment to the draft offices

Non-representation or untimely representation of the lists of citizens to the local body of military administration subjected to primal military registration or assignment to the draft offices within established term, shall –

entail a fine on civil servants of organizations, educational organizations, as well as civil servants of the organizations carrying out operation of residential houses, and house owners – in amount of ten, on chief executive officers of organizations, educational organizations – in amount of fifteen, on subjects of small entrepreneurship – in amount of twenty, on subjects of medium entrepreneurship – in amount of thirty, on subjects of large entrepreneurship – in amount of forty monthly calculation indices.

Article 643. Unlawful actions (omission) that entailed non-fulfillment of the measures of civil defence

Unlawful actions (omission) that entailed non-fulfillment of the measures of civil defence, shall –

entail a fine in amount of fifty monthly calculation indices.

Article 644. Non-notification of citizens on calling local body of military administration

Non-notification of citizens on calling local body of military administration by a head or other responsible person of the organization liable for military registration work, and equally non-ensuring the possibility of the well-timed appearance for citizens on calling of the local body of military administration, shall –

entail a fine in amount of ten monthly calculation indices.

Article 645. Untimely representation of the details on changing the composition of resident citizens being liable or obliged to be liable for military duty

Untimely representation of the details on changing the composition of permanently residing citizens being liable or obliged to be liable for military duty to the bodies imposed by maintenance of the military registration, shall –

entail a fine in amount of ten monthly calculation indices.

Article 646. Non-notification of the details on the persons liable for military service, draftees and citizens

1. Non-notification on recognizing the citizens liable or obliged to be liable for military duty as disabled persons within established term by the civil servant of the body of social protection of population, as well as on the persons liable for military service and draftees being under in-patient treatment and subjected to regular medical check-up by the civil servant of public health organizations to the local body of military administration, shall –

entail a fine in amount of ten monthly calculation indices.

2. Non-notification on amending the registers for acts of civil status of the citizens liable or obliged to be liable for military duty within established term by the civil servant of the civil registry office to the local body of military administration, shall –

entail a fine in amount of ten monthly calculation indices.

3. Non-notification on the employed citizens (admitted to studies) obliged to be registered, but that are not registered for military duty at the place of residence by a head or other civil servants of organization to the body carrying out military registration, shall –

entail a fine in amount of ten monthly calculation indices.

4. Non-notification on the persons liable for military service and draftees in respect of whom the inquest or preliminary investigation is carried out, to the local body of military administration by the civil servants of the bodies of inquiry and preliminary investigation being liable for notifying within the term established by the legislation, shall –

entail a fine in amount of ten monthly calculation indices.

5. Non-notification on the persons liable for military service and draftees in respect of whom the court considers criminal cases, as well as on the verdicts entered into legal force in

respect of them by the civil servants of courts being liable for notifying the local body of military administration within the term established by the legislation, shall –
entail a fine in amount of ten monthly calculation indices.

Article 647. Non-execution by citizens of obligations for military account

Absence of the citizen consisting or obliged to stay on the military registry, on a call of local body of military management in the specified time without good reason or arrival in the settlement (administrative region) on the permanent residence or the place of temporary stay (for the term of over three months) and also in official journeys, for study, in a holiday or on treatment (for the term of over three months), obliged to address within seven working days to The Government for Citizens State corporation in the place of arrival with the statement for statement on military account, –
subject to fine a rate of five monthly settlement indicators.

Footnote. Article 647 in edition of the Law of the Republic of Kazakhstan from 17.11.2015 No. 408-V (shall be enforced from 01.03.2016).

Article 648. Avoidance from medical examination or trainings

1. Avoidance from medical certification or examination according to referral of the commission on military registration or draft committee of the citizens, shall –
entail a fine on persons liable for military service in amount of five monthly calculation indices, and on draftees – a notification or fine in amount of three monthly calculation indices
2. Avoidance of the persons liable for military service from military trainings, shall –
entail a fine in amount of five monthly calculation indices.

Article 649. Malicious damage or loss of military registration documents

Malicious damage or destruction of the military card or other accounting military documents of a citizen subjected to call to military service, and equally loss of the military card or other accounting military documents of the citizen subjected to call to military service due to the fault of the owner, shall –
entail a notification or fine in amount of five monthly calculation indices.

Article 650. Avoidance from training for military service

Avoidance from training for military service of the draftees on the military technical specialties according to referral of the bodies of military administration or non-attendance of studies of educational organizations without reasonable excuses, shall –
entail a notification or fine in amount of one monthly calculation index.

Article 651. Illegal calling of citizens to compulsory military service and military service under the contract, representation of illegal deferrals

Illegal calling of citizens to compulsory military service and military service under the contract or representation of illegal deferrals, shall –
entail a fine in amount of seventeen monthly calculation indices.

Article 652. Breach of the legislation of the Republic of Kazakhstan in the field of military service

Footnote. The title of Article 652 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

1. Insult of one military servant by another during fulfillment or due to fulfillment of the obligations of the military service, shall –
entail a fine in amount of twenty five monthly calculation indices or administrative arrest for the term up to ten days.

2. The action provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –
entail a fine in amount of fifty monthly calculation indices or administrative arrest for the term up to fifteen days.

3. Willful leaving the military unit or duty areas, and equally non-appearance at service in due time without the reasonable excuses upon dismissal from the unit, appointment, transfer, from detached service, vacation or medical institution lasting more than two days, but no more than ten days committed by the military servant doing military service on call or under contract, in time of peace, shall –
entail a fine in amount of twenty five monthly calculation indices or administrative arrest for the term up to ten days.

4. The actions provided by a part three of this Article lasting more than ten days, but no more than one month, shall –
entail a fine in amount of fifty monthly calculation indices or administrative arrest for the term up to fifteen days.

5. Violation of the rules for service by the person that is the part of the military detail on protection of public order and ensuring the public security, if this action does not contain the signs of a criminally punishable act shall –
entail a fine in amount of ten monthly calculation indices or administrative arrest for the term up to five days.

6. Insubordination, i.e. open refusal from execution of the order of the head, and equally intentional non-execution of the order of the head delivered in established manner by a subordinate that did not inflict essential damage to service interests shall –

entail a fine in amount of twenty five monthly calculation indices or administrative arrest for the term up to fifteen days.

Footnote. Article 652 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

Article 652-1. Insubordination or another non-execution of the order

Footnote. Article 652-1 is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

Article 652-2. Willful leaving the unit or duty area

Footnote. Article 652-2 is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

Article 652-3. Violation of the rules for service on protection of public order and ensuring the public security

Footnote. Article 652-3 is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

Chapter 33. ADMINISTRATIVE INFRACTIONS ENCROACHING ON THE INSTITUTE OF THE STATE POWER

Article 653. Contempt of court

1. Contempt of court being expressed in the absence from court without the reasonable excuses of participants of the proceeding and other persons by summons, notice, notification or calling in cases when the further consideration of the case in their absence is impossible, insubordination of the regulations of the chairman in a court sitting, violation of the rules established in court, as well as the other actions (omission) obviously indicating contempt of court and (or) judge, shall –

entail a notification or fine in amount of twenty monthly calculation indices or administrative arrest for the term up to five days.

2. The action (omission) provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine in amount of thirty monthly calculation indices or administrative arrest for the term up to ten days.

Article 654. Responsibility of participants of the administrative infraction proceeding

Refusal or non-appearance of a participant of a proceeding in the body (civil servant) considering the case on administrative infraction without the reasonable excuse that conditioned postponement of the proceeding on the case, shall –
entail a fine in amount of ten monthly calculation indices.

Article 655. Absence from court for fulfillment of the obligations of a jury

Absence of a citizen from court on calling without the reasonable excuse for fulfillment of the obligations of a jury, shall –
entail a notification or fine on individuals in amount of ten monthly calculation indices.

Article 656. Non-presentation of information for making the lists of candidates for jurors

Non-presentation of information required to the local executive bodies for making the lists of candidates for jurors, and equally representation of inaccurate information, shall –
entail a notification or fine in amount of fifteen monthly calculation indices.

Article 657. Non-fulfillment of the obligations by a jury, as well as non-compliance with the restrictions linked with consideration of a case in judicial proceeding

1. Non-fulfillment of the obligations by a jury, as well as non-compliance with the restrictions linked with consideration of a case in judicial proceeding established by the Laws of the Republic of Kazakhstan, shall –

subject to fine natural persons at a rate of ten monthly settlement indicators.

2. The same actions that entailed removal of a jury from the further participation in consideration of the case, shall –

entail a fine on individuals in amount of two hundred monthly calculation indices.

Footnote. Article 657 with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 658. Refusal or avoidance of a witness from testimony

Refusal or non-appearance of the person subjected to inquiry by the body (civil servant) authorized to consider the cases on administrative infraction without reasonable excuses as a witness from testimony, shall –

entail a fine in amount of two monthly calculation indices.

Article 659. Knowingly false testimony of a witness, injured party, expert conclusion or incorrect translation

1. Knowingly false testimony of a witness, injured party, expert conclusion to the body (civil servant) upon consideration of the case on administrative infraction and in the course of conducting examination of medical activity, as well as knowingly incorrect translation made by a translator in the same cases, shall –

entail a fine on individuals in amount of ten, on civil servants – in amount of twenty monthly calculation indices.

2. The same actions committed by the experts upon conducting examination of medical activity repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine on individuals in amount of twenty, on civil servants – in amount of thirty monthly calculation indices.

Note. The witness, injured party, expert or translator shall be released from administrative liability, if in the course of considering the case on administrative infraction they stated on falseness of the testimony, conclusion or incorrect translation on a voluntary basis before rendering of decision on the case by the authorized body (civil servant).

Article 660. Concealment of administrative infraction and falsification of evidences on the cases on administrative infractions

1. Intentional failure to take measures on initiation of the administrative infraction proceeding in existence of the components of the infraction within the term of limitation committed by a civil servant being authorized to draw up a protocol on the administrative infraction, if this action does not contain the signs of a criminally punishable act, shall –

entail a fine in amount of fifty monthly calculation indices.

2. Falsification of evidences on the cases on administrative infractions, if this action did not entail infliction of a harm to human health or essential damage, shall –

entail a fine in amount of fifty monthly calculation indices.

Footnote. Article 660 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

Article 661. Refusal or avoidance of a civil servant from performance of the regulation or instruction on conducting the examination or requirement on calling a specialist

Refusal or non-appearance of the civil servant to whom the regulation or instruction of the body of state supervision and control is directed, from conducting the examination or from requirement on calling a specialist for participation in exercising control, performance of drawing up the documents, the administrative infraction proceeding or its consideration, from their performance without reasonable excuses, shall –

entail a fine in amount of twenty monthly calculation indices.

Article 662. Violation of a personal surety on appearance of an accused (suspected) person

Violation or non-exercise of the written guarantee by the persons that gave it, on appearance of an accused (suspected) person to the person carrying out an inquest, investigator or to the court that entailed avoidance of the accused (suspected) person from investigation or court, shall –

entail a fine in amount of three monthly calculation indices.

Article 663. Violation of the obligation on ensuring the appearance of a minor accused (suspected) person

Violation of the written obligation by parents, guardian, trustee or representative of the administration of a special closed child welfare institution that gave it, on ensuring the appearance of the minor accused (suspected) person placed under their care to the investigator, inquirer or to the court that entailed his (her) avoidance from investigation and court, shall –

entail a fine in amount of one monthly calculation index.

Article 664. Failure to take measures on special ruling, decree of court, recommendation of a procurator, investigator or inquirer

Leaving of a special ruling, decree of court, recommendation of a prosecutor, investigator or inquirer by a civil servant without consideration, or failure to take measures on elimination of the breaches of the law stated in them, and equally untimely respond to the special ruling, decree or recommendation, shall –

entail a fine in amount of eight monthly calculation indices.

Article 665. Non-appearance to a prosecutor, investigator and to the body of inquiry, officer of justice, bailiff

1. Non-appearance on calling of a prosecutor, investigator, body of inquiry for testimony to the officer of justice, bailiff on the issues of execution proceeding, and equally refusal or knowingly false testimony, shall –

entail a fine on individuals in amount of three, on civil servants – in amount of ten monthly calculation indices.

2. Non-performance of the requirements of a prosecutor, investigator, inquirer submitted on the basis and in the manner established by the Law, shall –

entail a fine on individuals in amount of twenty, on civil servants – in amount of fifty monthly calculation indices or administrative arrest for the term up to five days.

Article 666. Non-notification or untimely notification of a prosecutor

Non-notification or untimely notification of a prosecutor on production of the actions by the state body requiring such notification in accordance with the legislative acts, shall – entail a fine in amount of two hundred monthly calculation indices.

Article 667. Disobedience to the lawful order or requirement of the employee (serviceman) of law enforcement or special public authority, body of military police, bailiff, bailiff

1. Disobedience to the lawful order or the requirement of the employee (serviceman) of law enforcement or special public authority, body of military police, the bailiff, bailiff in connection with execution of official duties by them, and is equal hindrance of their lawful activity –

attract prevention or a penalty at a rate of twenty monthly settlement indicators or administrative detention for a period of up to five days.

2. The actions provided by part one of the present article perfect repeatedly within a year after imposing of an administrative penalty, –

attract administrative detention for a period of ten days.

3. The actions provided by a part of the second present article, made by persons to whom administrative detention according to a part of the second article 50 of the present Code isn't applied –

subject to fine a rate of forty monthly settlement indicators.

Footnote. Article 667 in edition of the Law of the Republic of Kazakhstan from 03.07.2017 No. 84-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 668. Obstruction of advocate lawful activity

Obstruction of advocate lawful activity or college of advocates, legal advice, law firm, which resulted in non-presentation or refusal to present the required documents, materials or information required for the exercise of their professional duties on written request within the time limits established by the legislation, if these actions shall not have the elements of criminal punishable act, –

shall entail a fine on officials in amount of fifteen, on legal entities – in amount of twenty monthly calculation indices.

Footnote. Article 668 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2018 No. 177-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 669. Failure to execute a court judgment, court decision or other judicial act and implementation document

1. Failure to execute a court judgment, a court decision or other judicial act and implementation document, shall -

entail a fine on individuals in amount of five monthly calculation indices or administrative arrest for up to five days, for officials, private notaries, private bailiffs, lawyers - in amount of twenty monthly calculation indices or administrative arrest for up to five days, on subjects of small entrepreneurship or non-profit organizations - in amount of thirty, on subjects of medium entrepreneurship - in amount of forty, on subjects of large entrepreneurship - in amount of fifty monthly calculation indices.

2. Violation of the special requirements established by the court for behavior of the offender, shall -

entail a fine in amount of five monthly calculation indices or administrative arrest for up to seven days.

3. Actions provided by part two of this Article, committed repeatedly second time within a year after imposition of an administrative sanction, shall -

entail administrative arrest for up to ten days.

4. Actions provided by part three of this Article, committed by persons to whom administrative arrest in accordance with part two of Article 50 of this Code shall not apply, shall –

entail a fine in amount of thirty monthly calculation indices.

Footnote. Article 669 is in the wording of the Law of the Republic of Kazakhstan dated 27.12.2019 No. 292-VI (order of enforcement see Article 2).

Article 670. Non-execution of the decree and other legal requirement of an officer of justice bailiff

1. Non-execution of the resolutions and legal requirements of the bailiff connected with execution of the executive document, including on representation in the time of data on the place of work of the debtor appointed by him and his income, production of deduction according to the executive document and transfer of the collected sum to the execution creditor according to the address of collecting on the sums of money and property of the debtor which are at other natural and legal entities –

subject to fine natural persons at a rate of ten, on officials – at a rate of fifteen, on legal entities – at a rate of twenty monthly settlement indicators.

2. Representation of knowingly inaccurate details to an officer of justice, as well as on incomes and property status of a debtor, shall –

entail a fine on individuals in amount of twenty, on legal entities – in amount of fifty monthly calculation indices.

3. Non-performance of legal requirements of a bailiff, shall – entail a fine in amount of fifty monthly calculation indices.

Footnote. Article 670 with the change made by the Law of the Republic of Kazakhstan from 29.10.2015 No. 376-V (shall be enforced from 01.01.2016).

Article 671. Failure to report on change of the place of work and residence of the person being a debtor on execution proceeding to an officer of justice

Failure to report on dismissal from work of the person paying payments, as well as on his (her) new place of work and residence within the term of one month by the person carrying out deduction according to the enforcement document if it is known by him (her) to an officer of justice and the person receiving alimonies without valid excuse, shall – entail a fine in amount of ten monthly calculation indices.

Article 672. Loss of the executive document

Loss by the person to whom the executive document is transferred to execution, – subject to fine a rate of twenty monthly settlement indicators.

Footnote. Article 672 in edition of the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 673. Obstruction of the execution of enforcement documents to an officer of justice

Obstruction of committing the actions of an officer of justice, bailiff by individuals and legal entities on levy of execution on the property (inventory, assessment, arrest, bidding) or refusal from performance of his (her) requirements due to this, shall –

entail a fine on individuals in amount of ten, on civil servants – in amount of twenty monthly calculation indices or administrative arrest for the term up to five days.

Article 674. Illegal wearing the state awards

1. Wearing orders, medals, lapel badges to honorary title, badges of merit of the Republic of Kazakhstan, Kazakh SSR, USSR or ribbons of order, ribbons of medals on the bars by the person that does not have the right, shall –

entail a fine in amount of three monthly calculation indices with the confiscation of the order, medal, lapel badge to honorary title, badge of merit of the Republic of Kazakhstan, Kazakh SSR, USSR or ribbons of order, ribbons of medals on the bars.

2. Establishment or production of the badges having similar name or similarity of appearance with the state awards, shall –

entail a fine on individuals in amount of five, on civil servants – in amount of ten monthly calculation indices with the confiscation of the badges.

Article 675. Illegal wearing (use) of clothes with the rank badges and (or) symbolics of military uniform, as well as official uniform and special outfit

1. Illegal wearing (use) of clothes with the rank badges and (or) symbolics of military uniform, as well as official uniform and special outfit, shall –

entail a fine on individuals in amount of five, on legal entities in amount of twenty five monthly calculation indices, with the confiscation of the clothes with the rank badges and (or) symbolics of military uniform, as well as official uniform and special outfit.

2. The same action committed by a legal entity having a license for carrying out the protection activity, due to carrying out of this activity, shall –

entail a fine on legal entities in amount of thirty monthly calculation indices, with the confiscation of the clothes with the rank badges and (or) symbolics of military uniform, as well as official uniform and special outfit.

3. Illegal wearing (use) special clothes of the employee of the private security organization holding the security guard's position –

subject to fine natural persons at a rate of five monthly settlement indicators with confiscation of special clothes.

Footnote. Article 675 with the change made by the Law of the Republic of Kazakhstan from 22.12.2016 No. 28-VI (shall be enforced after ten calendar days after day of its first official publication).

Chapter 34. ADMINISTRATIVE CORRUPTION INFRACTIONS

Article 676. Provision of illegal material remuneration to individuals

Provision of illegal material remuneration, gifts, benefits or services by individuals to the persons authorized to perform the state functions, or to the persons equated to them, if these actions do not contain the signs of a criminally punishable act, shall –

entail a fine in amount of two hundred monthly calculation indices.

Article 677. Receipt of illegal material remuneration by the person authorized to perform the state functions, or by the person equated to him (her)

Receipt of illegal material remuneration, gifts, benefits or services by the person authorized to perform the state functions, or by the person equated to him (her) personally or

through intermediary for the actions (omission) in favour of the persons that provided them, if such actions (omission) are included into official powers of the person authorized to perform the state functions, or the person equated to him (her), if these actions do not contain the signs of a criminally punishable act, shall –

entail a fine in amount of six hundred monthly calculation indices.

Article 678. Provision of illegal material remuneration by legal entities

1. Provision of illegal material remuneration, gifts, benefits or services by legal entities to the persons authorized to perform the state functions, or to the persons equated to them, if these actions do not contain the signs of a criminally punishable act, shall –

entail a fine in amount of seven hundred fifty monthly calculation indices.

2. The same actions provided by a part one of this Article committed repeatedly second time within a year after imposition of the administrative sanction, shall –

entail a fine in amount of one thousand five hundred monthly calculation indices.

Article 679. Carrying out of illegal entrepreneurial activity and receipt of illegal incomes by the state bodies and bodies of local self-government

Engagement in entrepreneurial activity by the state bodies, bodies of local self-government outside the functions imposed on them by the legislation or receipt of the material goods and advantages, besides the established sources of financing, shall –

entail a fine on heads of these organizations in amount of six hundred monthly calculation indices.

Article 680. Rejection by heads of public authorities of measures for anti-corruption

Rejection by the heads or responsible secretaries or other officials determined by the President of the Republic of Kazakhstan, public authorities, Armed Forces of the Republic of Kazakhstan, other troops and military formations of the Republic of Kazakhstan within the powers of measures for elimination of violations of the law of the Republic of Kazakhstan about anti-corruption or concerning the persons guilty of commission of corruption offenses subordinated to them or acceptance of the specified measures with violation of the law of the Republic of Kazakhstan about anti-corruption, or failure to provide the relevant information in bodies of state revenues at the place of residence of perpetrators –

subject to fine a rate of hundred monthly settlement indicators.

Footnote. Article 680 in edition of the Law of the Republic of Kazakhstan from 11/18/2015 No. 411-V (shall be enforced from 1/1/2016); with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 681. Employment of the persons that previously committed a corruption crime

Employment of the persons that previously committed a corruption crime by a head of the state bodies, institutions and enterprises or by a head of the national companies, national management holdings, national holdings, national development institute, as well as their branch organizations, shall –

entail a fine in amount of one hundred monthly calculation indices.

SECTION 3. THE BODIES AUTHORIZED TO CONSIDER THE CASES ON ADMINISTRATIVE INFRACTIONS

Chapter 35. GENERAL PROVISIONS

Article 682. The bodies (civil servants) authorized to consider the cases on administrative infractions

The cases on administrative infractions shall be considered by:

- 1) judges of the specialized administrative courts;
- 2) judges of the specialized interdistrict juvenile courts;
- 3) civil servants of the state bodies authorized by this Code.

Note. If there are no the specialized interdistrict administrative court and specialized interdistrict juvenile court in a territory of the relevant administrative territorial entity, the district (city) courts shall have the right to consider the cases related to their court jurisdiction.

Article 683. Differentiation of the competence of the bodies (civil servants) authorized to consider the cases on administrative infractions

1. The judges shall consider the cases on administrative infractions related to their jurisdiction by this Code.

2. The civil servants of the state bodies, authorized to consider the cases on administrative infractions shall consider the cases and impose the administrative sanctions for administrative infractions, with the exception of the cases mentioned in Article 684 of this Code.

3. The cases on administrative infractions, the one of the types of administrative sanction for which provides administrative arrest, administrative expulsion of foreign persons or stateless persons beyond the borders of the Republic of Kazakhstan, confiscation of the subjects that are the tool or subject for commission of administrative infraction, and equally confiscation of incomes (dividends), money and securities received due to commission of the administrative infraction, deprivation of the special right afforded to a particular person (including the right of operating vehicle), compulsory demolition of illegally building or built structure shall be considered by a judge.

4. In accordance with Article 24 of this Code, upon written application of the person in respect of whom the administrative infraction proceeding is conducted, the case on any infraction provided by the Special part of section 2 of this Code, shall be considered by a judge, if it is filed before consideration of the case on administrative infraction.

5. According to the written statement or according to the statement in electronic form, the certified by the digital signature, lawful representative of the person concerning whom proceeding of administrative offense is conducted, or the victim who is minors or on the physical or mental state deprived of an opportunity independently to carry out the rights, case can be considered in the specialized regional and equated to them administrative courts, and in the absence of those – in courts of law.

Footnote. Article 683 with the change made by the Law of the Republic of Kazakhstan from 31.10.2015 No. 378-V (shall be enforced from 01.01.2016); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 36. JURISDICTION OF THE CASES ON ADMINISTRATIVE INFRACTIONS, COMPETENCE OF CIVIL SERVANTS ON CONSIDERING THE CASES AND IMPOSITION OF ADMINISTRATIVE SANCTIONS

N o t e o f R C L I !

To the part one of Article 684 is provided amendments by the Law of the Republic of Kazakhstan No. 41-VI dated 30.12.2016 (shall be enforced from 01.01.2021); No. 173-VI dated 04.07.2018 (shall be enforced from 01.01.2021).

Article 684. Courts

1. Judges of specialized district and administrative courts equivalent to them shall consider cases of administrative infractions provided by Articles 73, 73-1, 73-2, 74, 76, 77, 78, 79, 80 (part four), 81 (part two), 82 (part two), 82-1, 85, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 139 (part two), 145, 149, 150, 151 (part two), 154, 156-1, 158, 159 (parts one, two, three, 3-1 and four), 160 (part two), 169 (parts two, seven, ten, eleven, twelve, thirteenth and fourteen), 170 (parts seven, nine, ten, eleven and twelve), 171, 173, 174 (part two), 175, 175-1, 176, 182, 189, 190 (parts two, three and four), 193 (parts two and three), 200, 214, 234-1, 245, 246, 247 (parts 7-1, nine and eleven), 251, 281 (parts four, five and six), 282 (parts three, four, six, seven, eleven and thirteen), 283, 283-1, 294 (parts one and two), 299 (part two), 312 (part two), 313, 314, 316 (part two), 317 (part four), 317-1 (part two), 317-2 (part two), 319, 320 (parts one, two and three), 356 (part fourteen), 357, 360 (part one), 381-1, 382 (parts two and three), 383 (parts three and four), 385 (part two), 389, 392 (part three), 395 (part two), 396 (part two), 397 (part four), 398, 400 (part two), 401 (parts six and seven), 402 (part four)

), 404 (part nine), 407 (parts two and three), 409 (parts seven, 7-1 and 7-8), 415 (part two), 415-1 (part two), 416, 417 (parts one and six), 419 (part two), 423, 424 (parts three and fifth), 425 (part two), 426 (parts two, three and four), 427, 433 (part two), 434, 436, 439, 440 (part three), 443 (part two), 444 (part one), 445, 445-1, 446, 449 (parts two and three), 450 (part two), 451 (parts one, two and three), 452 (parts three and four), 453, 456-1, 461, 462, 463, 465, 476, 477, 478, 479, 480 (part two), 481, 482, 483, 488, 489 (parts two, three, four, five, six, seven and eight), 489-1, 490, 495 (part two), 496 (parts two and three), 498, 506, 507, 508, 510 (part four), 512 (part two), 513 (part two), 514 (part two), 516, 517 (parts two, four, five, six and seven), 528 (part 1-1), 532 (part two), 543 (parts 1-1, three and four), 544, 545, 548 (part two), 549, 550, 552 (part two), 563 (part two), 564 (part five), 569 (parts one, two and four), 590 (part four), 596 (part three), 603 (parts one and two), 606 (part two), 607 (part two), 608, 610, 611 (parts two and three), 612 (parts three and 4-1), 613 (parts three, four, five, nine, ten and eleven), 615 (part four), 618, 621 (part three), 637 (parts eight, nine, ten and thirteen), 638 (part two), 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 664, 665, 666, 667, 668, 669, 673, 674, 675, 676, 677, 678, 679, 680, 681 of this Code, except for cases provided by part three of this Article.

2. Judges of specialized interdistrict juvenile courts shall consider cases:

1) on administrative infractions committed by minors provided by Articles 435, 436 (part three), 438 (part three), 440 (part three), 442 (part three), 448 of this Code;

2) on administrative infractions provided by Articles 127, 127-1, 128, 129, 130, 131, 133, 134, 135, 430 (part two), 663 of this Code.

3. Judges of the Supreme Court, regional and equivalent courts, district and equivalent courts shall consider cases provided by Article 653 of this Code on the facts of contempt of court by a person present in the process, established during judicial proceedings.

Footnote. Article 684 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 685. Internal Affairs Authorities (Police)

1. The Internal Affairs Authorities shall consider cases of administrative infractions provided by Articles 132, 146, 147, 190 (part one), 190, 192, 196, 197, 198, 204, 230 (part two) (in terms of infractions committed by owners of vehicles and carriers in road transport and urban rail transport), 334, 359, 364, 382 (part one), 383 (parts one and two), 386, 395 (part one), 396 (part one), 408, 420, 421, 422, 432, 433 (part one), 434-1, 434-2, 437, 438 (parts one and two), 440 (parts one and two), 441, 442 (parts one and two), 443 (part one), 444 (part two), 447, 449 (part one), 450 (part one), 458, 464, 469, 470, 480 (part one), 484, 485, 485-1, 486, 487, 489 (parts one, nine, ten and eleven), 492, 493, 494, 495 (part one), 496 (part one), 505, 510 (parts one, two, three and five), 512 (part one), 513 (part one), 514 (part

one) , 515, 517 (part three), 518, 519 (parts one, third, five and six), 559 (parts one, two, four and five), 560, 562, 564 (part four), 566, 571 (parts two and three), 572 (part two), 573, 590 (parts one, two, three, five, six, seven, eight, nine and ten), 591, 592, 593, 594, 595, 596 (parts one, two, four and five), 597, 598, 599, 600, 601, 602, 603 (part three), 606 (part one), 607 (part one), 611 (part one), 612 (part one, two, four, five and six), 613 (parts one, 3-1, twelve and thirteen), 614, 615 (parts one, two and three), 617, 619, 619-1, 620, 621 (parts one, two and four), 622, 625 (except for violations in road transport), 626, 630, 631, 632, 635 (parts one and two) of this Code.

2. To consider cases of administrative infractions and impose administrative sanctions on behalf of the Internal Affairs Authorities shall have the right:

1) for all Articles of this Code referred to the jurisdiction of the Internal Affairs Authorities - the chairmen of committees and heads of departments of the Ministry of Internal Affairs, heads of territorial Internal Affairs Authorities, divisions of the administrative, migration police, local police service of the region, city of republican significance, the capital, their deputies;

2) for administrative infractions provided by Articles 132, 147, 190 (part one), 192, 196, 197, 198, 359, 395 (part one), 396 (part one), 420, 421, 432, 433 (part one), 434-1, 434-2, 437, 438 (parts one and two), 444 (part two), 458, 464, 469, 470, 480 (part one), 484, 486, 487, 489 (parts one, nine, ten and eleven), 492, 493, 494, 495 (part one), 496 (part one), 505 (part two), 510 (parts one, two, three and five), 512 (part one), 513 (part one), 514 (part one), 515, 517 (part three), 518, 519 (parts one, three, five and six), 562, 571 (part three), 590 (parts three, eight and ten), 591 (part two), 592 (parts three and four), 593, 594 (part four), 595 (part four), 596 (parts four and five), 597 (parts five and six), 598 (part two), 599 (part two), 600 (part two), 601 (part two), 602 (part two), 603 (part three), 612 (parts four, five and six), 613 (parts one and thirteen), 614, 615 (part three), 617, 619, 619-1, 621 (part two), 630, 631, 632, 635 (parts one and two) of this Code - heads of departments, police departments, divisions of the administrative, migration police, local police service of the district (city, district in the city) and their deputies;

3) for administrative infractions provided by Articles 196, 197, 420, 444 (part two), 458, 484 (parts one and two), 492, 496 (part one), 510 (parts one, two, three and five), 513 (part one), 514 (part one), 515, 517 (part three), 518, 519 (parts one, three, five and six), 559 (parts one, two, four and five), 560, 562, 564 (part four), 566, 625 (for committing offenses on railway transport), 630 (part one) of this Code, - heads of line departments, divisions, police stations of Internal Affairs Authorities and their deputies;

4) for administrative infractions provided by Articles 146, 204, 230 (part two) (in terms of infractions committed by owners of vehicles and carriers in road transport and urban rail transport), 334, 364, 382 (part one), 383 (parts one and two), 386, 408, 434-2, 437 (part one), 440 (part one and two), 441, 442 (part one and two), 443 (part one), 447, 449 (part one) , 492, 493, 494, 505 (part one), 571 (part two), 572 (part two), 573 (part four), 590 (parts one, two,

five, six, seven and nine), 591 (part one), 592 (parts one and two), 593, 594 (parts one and two), 595 (parts one, two and three), 596 (parts one and two), 597 (parts one, two, three, four, 4-1 and 4-2), 598 (part one), 599 (part one), 600 (part one), 601 (part one), 602 (part one), 606 (part one), 607 (part one), 611 (part one), 612 (parts one and two), 613 (part twelve), 615 (parts one and two), 620, 621 (parts one and four), 622, 630 (part one) (in relation to individuals) of this Code, - employees of Internal Affairs Authorities (police) with special titles;

5) for administrative infractions provided by Articles 395 (part one), 396 (part one) of this Code - the heads of specialized police units of the Internal Affairs Authorities for combating criminal encroachments on fish stocks and their deputies.

Footnote. Article 685 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 686. Authorized body in the scope of civil defence

1. Authorized body in the scope of civil defence shall consider the cases on administrative infractions:

1) in the field of fire safety, provided by Articles 336, 359, 367, 410, 410-1, 411, 438 (parts one and two), 589 of this Code;

2) is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015);

3) in the field of civil defence provided by Articles 412 and 643 of this Code.

2. On behalf of the authorities of the state fire service, to consider cases and impose administrative sanction on behalf of the authorized authority in the field of civil protection shall have the right:

1) the state inspector of region, city of republican significance, the capital, district, city of regional significance, district in city for state control in the field of fire safety - a fine on individuals up to fifteen, on officials, small entrepreneurship - up to thirty-five monthly calculation indices;

2) the state inspector of the Republic of Kazakhstan for state control in the field of fire safety, the chief state inspector of region, city of republican significance, the capital for state control in the field of fire safety and his deputy - a fine on individuals up to thirty-five, on officials - up to one hundred, on entrepreneurship entities, non-profit organizations - up to three hundred monthly calculation indices;

3) the chief state inspector of the Republic of Kazakhstan for state control in the field of fire safety and his deputy - a fine on individuals up to two hundred, for officials - up to five hundred, for entrepreneurship entities, non-profit organizations - up to two thousand monthly calculation indices.

3. *Is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).*

4. The following persons shall have the right to consider the cases on administrative infractions linked with non-performance of the measures of civil defence, and to impose the administrative sanctions in the scope of civil defence:

1) the state inspector of area, city of republican value, the capital, area, city of regional value, the area in the city on the state control in the field of civil defense – a penalty on natural persons to eight, on official and legal entities – to twenty five sizes of a monthly settlement indicator;

2) the state state control inspector of the Republic of Kazakhstan in the field of civil defense, the chief state inspector of area, city of republican value, the capital on the state control in the field of civil defense and his deputy – a penalty on natural persons, on official and legal entities – to fifty five sizes of a monthly settlement indicator;

3) the chief state state control inspector of the Republic of Kazakhstan in the field of civil defense and his deputy – a penalty on natural persons, on official and legal entities – to sixty five sizes of a monthly settlement indicator.

Footnote. Article 686 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 687. Authorized agency on study of subsoil

Footnote. Heading of Article 687 is in the wording of the Law of the Republic of Kazakhstan No. 126-VI dated 27.12.2017 (shall be enforced upon expiry of six months after its first official publication).

1. The authorized agency on study of subsoil shall consider the cases on administrative offences provided by Articles 349, 350, 352, 353, 354, 355, 356 (part one), 391 of this Code.

2. The following persons shall have the right to consider the cases on administrative infractions and impose the administrative sanctions:

1) the territorial senior state and territorial state inspectors on study and use of subsoil – a fine up to one hundred fifty monthly calculation indices;

2) the state inspectors of the Republic of Kazakhstan on study and use of subsoil, the deputies of territorial chief state inspectors on study and use of subsoil – a fine up to two hundred fifty monthly calculation indices;

3) the senior state inspectors of the Republic of Kazakhstan on study and use of subsoil, the territorial chief state inspectors on study and use of subsoil – a fine up to five hundred monthly calculation indices;

4) the chief state inspector of the Republic of Kazakhstan on study and use of subsoil and his (her) deputies – a fine up to one thousand monthly calculation indices.

Footnote. Article 687 as amended by the Law of the Republic of Kazakhstan No. 126-VI dated 27.12.2017 (shall be enforced upon expiry of six months after its first official publication); No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 687-1. Authorized agency in the field of solid minerals

1. The authorized agency in the field of solid minerals shall consider the cases on administrative offences provided by Articles 346, 349, 353 of this Code.

2. Heads and authorized officials of the authorized agency in the field of solid minerals shall have the right to consider the cases on administrative offences and impose administrative sanctions.

Footnote. Chapter 36 is supplemented by Article 687-1 in accordance with the Law of the Republic of Kazakhstan No. 126-VI dated 27.12.2017 (shall be enforced upon expiry of six months after its first official publication).

Article 688. Authorized agency in the field of hydrocarbons

N o t e o f R C L I !

Part one of Article 688 is provided amendment by the Law of the Republic of Kazakhstan dated 04.07.2018 No. 173-VI (shall be enforced from 01.01.2021).

1. The authorized authority in the field of hydrocarbons shall consider cases of administrative infraction provided by Articles 170 (parts one, 1-1, two, three, four, five, six and eight), 281 (parts seven, eight, nine and ten), 345, 348, 349, 350, 353, 356 (parts one, three, four, five, six, seven, eight, nine, eleven, twelve and thirteen), 464 (part one), 635 (part three) of this Code.

2. Officials of the authorized agency in the field of hydrocarbons and the heads of its territorial divisions shall have the right to consider the cases on administrative offences and impose administrative sanctions.

Footnote. Article 688 is in the wording of the Law of the Republic of Kazakhstan No. 126 -VI dated 27.12.2017 (shall be enforced upon expiry of six months after its first official publication); as amended by the laws of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

Article 688-1. Authorized agency in the field of uranium mining

1. The authorized agency in the field of uranium mining shall consider cases on administrative offenses provided by Articles 345, 346, 349, 350, 353 of this Code.

2. The officials of the authority of the authorized agency in the field of uranium mining shall have the right to consider the cases on administrative offenses and impose administrative sanctions.

Footnote. Chapter 36 is supplemented by Article 688-1 in accordance with the Law of the Republic of Kazakhstan No. 126-VI dated 27.12.2017 (shall be enforced upon expiry of six months after its first official publication).

Article 689. The body carrying out the state control in the field of energy saving and increase of energy efficiency

1. The agency exercising the state control in the field of energy saving and increase of energy efficiency shall consider cases on administrative offenses provided by articles 289, 292, 293, 296 of this Code.

2. The heads of territorial subdivisions of the body carrying out the state control in the field of energy saving and increase of energy efficiency shall have the right to consider the cases on administrative infractions and impose the administrative sanctions.

Footnote. Article 689 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 690. The bodies on the state energy supervision and control

1. Authorities for state energy supervision and control consider cases of administrative infraction provided by Articles 172 (except for boiler houses of all capacities, heating networks and thermal energy), 300 (except for boiler houses of all capacities, heating networks and heat consumers), 300-1, 301 (excluding boiler houses of all capacities and heating networks), 301-1, 301-2 (excluding boiler houses of all capacities and heating networks), 302, 303 (excluding boiler houses of all capacities and heat energy), 305 (excluding in protective zones of heating networks) of this Code.

2. The heads of territorial subdivisions of the bodies on the state energy supervision and control shall have the right to consider the cases on administrative infractions and impose the administrative sanctions.

Footnote. Article 690 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); from 14.01.2015 No. 279-V (shall be enforced after ten calendar days after day of its first official publication); from 29.03.2016 No. 479-V (shall be enforced after twenty one calendar days after day of its first official publication); from 11.07.2017 No. 89-VI (shall be enforced after ten calendar days after day of its first official publication); dated 30.12.2019 № 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 690-1. Authorized body in the field of use of atomic energy

1. The authorized authority in the field of use of atomic energy shall consider cases of administrative infractions provided by Articles 413, 413-1, 414, 464 of this Code.

2. To consider cases of administrative offenses and to impose administrative penalties on behalf of authorized body in the field of use of atomic energy the having the right head of the department which is the licensor in the sphere of use of atomic energy and his deputies.

Footnote. Chapter 36 is supplemented with article 690-1 according to the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); as amended by the laws of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 691. Authorized authority in the field of transport and communications

1. The authorized authority in the field of transport and communications shall consider cases of administrative infractions provided by Articles 230 (part two) (in terms of infractions committed by carriers on railway, sea and inland water transport), 464, 564 (parts one, two, three and four), 565, 580, 581 (part one), 582, 583, 633, 634 of this Code.

The heads of the authorized authority in the field of transport and communications, its territorial divisions and their deputies shall have the right to consider cases of administrative infractions and impose administrative sanctions.

2. Transport control authorities consider cases of administrative infractions provided by Articles 464, 559 (parts two, three, fourth, sixth, seventh, eighth and ninth), 561, 571, 571-1, 572, 573, 575, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 590 (part eight), 613 (part one), 616, 621 (part one, two and four), 623, 624-1, 625 (with regard to violations in road transport), 627, 628 of this Code.

The following shall be entitled to consider cases of administrative infractions and impose administrative sanctions on behalf of the transport control authorities:

1) for all Articles of this Code related to the jurisdiction of transport control authorities - the head of the transport control authority and his deputies, heads of territorial transport control authorities and their deputies;

2) for administrative infractions provided by Articles 464 (part one), 561, 571 (parts two, 2-1, three, four, five seven and eight), 571-1 (part one), 572, 573, 582, 583, 584, 585, 586, 587, 588, 616 (part one), 621 (parts one, two and four), 623, 625 (with regard to violations in road transport), 627 of this Code, - authorized officials transport control authorities.

The amount of fine imposed by the officials specified in Paragraph four of part two of this Article may not exceed twenty monthly calculation indices.

3. The authorized authority in the field of civil aviation shall consider cases of administrative infractions provided by Articles 164, 166, 167, 230 (part two) (in terms of offenses committed by air carriers), 250, 563 (part one), 564 (for with the exception of cases of violations provided for in parts one, three, four (committed at aerodromes other than civil aviation, or in the area of such aerodromes) and part five), 565, 565-1, 565-2, 567, 568, 569 (

parts three, five, six, seven and eight), 570, 571 (part one), 589 (regarding violations in air transport), 626 of this Code.

The following shall be entitled to consider cases of administrative infractions and impose administrative sanctions on behalf of the authorized authority in the field of civil aviation:

1) for all Articles of this Code referred to the jurisdiction of the authorized authority in the field of civil aviation - the head of the authorized authority in the field of civil aviation and his deputies;

2) for administrative infractions provided by Articles 564 (except for cases of violations provided by parts one, three, four (committed at aerodromes that are not related to civil aviation, or in the area of such aerodromes) and part five), 565, 569 (parts three, five, six and seven), 589 (in terms of violations in air transport) of this Code, - authorized officials of the authorized authority in the field of civil aviation.

Footnote. Article 691 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 692. Authorized body in the field of communications and informatization

1. The authorized authority in the field of informatization and communications shall consider cases of administrative infractions provided by Articles 164, 250, 464, 637 (parts one, two, three, four, five, six, seven, eleven and twelve), 638 (part one) , 639, 640, 641 (Subparagraphs 1), 2), 4) and 5) of part one, parts three and four) of this Code.

2. To consider cases of administrative offenses and to impose administrative penalties has the right:

1) the head of authorized body in the field of informatization and communication and his deputies;

2) heads of territorial authorities of authorized body in the field of informatization and communication.

Footnote. Article 692 with the changes made by the laws of the Republic of Kazakhstan from 24.11.2015 No. 419-V (shall be enforced from 01.01.2016); from 28.12.2017 No. 128-VI (shall be enforced after ten calendar days after day of its first official publication); No. 156 -VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication)

Article 692-1. Authorized body in the field of information

1. The authorized authority in the field of information shall consider cases of administrative infractions provided by Articles 451 (parts four and five), 452 (parts one, two,

five, six, seven, eight, nine and ten), 454, 455 (parts one, subparagraphs 1), 2), 3) and 5) of part two, parts four and five), 456 and 464 of this Code, within the limits of their competence.

2. To consider cases of administrative offenses and to impose administrative penalties has the right:

1) the head of authorized body in the field of information and his deputies.

2) it is excluded by the Law of the Republic of Kazakhstan from 28.12.2017 No. 128-VI (shall be enforced after ten calendar days after day of its first official publication).

Footnote. Chapter 36 is supplemented with article 692-1 according to the Law of the Republic of Kazakhstan from 24.11 2015 No. 419-V (shall be enforced from 01.01.2016); with the changes made by laws RK from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); from 28.12.2017 No. 128-VI (shall be enforced after ten calendar days after day of its first official publication); No. 215-VI dated 08.01.2019 (shall be enforced upon expiry of three months after its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 692-2. Authorized body in the sphere of ensuring information security

1. The authorized body in the sphere of ensuring information security considers cases of the administrative offenses provided by article 641 (subparagraphs 2), 6) part one, parts of the second, the third, fifth and sixth) the present Code.

2. To consider cases of administrative offenses and to impose administrative penalties has the right:

1) the head of authorized body in the sphere of ensuring information security and his deputies;

2) the head of department of authorized body in the sphere of ensuring information security and his deputies.

Footnote. Chapter 36 is supplemented with article 692-2 according to the Law of the Republic of Kazakhstan from 28.12.2017 No. 128-VI (shall be enforced after ten calendar days after day of its first official publication)\$ No. 237-VI dated 18.03.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 693. The bodies carrying out state control in the field of labour legislation of the Republic of Kazakhstan

1. Authorities of the state labor inspectorate shall consider cases of administrative infractions provided by Articles 83 (in part of offenses committed by employers), 86, 87, 88, 89, 90, 93 (in parts one, three, four, five, six and seven), 94, 95, 96, 97, 98, 230 (part two in terms of infractions committed by employers), 519 of this Code.

2. Is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015).

3. The following persons shall have the right to consider the cases on administrative infractions and impose the administrative sanctions:

1) state labour inspectors;

2) is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015).

Footnote. Article 693 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015); No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 694. Bodies of justice

1. The justice authorities shall consider cases of administrative infractions provided by Articles 230 (part two, when these violations were committed by private notaries), 457, 468, 670, 671 and 672 of this Code.

2. The head of the authorized agency in the field of state registration of regulatory legal acts, in the field for enforcement of executive documents and his deputies, the head of the regional, city of republican significance and the capital of Justice agencies and his deputies shall have the right to consider the cases on administrative offences and impose administrative sanctions.

Footnote. Article 694 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); with the changes made by laws Republic of Kazakhstan from 26.07.2016 No. 12-VI (shall be enforced after thirty calendar days after day of its first official publication); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); No. 210-VI dated 28.12.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 695. Authorized agency for state registration of rights to immovable property, legal entities, vital records

Footnote. Heading is in the wording of the Law of the Republic of Kazakhstan No. 134-VI dated 10.01.2018 (shall be enforced upon expiry of six months after its first official publication).

1. The authorized authority in the field of state registration of rights to immovable property, legal entities, acts of civil status shall consider cases of administrative infractions provided by Articles 460, 464 and 466 of this Code.

2. The heads of the authorized agency for state registration of rights to immovable property, legal entities, vital records, its territorial divisions and their deputies shall have the right to consider the cases on administrative offences and impose administrative sanctions.

Footnote. Article 695 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); with the change made by the Law of the Republic of Kazakhstan from 7/26/2016 No. 12-VI (shall be enforced after thirty calendar days after day of its first official publication); No. 134-VI dated 10.01.2018 (shall be enforced upon expiry of six months after its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 696. Bodies of migration

Footnote. Article 696 is excluded by the Law of the Republic of Kazakhstan No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 697. Authorized body in the field of environmental protection

1. The authorized authority in the field of environmental protection shall consider cases of administrative infractions provided by Articles 139 (part one), 230 (part two in terms of offenses committed by persons carrying out environmentally hazardous economic and other activities), 297 (part one), 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 344, 344-1, 344-2, 346, 347, 351, 352, 353, 356 (part two), 358, 377 (part one), 397 (parts one, two and three), 399, 464 of this Code.

2. The following persons shall have the right to consider the cases on administrative infractions and impose the administrative sanctions:

1) the state environmental inspectors and senior state environmental inspectors of oblasts, cities of republican significance, the capital – a fine on individuals up to twenty, on civil servants – up to fifty, on legal entities – up to two hundred monthly calculation indices;

2) the state environmental inspectors of the Republic of Kazakhstan – a fine on individuals up to twenty, on civil servants – up to seventy, on legal entities – up to two hundred fifty monthly calculation indices;

3) the senior state environmental inspectors of the Republic of Kazakhstan – a fine on individuals up to forty, on civil servants – up to three hundred, on legal entities – up to five hundred monthly calculation indices;

4) the senior state environmental inspectors of oblasts, cities of republican significance, the capital – a fine on individuals up to fifty, on civil servants – up to one hundred fifty, on

legal entities – up to two thousand monthly calculation indices, as well as the fine being expressed in percentage from the sum of operation conducted with the breach of the legislation of the Republic of Kazakhstan, or size of damage inflicted to environment;

5) the Chief state environmental inspector of the Republic of Kazakhstan and his (her) deputy – a fine on individuals up to fifty, on civil servants – up to one hundred fifty, on legal entities – up to two thousand monthly calculation indices, as well as the fine being expressed in percentage of the sum of operation conducted with the breach of the legislation of the Republic of Kazakhstan, or size of damage inflicted to environment.

Footnote. Article 697 with the change made by the Law of the Republic of Kazakhstan from 17.11.2015 No. 407-V (shall be enforced from 01.01./2016); No. 126-VI dated 27.12.2017 (shall be enforced upon expiry of six months after its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 698. Authorized authority in the field of industrial safety

1. The authorized authority in the field of industrial safety shall consider cases of administrative infractions provided by Articles 297, 298 (except for social infrastructure facilities), 299 (part one) (except for dam safety), 305 (for violations in the protected zones of industrial gas supply systems. consumers), 306, 307 (in terms of industrial consumers), 308, 352, 353 (in terms of technical safety), 464 (part one) of this Code.

2. The following shall be entitled to consider cases of administrative infractions in the field of industrial safety and impose administrative sanctions on behalf of the authorized authority in the field of industrial safety:

1) the chief state inspector of the Republic of Kazakhstan for state supervision in the field of industrial safety and his deputy;

2) the state inspector of the Republic of Kazakhstan for state supervision in the field of industrial safety, the chief state inspector of region, city of republican significance, capital for state supervision in the field of industrial safety and his deputy;

3) the state inspector of region, city of republican significance, the capital for state supervision in the field of industrial safety.

The amount of fine imposed by the officials indicated in paragraph four of part two of this Article may not exceed fifteen monthly calculation indices.

Footnote. Article 698 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 698-1. Authorized body in the field of regulation of production of precious metals and turnover of precious metals and gemstones, the raw materials containing precious metals, jewelry and other products from precious metals and gemstones

1. The authorized body in the field of regulation of production of precious metals and turnover of precious metals and gemstones, the raw materials containing precious metals, jewelry and other products from precious metals and gemstones considers the cases of administrative offenses provided by articles 190-1 and 297-1 of the present Code.

2. To consider cases of administrative offenses and to impose administrative penalties has the right:

1) on the administrative offenses provided by article 190-1 – the Chief state control and supervision inspector of the Republic of Kazakhstan and its deputies and also the chief state inspectors of areas and cities on the state control and supervision and their deputies;

2) on the administrative offenses provided by article 297-1 – the head of authorized body in the field of regulation of production of precious metals and turnover of precious metals and gemstones, the raw materials containing precious metals, jewelry and other products from precious metals and gemstones and his deputies.

Footnote. Chapter 36 is supplemented with article 698-1 according to the Law of the Republic of Kazakhstan from 14.01.2015 No. 445-V (shall be enforced after twenty one calendar days after day of its first official publication).

Article 699. Bodies of the Ministry of Defence of the Republic of Kazakhstan

1. Bodies of the Ministry of Defence of the Republic of Kazakhstan shall consider the cases on administrative infractions provided by Articles 642, 644, 645, 646, 647, 648, 649, 650 of this Code.

2. The heads of local bodies of military administration shall have the right to consider the cases on administrative infractions and impose the administrative sanctions in behalf of the Ministry of Defence of the Republic of Kazakhstan.

Article 699-1. Authority in the field of space activity

1. The authorized authority in the field of space activity shall consider cases on administrative infractions provided by Articles 310, 311 of this Code.

2. The head of the authorized authority in the field of space activity and his deputies shall have the right to consider cases of administrative infractions and impose administrative sanctions.

Footnote. Chapter 36 is supplemented by Article 699-1 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 700. Healthcare authorities

1. The state authority in the field of circulation of medicines and medical devices and its territorial divisions shall consider cases of administrative infractions provided by Articles 424 (part one), 426 (part one), 432, 464 of this Code, within the limits of their competence.

The head of the state authority in the field of circulation of medicines and medical devices, his deputies, heads of territorial divisions and their deputies shall have the right to consider cases of administrative infractions and impose administrative sanctions.

2. The state authority for control in provision of medical services and its territorial divisions shall consider cases of administrative infractions provided by Articles 80 (part three), 81 (part one), 82 (part one), 424 (parts one, two and four), 428, 429, 432, 464 (part one) of this Code, within their competence.

The head of the state authority for control in provision of medical services, his deputies, heads of territorial divisions and their deputies shall have the right to consider cases of administrative infractions and impose administrative sanctions.

Footnote. Article 700 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 701. The authorized authority in the field of sanitary and epidemiological welfare of the population

The authorities exercising control and supervision in the field of sanitary and epidemiological welfare of the population shall consider cases of administrative infractions provided by Articles 93 (parts two and five), 203, 415 (part one), 425 (part one), 430 (part one), 431, 464 (part one) of this Code.

The head of the state authority in the field of sanitary and epidemiological welfare of the population, his deputies, heads of territorial divisions and their deputies shall have the right to consider cases of administrative infractions and impose administrative sanctions.

Footnote. Article 701 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 702. Structural subdivisions of the internal affairs bodies, the National Security Committee of the Republic of Kazakhstan and the Ministry of Defence of

the Republic of Kazakhstan carrying out the state sanitary and epidemiological control and supervision

1. Structural subdivisions of the internal affairs bodies, the National Security Committee of the Republic of Kazakhstan and the Ministry of Defence of the Republic of Kazakhstan carrying out the state sanitary and epidemiological control and supervision shall consider the cases on administrative infractions provided by Article 425 (part one) of this Code on the violations of sanitary rules and hygienic standards on objects respectively: subordinated to the internal affairs bodies and the National Security Committee of the Republic of Kazakhstan; located in a territory of military towns and training centres of the Ministry of Defence of the Republic of Kazakhstan.

2. The heads and their deputies or authorized civil servants of the structural subdivisions of the internal affairs bodies, the National Security Committee of the Republic of Kazakhstan, the Ministry of Defence of the Republic of Kazakhstan carrying out the state and epidemiological control and supervision shall have the right to consider the cases on administrative infractions and impose the administrative sanctions.

Article 703. Authorized body in the field of veterinary medicine

1. The civil servants of the authorized body in the field of veterinary medicine shall consider the cases on administrative infractions provided by Article 406 of this Code.

2. The following persons shall have the right to consider the cases on administrative infractions and impose the administrative sanctions in accordance with Article 406 of this Code:

1) the Chief state veterinary and sanitary inspector of the Republic of Kazakhstan and his (her) deputies;

2) the state veterinary and sanitary inspectors on veterinary control posts;

3) the chief state veterinary and sanitary inspectors of oblasts, cities of republican significance, the capital and their deputies;

4) the state veterinary and sanitary inspectors of oblasts, cities of republican significance, the capital;

5) the chief state veterinary and sanitary inspectors and their deputies, the state veterinary and sanitary inspectors of districts, cities of oblast significance.

3. The civil servants of the authorized body in the field of veterinary medicine may recover on the spot:

1) at places of selling – for violation of the veterinary (veterinary and sanitary) rules upon selling animals, products and raw materials of animal origin;

2) on railroad, water and air transport, on roads and cattle-driving routes – for violation of the veterinary (veterinary and sanitary) rules upon carrying out the transportation (movement)

of the objects subordinated to the state veterinary and sanitary control and supervision in a territory of the Republic of Kazakhstan, as well as upon cattle driving;

3) on the state border – for violation of the veterinary (veterinary and sanitary) rules in part of protection of the territory of the Republic of Kazakhstan from importation and spreading infectious and foreign animal diseases from other states.

Article 704. Authorized body in the field of livestock breeding

1. The civil servants of the authorized body in the field of livestock breeding shall consider the cases on administrative infractions provided by Article 407 (part one) of this Code.

2. The following persons shall have the right to consider the cases on administrative infractions and impose the administrative sanctions:

- 1) the Chief state inspector on livestock breeding of the Republic of Kazakhstan;
- 2) the deputy Chief state inspector on livestock breeding of the Republic of Kazakhstan;
- 3) the chief state inspectors on livestock breeding of oblasts, cities of republican significance, the capital and their deputies;
- 4) state inspectors on breeding livestock production of areas, areas, cities of regional value.

Footnote. Article 704 with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 705. Authorized body on plant quarantine

1. The authorized body on plant quarantine and its bodies shall consider the cases on the spot on administrative infractions provided by Article 400 (parts one, three and four) of this Code.

2. The following persons shall have the right to consider the cases on administrative infractions and impose the administrative sanctions:

- 1) the Chief state inspector on plant quarantine of the Republic of Kazakhstan and his (her) deputies;
- 2) the chief state inspectors for plant quarantine of the corresponding regions, cities of republican significance, capital, districts, cities of regional significance;
- 3) the state inspectors for plant quarantine.

Footnote. Article 705 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); No. 210-VI dated 28.12.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 706. Authorized body in the field of regulation of the grain market and seed farming

Footnote. Article 706 heading in edition of the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

1. Authorized body in the field of regulation of the grain market and seed farming and its territorial authorities consider cases of the administrative offenses provided by articles 401 (part one), 402 (a part of the fifth) of the present Code.

2. The heads of territorial bodies and their deputies shall have the right to consider the cases on administrative infractions and impose the relevant administrative sanctions.

Footnote. Article 706 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); with the changes made by laws RK from 04.12.2015 No. 435-V (shall be enforced 01.01.2016); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 707. Authorized body in the field of plant protection

1. The authorized authority in the field of plant protection and its local divisions shall consider cases of administrative infractions provided by Articles 297, 377, 403, 415 (subparagraph 1) of part one) (in terms of violation of the requirements of technical regulations in the field of pesticide circulation) of this Code.

2. The following persons shall have the right to consider the cases on administrative infractions and impose the administrative sanctions:

1) the Chief state inspector on plant protection of the Republic of Kazakhstan;

2) the chief state inspectors on plant protection of the relevant administrative territorial entities of the Republic of Kazakhstan;

3) the state inspectors on plant protection.

Footnote. Article 707 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 708. Authorized bodies in the field of use and protection of water fund

1. The authorized authorities in the field of forestry, fishing and hunting shall consider cases of administrative infractions provided by Articles 138 (part two), 142, 143, 337, 339, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382 (part one), 383 (part one, two and five), 384, 385 (part one), 386, 387, 388, 390, 394 (part one), 395 (part one), 396 (part one), 464 of this Code.

2. The following shall be entitled to consider cases on administrative infractions and impose administrative sanctions on behalf of the authorities in the field of forestry, fishing and hunting:

1) for administrative infractions provided by Articles 138 (part two), 142, 143, 337, 339, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382 (part one), 383 (parts one, two and five), 384, 385 (part one), 386, 387, 388, 390, 394 (part one), 395 (part one), 396 (part one), 464 of this Code, - officials of authorized authorities in the field of forestry, fish and hunting economy of the Republic of Kazakhstan and their territorial authorities;

2) for administrative infractions provided by Articles 138 (part two), 337, 339, 366, 367, 368, 369, 370, 371, 372, 373, 374, 377, 379, 381, 382 (part one), 383 (parts one and two), 387, 388 of this Code, - heads, deputy heads of state forestry institutions;

3) for administrative infractions provided by Articles 138 (part two), 337, 339, 366, 367, 368, 369, 370, 371, 372, 372, 374, 377, 379, 381, 382 of this Code, - officials of structural units of forestry and hunting economy of regional executive authorities;

4) for administrative infractions provided by Articles 138 (part two), 143, 337, 339, 366, 367 (part three), 368 (part two), 369 (part two), 370 (part four), 371, 372 (part four), 373 (part two), 374 (part two), 377 (part two), 379, 380, 381, 382 (part one), 383 (parts one, two and five), 384, 387, 388 of this Code, - heads, deputy heads, heads of services for protection of specially protected natural areas, created in the organizational and legal form of a state institution.

Footnote. Article 708 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 709. Authorized bodies in the field of forest, fish and hunting industry

1. The authorized authorities in the field of forestry, fishing and hunting shall consider cases of administrative infractions provided by Articles 138 (part two), 142, 143, 337, 339, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382 (part one), 383 (part one, two and five), 384, 385 (part one), 386, 387, 388, 390, 394 (part one), 395 (part one), 396 (part one), 464 of this Code.

2. The following shall be entitled to consider cases on administrative infractions and impose administrative sanctions on behalf of the authorities in the field of forestry, fishing and hunting:

1) for administrative infractions provided by Articles 138 (part two), 142, 143, 337, 339, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382 (part one

), 383 (parts one, two and five), 384, 385 (part one), 386, 387, 388, 390, 394 (part one), 395 (part one), 396 (part one), 464 of this Code, - officials of authorized authorities in the field of forestry, fish and hunting economy of the Republic of Kazakhstan and their territorial authorities;

2) for administrative infractions provided by Articles 138 (part two), 337, 339, 366, 367, 368, 369, 370, 371, 372, 373, 374, 377, 379, 381, 382 (part one), 383 (parts one and two), 387, 388 of this Code, - heads, deputy heads of state forestry institutions;

3) for administrative infractions provided by Articles 138 (part two), 337, 339, 366, 367, 368, 369, 370, 371, 372, 374, 377, 379, 381, 382 of this Code, - officials of structural units of forestry and hunting economy of regional executive authorities;

4) for administrative infractions provided by Articles 138 (part two), 143, 337, 339, 366, 367 (part three), 368 (part two), 369 (part two), 370 (part four), 371, 372 (part four), 373 (part two), 374 (part two), 377 (part two), 379, 380, 381, 382 (part one), 383 (parts one, two and five), 384, 387, 388 of this Code, - heads, deputy heads, heads of services for protection of specially protected natural areas, created in the organizational and legal form of a state institution.

Footnote. Article 709 with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 710. Bodies carrying out the state control of use and protection of lands

1. The central authorized body on management of land resources consider cases of the administrative offenses provided by articles 137, 341, 342, 342-1 of the present Code.

The authorized body on control of use and protection of lands of the local executive bodies of oblast, city of republican significance, the capital shall consider the cases on administrative infractions provided by Articles 136, 137, 138 (part one), 337, 339, 340 of this Code.

2. The following persons shall have the right to consider the cases on administrative infractions and impose the administrative sanctions:

1) the chief state inspector on use and protection of the lands of the Republic of Kazakhstan – a fine on individuals up to seventy five, on civil servants, subjects of small or medium entrepreneurship or non-profit organizations – up to one hundred fifty, on subjects of large entrepreneurship – up to seven hundred monthly calculation indices;

2) the chief state inspectors on use and protection of the lands of the relevant administrative territorial entities – a fine on individuals up to seventy five, on civil servants, subjects of small or medium entrepreneurship or non-profit organizations – up to one hundred fifty, on subjects of large entrepreneurship – up to seven hundred monthly calculation indices;

3) the state inspectors on use and protection of the lands – a fine on individuals up to seventy five, on civil servants, subjects of small or medium entrepreneurship or non-profit organizations – up to one hundred fifty, on subjects of large entrepreneurship – up to three hundred monthly calculation indices.

Footnote. Article 710 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); with the change made by the Law of the Republic of Kazakhstan from 17.11.2015 No. 408-V (shall be enforced from 01.03.2016); No. 151-VI dated 04.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication);

Article 711. Authorized body on investments

1. Authorized body on investments shall consider the cases on administrative infractions provided by Articles 148 of this Code.

2. The head of the authorized body on investments and his (her) deputies shall have the right to consider the cases on administrative infractions and impose the administrative sanctions.

Article 712. Bodies carrying out the state control in the field of geodesy and cartography

1. Authorized body in the field of geodesy and cartography shall consider the cases on administrative infractions provided by Articles 138 (part two), 343 of this Code.

2. The civil servants of department of the authorized body in the field of geodesy and cartography shall have the right to consider the cases on administrative infractions and impose the administrative sanctions.

Footnote. Article 712 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

Article 713. Anti-monopoly body

1. The antimonopoly authority shall consider cases on administrative infractions provided by Articles 159 (parts five and six), 160 (parts one), 161, 162, 163, 163-1, 201 of this Code.

2. The head of anti-monopoly body and his (her) deputies, as well as the heads of territorial body and their deputies shall have the right to consider the cases on administrative infractions and impose the administrative sanctions.

Footnote. Article 713 as amended by the Law of the Republic of Kazakhstan No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 714. The authorized body performing management in spheres of natural monopolies

1. The authorized authority exercising leadership in the spheres of natural monopolies shall consider cases on administrative infractions provided by Articles 164, 165, 166, 167, 168, 250, 464 of this Code.

2. To consider cases of administrative offenses and to impose administrative penalties the head of the authorized body performing management in spheres of natural monopolies and his deputies and also heads of territorial divisions of the authorized body performing management in spheres of natural monopolies and their deputies has the right.

Footnote. Article 714 in edition of the Law of the Republic of Kazakhstan from 28.12.2016 No. 34-VI (shall be enforced from 01.01.2017); as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 715. Agencies carrying out the state control for technical regulation, ensuring the uniformity of measurements and for standardization

Footnote. Heading of Article 715 as amended by the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

1. The authorities exercising state control in the field of technical regulation, ensuring the uniformity of measurements and the field of standardization, shall consider cases on administrative infractions provided by Articles 193 (part one), 203, 415 (part one), 415-1 (part one), 417 (parts two, three, fourth and fifth), 418 (parts one and two), 419 (part one), 464, 638 (part one) of this Code.

2. The Chief state inspector of the Republic of Kazakhstan on the state control and supervision and his (her) deputies, as well as the chief state inspectors of oblasts and cities on state control and supervision and their deputies shall have the right to impose the sanctions.

Footnote. Article 715 with the changes made by laws RK from 21.04.2016 No. 504-V (shall be enforced after ten calendar days after day of its first official publication); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 715-1. Authorized body in the sphere of consumer protection

1. The authorized agency for protection of consumers' rights shall consider the cases on administrative offenses provided by Articles 193 (part one), 415 (part one) of this Code.

2. To consider cases of administrative offenses and to impose administrative penalties the head of authorized body in the sphere of consumer protection, his deputies, heads of territorial divisions and their deputies has the right.

Footnote. Chapter 36 is supplemented with article 715-1 according to the Law of the Republic of Kazakhstan from 21.04.2016 No. 504-V (shall be enforced after ten calendar days after day of its first official publication); as amended by the Law of the Republic of Kazakhstan No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication).

Article 716. Authorized body on registration of agricultural equipment

1. The authorized authority for registration of agricultural machinery shall consider cases on administrative infractions provided by Articles 590 (parts one, two) (in terms of infractions committed by drivers of tractors, self-propelled agricultural, land reclamation and road-building machines), 612 (parts one, two, four, five and six), 617, 619, 627 of this Code, in the part concerning agricultural machinery, tractors and other self-propelled machinery and equipment supervised by the authorized authorities for registration.

2. The engineers-inspectors of district and oblast authorized bodies on registration of agricultural equipment shall have the right to consider the cases on administrative infractions and impose the administrative sanctions in behalf of the authorized body on registration of agricultural equipment.

Footnote. Article 716 as amended by the Law of the Republic of Kazakhstan dated 27.12.2019 No. 292-VI (order of enforcement see Article 2).

Article 717. Authorized state body in the field of plant production

Footnote. Article 717 is excluded by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced from 06.01.2020).

Article 718. Bodies carrying out the state architectural and construction control and supervision of quality of construction of objects

1. The authorities exercising state architectural and construction control and supervision over the quality of construction of objects shall consider cases on administrative infractions provided by Articles 309, 312 (part one), 315, 316 (part one), 317 (parts one, two, three and 3-1), 317-1 (part one), 317-2 (part one), 318, 321, 322, 323, 464 of this Code.

1-1. The authorized body for architecture, town planning and construction considers cases of the administrative offenses provided by article 323-1 of the present Code.

2. The Chief state building inspector of the Republic of Kazakhstan and his (her) deputies, as well as the chief state building inspectors of oblasts, cities of republican significance, the

capital shall have the right to consider the cases on administrative infractions and impose the administrative sanctions.

Footnote. Article 718 with the changes made by the Law of the Republic of Kazakhstan from 28.10.2015 No. 366-V (an order of enforcement see Art. 2); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 719. Authorized body in the field of state statistics

1. The authorized authority in the field of state statistics shall consider cases on administrative infractions provided by Articles 497, 499, 501, 503 of this Code.

2. The heads of territorial bodies of the authorized body in the field of state statistics and their deputies shall have the right to consider the cases on administrative infractions and impose the administrative sanctions.

Footnote. Article 719 as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 720. State revenues bodies

N o t e o f R C L I !

To part one is provided amendment by the Law of the Republic of Kazakhstan No. 412-V dated 18.11.2015 (shall be enforced from 01.01.2021).

1. State revenue authorities shall consider cases on administrative infractions provided by Articles 91 (parts six, seven and eight), 92 (parts two, three and four), 92-1, 151 (part one), 153, 155, 157, 174 (parts one, three and four), 177, 178, 179, 180, 181, 194, 195, 196, 203, 205, 221, 233 (part one), 239 (parts one and two), 246-1 (when these violations were committed during the audit on taxes), 266, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 280-1, 281 (parts one, two, 2-1, 2-2 and three), 282 (parts of one, two, 2-1, 2-2, five, ten and twelve), 284, 285, 285-1, 286, 287, 288, 460-1, 460-2, 464, 471, 472, 473, 474, 521, 522, 523, 524, 525, 526, 527, 528 (parts one, two and three), 529, 530, 531, 532 (part one), 533, 534, 535, 536, 537, 538, 539, 540, 542, 543 (parts one and two), 546, 547, 548 (part one), 551, 552 (part one), 553, 554, 555, 556, 557, 558, 571 (parts one, two, 2-1 and three), 571-1 of this Code.

2. State revenue authorities shall also consider cases on administrative infractions provided by Articles 230 (part two), 297, 334, 377 (part one), 425 (part one), 571 (parts five, six, seven and eight), 571-1, 572 (part one), 573, 589 (for administrative infractions in road transport), 590 (parts one, two, five, six, seven, eight and ten), 612 (part one), 621 (part four)

of this of the Code, when the administrative infractions listed in this part were committed at automobile, sea checkpoints and in other places of movement of goods across the State border of the Republic of Kazakhstan.

3. The following persons shall have the right to consider the cases on administrative infractions and impose the administrative sanctions in behalf of the state revenues bodies:

under all the Articles of this Code related to the jurisdiction of the state revenues bodies – the heads of the state revenues bodies and their deputies;

on the administrative offenses provided by articles 91 (part sixth), 92 (part second), 195 (part one), 269 (part one), 270 (parts of the first and third), 271 (part one), 272 (part one), 276 (part one), 284 (parts of the first, the third, the fifth, the seventh, the ninth, the eleventh, the thirteenth, fifteenth and seventeenth), an administrative penalty in the form of prevention and also in the form of a penalty in the order provided by article 897 of the present Code and also on offenses in the sphere of customs affairs – the officials of bodies of state revenues authorized by the head.

Footnote. Article 720 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015); from 03.12.2015 No. 432-V (shall be enforced from 01.01.2016); from 06.04.2016 No. 484-V (shall be enforced after ten calendar days after day of its first official publication); from 26.07.2016 No. 12-VI (shall be enforced after two months after day of its first official publication); from 30.11.2016 No. 26-VI (shall be enforced from 01.01.2017); from 03.07.2017 No. 83-VI (shall be enforced after ten calendar days after day of its first official publication); from 25.12.2017 No. 122-VI (shall be enforced from 01.01.2018); from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 27.12.2019 No. 292-VI (order of enforcement see Article 2); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

Article 721. Authorized body for public service and to anti-corruption

N o t e o f R C L I !

To Paragraph 1 is provided amendment by the Law of the Republic of Kazakhstan No. 412-V dated 18.11.2015 (shall be enforced from 01.01.2021).

1. The authorized authority for civil service affairs and combating corruption shall consider cases of administrative infractions provided by Articles 274, 475 of this Code.

2. To consider cases of administrative offenses and to impose administrative penalties the head of the structural unit of authorized body for public service and to anti-corruption and its deputies, heads of territorial divisions of authorized body for public service and their deputies has the right.

Footnote. Article 721 in edition of the Law of the Republic of Kazakhstan from 06.04.2016 No. 484-V (shall be enforced after ten calendar days after day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 722. Bodies of the Ministry of Finance of the Republic of Kazakhstan

1. The authorities of the Ministry of Finance of the Republic of Kazakhstan shall consider cases on administrative infractions provided by Articles 184, 185 (when these violations were committed by auditors, audit organizations, appraisers), 207, 209, 216, 219, 230 (part two, when these violations were committed by audit organizations), 233 (parts two and three), 234 , 235, 236, 237, 238, 239 (parts one, two and five), 239-1, 240, 241, 246-1 (when these violations were admitted during the audit of a special appointments of subjects of the quasi-public sector), 247 (parts one, two, three, five, seven and ten), 248, 249, 250, 267, 464 (when these violations were committed by audit organizations) of this Code.

2. To consider cases of administrative offenses and to impose administrative penalties has the right:

1) the head of authorized body on internal state audit, his deputies and heads of territorial divisions;

2) the head of the authorized state agency carrying out the regulation for auditing and valuation activities, his deputies and heads of territorial divisions.

Footnote. Article 722 with the changes made by laws RK from 12.11.2015 No. 393-V (shall be enforced after ten calendar days after day of its first official publication); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); No. 134-VI dated 10.01.2018 (shall be enforced upon expiry of six months after its first official publication); dated 26.12.2018 No. 202-VI (shall be enforced from 01.01.2020); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 722-1. Accounts Committee for Control over Execution of the Republican Budget and

Audit Commissions of regions, cities of republican significance, capital

1. The Accounts Committee for Control over Execution of the Republican Budget and Audit Commissions of regions, cities of republican significance, capital shall consider cases of administrative infractions provided by Articles 216, 219, 233 (part three), 235, 236, 237, 247 (part six) of this of the Code.

2. The state auditors of the Accounts Committee for Control over Execution of the Republican Budget and Audit Commissions of regions, cities of republican significance, capital shall have the right to consider cases on administrative infractions and impose established administrative sanctions under Articles 216, 219, 233 (part three), 235, 236, 237, 247 (part six) of this Code.

Footnote. Chapter 36 is supplemented by Article 722-1 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 723. Authorized body in internal control

Footnote. Article 723 is excluded by the Law of the Republic of Kazakhstan from 12.11.2015 No. 393-V (shall be enforced after ten calendar days after day of its first official publication).

Article 724. The National Bank of the Republic of Kazakhstan

1. The National Bank of the Republic of Kazakhstan shall consider cases on administrative offenses provided by Articles 206, 210, 210-1, 212, 213 (part five), 217, 218, 220 (parts seven and eight (in relation to payment organizations), 227 (parts one (in relation to legal entities operating exclusively through exchange offices on the basis of a license of the National Bank of the Republic of Kazakhstan for exchange operations with foreign currency in cash, and legal entities whose exclusive activity shall be collection of banknotes, coins and valuables) and three (in relation to payment operators systems, operational centers of payment systems and payment service providers), 239 (parts three and four (in relation to legal entities operating exclusively through exchange offices on the basis of a license of the National Bank of the Republic of Kazakhstan for exchange operations with foreign currency in cash), 243, 244, 252, 253, 464, 497 (in terms of primary statistics personal data, the collection of which is within its competence) of this Code.

2. The Chairman of the National bank of the Republic of Kazakhstan, his (her) deputies, the heads of territorial branches shall consider the cases on administrative infractions and impose the administrative sanctions.

3. The powers of the National Bank of the Republic of Kazakhstan, as well as his (her) employees having the right to drawing up the protocol on commission of the administrative infraction shall be determined in accordance with this Code.

Footnote. Article 724 with the changes made by laws RK from 24.11.2015 No. 422-V (shall be enforced from 01.01.2016); from 06.05.2017 No. 63-VI (shall be enforced after twenty one calendar days after day of its first official publication); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); No. 166 -VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); No. 168-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.04.2019 No. 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 724-1. Authorized authority for regulation, control and supervision of financial market and financial organizations

N o t e o f I L L I !

Paragraph 1 is provided in the wording the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced from 16.12.2020).

N o t e o f I L L I !

This wording of Paragraph 1 is valid until 16.12.2020 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI.

1. The authorized authority for regulation, control and supervision of financial market and financial organizations shall consider cases on administrative infractions provided by Articles 91 (parts one, two, three, five, nine, ten, eleven and twelve), 185, 186, 208, 211, 211-1, 211-2 , 213 (parts four, six, seven, eight, nine, ten, eleven twelve, thirteen and fourteen), 220 (parts one, two, three, four, 4-1, five, seven and eight (in relation to banks and organizations carrying out certain types of banking operations), 222, 223, 224, 225, 226, 227 (parts of the first (in relation to banks, large participants of banks, bank holding companies, organizations that are part of a banking conglomerate, Development Bank of Kazakhstan, organizations carrying out certain types of banking operations (with the exception of legal entities operating exclusively through exchange offices on the basis of a license from the National Bank and the Republic of Kazakhstan for exchange operations with foreign currency in cash, and legal entities whose exclusive activities are the collection of banknotes, coins and valuables), two, three (in relation to issuers, a unified accumulative pension fund, voluntary accumulative pension funds, organizations carrying out microfinance activities), four and five), 228 (parts five, nine, ten, twelve, sixteen, seventeen and nineteen), 229, 230 (parts one, three, four, five and six), 231, 232, 239 (parts three and four (in relation to financial organizations (with the exception of legal entities operating exclusively through exchange offices on the basis of a license of the National Bank of the Republic of Kazakhstan for exchange operations with foreign currency in cash, and legal entities whose exclusive activity shall be the collection of

banknotes, coins and values), organizations engaged in microfinance activities), 247 (parts four and eight), 255, 256, 257, 259, 260, 261, 262, 264, 265, 286, 464 of this Code.

2. The first head of the authorized authority for regulation, control and supervision of financial market and financial organizations, his deputies and authorized employees shall have the right to consider cases on administrative infractions and impose administrative sanctions.

3. The powers of the authorized authority for regulation, control and supervision of financial market and financial organizations, as well as its employees entitled to draw up a protocol on commission of an administrative infraction, shall be determined in accordance with this Code.

Footnote. Chapter 36 is supplemented by Article 724-1 in accordance with the Law of the Republic of Kazakhstan dated 03.07.2019 No. 262-VI (shall be enforced 01.01.2020); as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 725. Social welfare bodies of the Republic of Kazakhstan

1. The social welfare bodies of the Republic of Kazakhstan shall consider the cases on administrative infractions provided by Articles 83 (except for the infractions committed by the employees), 84, 91 (part four), 92 (part one) of this Code.

2. The heads of the social welfare bodies of the Republic of Kazakhstan, their deputies shall have the right to consider the cases on administrative infractions and impose the administrative fines.

Article 726. The National Security Bodies of the Republic of Kazakhstan

1. The national security authorities shall consider cases on administrative infractions provided by Articles 192, 464, 504, 518, 519 of this Code.

2. The head of the department and his deputies, heads of territorial authorities and their deputies shall have the right to consider cases on administrative infractions and impose the established administrative sanctions under Articles 192, 464, 504, 518, 519 of this Code.

3. The Border Service of the National Security Committee of the Republic of Kazakhstan shall consider cases on administrative infractions provided by Articles 382 (part one), 383 (parts one and two), 393 (committed in the border space), 394, 395 (part one), 396 (part one), 510 (parts one, two, three and five), 512 (part one), 513 (part one), 514 (part one), 515, 517 (part three) of this Code.

4. The following persons shall have the right to consider the cases on administrative infractions and impose the administrative sanctions in behalf of the Frontier service of the National Security Committee:

1) the head of the Frontier service of the National Security Committee and his (her) deputies, the heads of the special associations and their deputies – a notification or fine on individuals and civil servants – up to seventy, on subjects of private entrepreneurship – up to two thousand monthly calculation indices;

2) the heads of border detachments, the commanding officers of military units of frontier space, marine military units, the commandants of separate frontier commandants offices and their deputies – a notification or fine on individuals and civil servants – up to seventy, on subjects of private entrepreneurship – up to two hundred monthly calculation indices;

3) the commandants of frontier commandants officers and the heads of the frontier control departments and their deputies – a notification or fine on individuals up to twenty, on civil servants – up to twenty five monthly calculation indices.

4) chiefs of frontier posts (posts), offices of border control and their deputies – prevention or a penalty on natural persons to ten sizes of a monthly settlement indicator;

5) chiefs of changes (groups) of departments (offices) of border control – prevention or a penalty on natural persons to five sizes of a monthly settlement indicator.

Footnote. Article 726 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); from 22.12.2016 No. 28-VI (shall be enforced after ten calendar days after day of its first official publication); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); dated 27.12.2019 No. 292-VI (order of enforcement see Article 2); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 727. Military police bodies

1. The authorities of military police shall consider cases on administrative infraction provided by Articles 434-2, 511, 590 (parts one, two, three, five, six, seven, nine and ten), 591, 592, 593, 594, 595, 596 (parts one, two and four), 597, 598, 599, 600, 601, 602, 603 (part three), 606 (part one), 607 (part one), 611 (part one), 612 (part one, two, four, five and six), 613 (parts one, 3-1, twelve and thirteen), 614, 615 (parts one, two and three), 617, 619, 619-1, 620, 621 (parts one, two and four) of this Code.

2. The authorized civil servants of the military police bodies shall consider the cases on administrative infractions and impose the administrative sanctions.

3. The competence of the military police bodies of the Armed Forces of the Republic of Kazakhstan on administrative infractions in the scope of transport shall apply to the military servants, persons liable for military service, called on military trainings, as well as to the persons operating military transport vehicles of the Armed Forces of the Republic of Kazakhstan, other forces and military formations of the Republic of Kazakhstan, with the exception of parts four and five of this Article.

4. The competence of the military police bodies of the National Security Committee of the Republic of Kazakhstan on administrative infractions in the scope of transport shall apply to the servants, employees and military servants operating transport vehicles of the special state bodies of the Republic of Kazakhstan.

5. The competence of the military police bodies of the National Guard of the Republic of Kazakhstan on administrative infractions in the scope of transport shall apply to military servants, persons liable for military service, called on military trainings, as well as to the persons operating the military transport vehicles of the National Guard.

6. Materials on the violations committed by drivers of transport vehicles of the Armed Forces of the Republic of Kazakhstan, other forces and military formations of the Republic of Kazakhstan – military servants and persons liable for military service, for which the fine is provided as administrative sanction in established manner, shall be transferred by the military police bodies to the relevant commanding officers (heads) for solution of the issue on bringing to responsibility on Disciplinary charter of the Armed Forces of the Republic of Kazakhstan, other forces and military formations of the Republic of Kazakhstan.

Footnote. Article 727 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 10.01.2015 No. 275-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); dated 27.12.2019 No. 292-VI (order of enforcement see Article 2); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 728. Bodies on state control of production and turnover of sub-excise products

1. The authorities for state control over production and circulation of excisable products shall consider cases on administrative infractions provided by Articles 281 (parts one, two and three), 282 (parts one, two, five, ten and twelve), 464 of this Code.

2. The heads (deputies) of the body on state control of production and turnover of sub-excise products shall consider the cases on administrative infractions and impose the administrative sanctions.

Footnote. Article 728 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); from 25.12.2017 No. 122-VI (shall be enforced from 01.01.2018); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 728-1. Authorities that are licensors or authorized to issue permits of the second category in accordance with the legislation of the Republic of Kazakhstan

1. The authorities that are licensors or authorized to issue permits of the second category in accordance with the legislation of the Republic of Kazakhstan shall consider cases on administrative infractions provided by Articles 464 of this Code.

2. The heads of state authorities that are licensors or authorized to issue permits of the second category, their deputies, heads of territorial divisions and their deputies shall have the right to consider cases on administrative infractions and impose administrative sanctions.

Footnote. Chapter 36 is supplemented by Article 728-1 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 729. Local executive authorities

1. The local executive authority of region, city of republican significance, capital, district, city of regional significance shall consider cases on administrative infractions provided by Articles 75, 156, 172 (parts one, three, four and five (in terms of boiler houses of all capacities, heating networks and heat energy), 193 (parts four and five), 199, 202, 204, 250 (in terms of regulating the activities of grain-receiving enterprises), 298 (in terms of social infrastructure facilities), 300 (in terms of boiler houses of all capacities, heating networks and heat consumers energy), 301 (in terms of boiler houses of all capacities and heating networks), 301-2 (in terms of boiler houses of all capacities and heating networks), 303 (in terms of boiler houses of all capacities and heat energy), 304, 305 (in terms of protective zones of thermal networks and facilities of gas supply systems for household and communal consumers), 306 (parts one and two), 307 (regarding communal consumers), 320 (parts four, five and six), 338, 382 (part one), 383 (parts one and two), 401 (parts three, four, 4-1, five, seven, ten and eleven), 402 (parts one, second and third), 404 (parts one, three, four, five, six, seven and eight), 405, 408-1, 409 (parts eight, nine, ten and eleven), 418 (part 1-1), 455 (part one, subparagraphs 1), 2), 4), 6), 7), 8) and 9) of part two, parts three and five), 464, 488-1, 491 of this Code.

2. The akim of region, city of republican significance and capital, district (city of republican, regional significance and capital) and his deputies shall have the right to consider cases on administrative infractions and impose administrative sanctions.

3. Akims of cities of district significance, settlements, villages, rural districts shall have the right to consider cases on administrative infractions and impose administrative sanctions for administrative infractions provided by Articles 136 (in terms of infractions committed by individuals (except for private business entities) in the territory of the settlement), 146, 147, 172 (parts of one, three and four) (in terms of the operation of the thermal mechanical equipment of boiler houses of all capacities and heating networks (main, intra-quarter), 204, 301 (in terms of boiler houses of all capacities and heating networks (main, intra-quarter), 303 (in terms of boiler houses of all capacities), 304, 305 (in terms of protective zones of heating

networks (main, intra-quarter), 320 (parts four, five and six), 339 (in terms of infractions committed by individuals (except for private entrepreneurship) on the territory of the settlement), 386, 408, 409 (parts in seven, nine, ten and eleven), 418 (part 1-1), 491, 505 of this Code, committed on the territory of cities of regional significance, villages, settlements, rural districts.

Footnote. Article 729 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the laws of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of six months after the day of its first official publication).

Article 730. Authorized body in the field of education

1. The authorized authority in the field of education shall consider cases on administrative infractions provided by Articles 84, 409 (parts two, three, four, fifth, sixth, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7 and 7-9), 464 of this Code.

2. The head of the authorized body in the field of education and his (her) deputies, the heads of territorial bodies of the authorized body in the field of education and their deputies shall have the right to consider the cases on administrative infractions and impose the administrative sanctions.

Footnote. Article 730 as amended by the laws of the Republic of Kazakhstan dated 27.12.2019 No. 294-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 731. Authorized body in the field of tourist activity

1. The authorized authority in the field of tourist activity shall consider cases on administrative infractions provided by Articles 187, 230 (part two) (in terms of infractions committed by tour operators and travel agents), 464 of this Code.

2. The head of the authorized body in the field of tourist activity and his (her) deputies shall have the right to consider the cases on administrative infractions and impose the administrative sanctions.

Footnote. Article 731 as amended by the laws of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 731-1. Authorized authority in the field of archival affairs and management documentation support

1. The authorized authority, the authority in the field of archival affairs and management documentation support, shall consider cases on administrative infractions provided by Article 509 of this Code.

2. The head of the authorized authority in the field of archival affairs and documentation management support and his deputies shall have the right to consider cases on administrative infractions and impose administrative sanctions.

Footnote. Chapter 36 is supplemented by Article 731-1 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 731-2. Authorized authority in the field of language development

1. The authorized authority in the field of language development shall consider cases on administrative infractions provided by Article 75 (parts one, two, five and six) of this Code.

2. The head of the authorized authority in the field of language development and his deputies shall have the right to consider cases on administrative infractions and impose administrative sanctions.

Footnote. Chapter 36 is supplemented by Article 731-2 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 732. Authorized body in the scope of gambling industry

1. The authorized authority in the field of gambling business shall consider cases on administrative infractions provided by Article 464 of this Code.

2. The head of the authorized body in the scope of gambling industry and his (her) deputies shall have the right to consider the cases on administrative infractions and impose the administrative sanctions.

Footnote. Article 732 as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 732-1. Authorized authority in the field of physical culture and sports

1. The authorized authority in the field of physical culture and sports shall consider cases on administrative infractions provided by Article 409 (part twelve) of this Code.

2. The head of the authorized authority in the field of physical culture and sports or the person performing his duties shall have the right to consider cases on administrative infractions and impose administrative sanctions.

Footnote. Chapter 36 is supplemented by Article 732-1 in accordance with the Law of the Republic of Kazakhstan dated 13.12.2019 No. 280-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 733. Authorized body in the field of regulation of trade activity

1. The authorized authority in the field of regulation of trading activity shall consider cases on administrative infractions provided by Articles 185 (when these violations were committed by stock brokers and (or) stock dealers, as well as employees of commodity exchanges), 268, 464 of this Code.

2. The head of the authorized body in the field of regulation of trade activity or the person fulfilling his (her) obligations shall have the right to consider the cases on administrative infractions and impose the administrative sanctions.

Footnote. Article 733 as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 734. Authorized body in the field of production of biofuel

1. The authorized body in the field of production of biofuel shall consider the cases on administrative infractions provided by Article 169 (parts one, three, six and eight) of this Code.

2. The following persons shall have the right to consider the cases on administrative infractions and impose the administrative sanctions:

1) the head of the authorized body in the field of production of biofuel and his (her) deputies;

2) the heads of territorial bodies of the authorized body in the field of production of biofuel and his (her) deputies.

Article 735. Authorized body in the field of turnover of biofuel

1. The authorized authority in the field of biofuel turnover shall consider cases on administrative infractions provided by Article 169 (parts four and five) of this Code.

2. The following persons shall have the right to consider the cases on administrative infractions and impose the administrative sanctions:

1) the head of the authorized body in the field of turnover of biofuel and his (her) deputies ;

2) the heads of territorial bodies of the authorized body in the field of turnover of biofuel and his (her) deputies.

Footnote. Article 14 as amended by the Law of the Republic of Kazakhstan dated 25.12.2017 No. 122-VI (shall be enforced from 01.01.2020).

SECTION 4. ADMINISTRATIVE INFRACTIONS PROCEEDING

Chapter 37. GENERAL PROVISIONS

Article 736. Legislation determining the procedure for the administrative infractions proceeding

1. The procedure for the administrative infractions proceeding shall be determined by this Code.

2. The procedure for imposition of administrative sanctions by a court in the course of considering the criminal or civil case shall be determined by the provisions of this Code and the Criminal Procedure Code of the Republic of Kazakhstan and the Civil Procedure Code of the Republic of Kazakhstan respectively.

Article 737. The tasks of the administrative infractions proceeding

The tasks of the administrative infractions proceeding are:

1) timely, comprehensive, full and objective clarification of the circumstances of each case, its solution in accordance with this Code;

2) ensuring of exercising the rights and obligations of the participants of proceeding;

3) clarification of the reasons and conditions promoting commission of administrative infractions;

4) ensuring performance of the resolution on the case of administrative offense, instructions about need of payment of a penalty.

Footnote. Article 737 with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 737-1. Form of proceedings in cases of administrative infractions

Proceedings in cases on administrative infractions shall be carried out in paper and (or) electronic forms using the Unified Register of Administrative Proceedings.

The procedure for maintaining the Unified Register of Administrative Proceedings shall be determined by the Prosecutor General of the Republic of Kazakhstan.

Footnote. Chapter 36 is supplemented by Article 737-1 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 737-2. Procedural documents drawn up in electronic form

Procedural documents drawn up in electronic form shall be certified by the electronic digital signature of the judge, an official of the authorized authority and shall be submitted to the participants in the proceedings by sending them to the postal or e-mail address indicated by them or in other ways provided by the procedure for maintaining the Unified Register of Administrative Proceedings.

Along with the submission of procedural documents in electronic form, it shall be allowed to submit them to the participants in the proceedings on paper.

Footnote. Chapter 36 is supplemented by Article 737-2 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 738. Language of proceeding

1. The administrative infractions proceeding in the Republic of Kazakhstan shall be conducted in the state language, and when necessary, the Russian or other languages shall be used in proceeding on equal terms with the state language.

2. In case of necessity to change the language of proceeding, the judge, bodies (civil servants) authorized to consider the cases on administrative infractions shall issue the reasoned decree on change of the language of the administrative infraction proceeding.

3. To the persons participating in a case that do not or are not proficient in language in which the proceeding on a case is conducted, the right to make statements, to give explanations and testimony, to present petitions, to make complaints, to familiarize with case materials, to appear in court upon its consideration in native language or another language that they know, to use the services of an interpreter shall be explained and ensured in the manner established by this Code.

4. Translation of case materials that are required to the persons participating in the administrative infractions proceeding by operation of law to the language of the proceeding expressed in another language shall be ensured without payment.

5. Procedural documents subjected to delivery to an offender and injured party shall be translated to their native language or to the language that they can speak.

6. The cost of translation and services of an interpreter shall be paid on account of the state budget.

Article 739. Calculation of terms

1. The terms used upon the administrative infractions proceeding shall be calculated in hours, days, months and years.

2. Upon calculation of terms, the hour or days from which the term starts to run shall not be taken into calculation. This rule shall not relate to calculation of terms upon detention.

3. When calculating the term, it shall include non-working hours, except for cases when the term shall be calculated in days.

When calculating the term of administrative arrest, it includes non-working hours.

4. Upon calculation of terms in days, the term shall be calculated after zero hours of the first days and shall expire in twenty four hours of the last days of the term.

5. Upon calculation of term in months or years, the term shall expire in the relevant number of the last month, and if this month does not have the relevant number, the term shall be terminated on the last date of this month. If termination of the term falls within non-working (day-off, public holiday) day, the last date of the term shall be considered as the first business day next to it, except for the cases of calculating the term upon administrative detention.

Footnote. Article 739 as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 740. Petitions

1. The persons participating in the administrative infraction proceeding shall have the right to file petitions subjected to compulsory consideration by a judge, body (civil servant) the proceeding of which includes this case.

2. A petition is filed in writing or in electronic form, certified by the digital signature, and is subject to immediate consideration. In cases when immediate consideration of the petition is impossible, the decision on him has to be made no later than three days from the moment of the statement.

3. Decision on satisfaction of the petition or its full or partial dismissal shall be issued in the form of ruling that shall be brought to notice of the person filing the petition.

Footnote. Article 740 with the change made by the Law of the Republic of Kazakhstan from 31.10.2015 No. 378-V (shall be enforced from 01.01.2016).

Article 741. The circumstances excluding the administrative infraction proceeding

1. Administrative infractions proceeding may not be initiated, and the initiated shall be subject to termination inexistence at least of one of the following circumstances:

- 1) absence of occurrence of administrative infraction;
- 2) absence of components of administrative infraction;
- 3) repeal of the law or its separate provisions establishing administrative liability;

4) if the law or its separate provisions establishing administrative liability, or another legislative legal act subjected to applying in this case on administrative infraction from which

the determination of the act as administrative infraction depends on, are recognized unconstitutional by the Constitutional Council of the Republic of Kazakhstan;

5) expiration of terms of limitation for bringing to administrative liability;

6) existence of the decree of a judge, body (civil servant) on imposition of the administrative sanction or unrepealed decree on termination of a case on administrative infraction on the same fact in respect of the person that is brought to administrative liability, as well as existence of the decree on recognition of a person as suspected on the same fact;

7) death of an individual, liquidation of a legal entity in respect of which the proceeding on case is conducted;

8) in case of any technical errors in the software confirmed by an authorized authority:

exercising management in the field of maintenance of return of duties and other mandatory payments to the budget, which resulted in failure of a taxpayer to perform tax obligation on presentation of tax forms in electronic format within the term established by the laws of the Republic of Kazakhstan;

in the field of circulation of oil products which resulted in failure to perform obligations on presentation of declarations on circulation of separate types of oil products, as well as accompanying notes in electronic form within the term established by the laws of the Republic of Kazakhstan;

in the field of production and circulation of ethyl alcohol and alcoholic products which resulted in failure to perform of obligation on presentation of declaration on production and circulation of ethyl alcohol and alcoholic products, as well as accompanying notes on ethyl alcohol and alcoholic products in electronic form within the term established by the laws of the Republic of Kazakhstan;

in the field of production and circulation of tobacco products which resulted in failure to perform obligations on presentation of declarations on excess and (or) circulation of tobacco products, details required for monitoring, as well accompanying notes for tobacco products in electronic forms within the term established by the laws of the Republic of Kazakhstan;

in the field of circulation of biofuel which resulted in failure to perform obligations on presentation of declarations on circulation of biofuel, as well as accompanying notes in electronic form within the term established by the laws of the Republic of Kazakhstan;

8-1) in case of any errors in operation of information system on declaration in electronic form confirmed by an authorized authority in the field of customs affairs which resulted in failure to perform within the terms and in accordance with the procedures established by the laws of the Republic of Kazakhstan of obligations on performance of customs formalities related to customs declaring procedure in electronic form;

9) other cases provided for by the tax, customs laws of the Republic of Kazakhstan;

10) existence of the document confirming payment of administrative fine in the manner established by Article 897 of this Code;

11) the person that is brought to administrative liability is recognized as injured party on a criminal case in the manner established by the Law on the crime linked with human beings traffic.

12) in connection with reconciliation of the parties in the order provided by article 64 of the present Code.

2. Proceeding of administrative offense stops on the bases provided by subparagraphs 1) and 2) of part one of the present article as at validity of lack of an event of administrative offense or structure of administrative offense, and at absence of proof of their existence if all opportunities for collecting additional proofs are exhausted and also in cases when infliction of harm is lawful or act is made under circumstances which according to chapter 5 of the present Code exclude administrative responsibility.

Footnote. Article 741 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 742. Circumstances that permitting not to bring to administrative liability

The proceeding on the case of administrative offense may be terminated in the manner provided by this Code, in the case provided by Article 64-1 of this Code, as well as in the case of transfer of material to the prosecutor to the pre-trial agency due to the presence of elements of criminally punishable act, provided by the criminal legislation.

Footnote. Article 742 as amended by the Law of the Republic of Kazakhstan No. 217-VI dated 21.01.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 743. Notifications (notices)

1. Participants of production on cases of administrative offenses are informed on time and the place of consideration of the case or commission of separate procedural actions and subpoenaed, body (to the official) notices (notices).

Time and the place of consideration of the case can be specified in the protocol on administrative offense also.

2. The notification (notice) shall be directed by registered letter with notification on its delivery by a telephoned message or telegram, text message to the subscriber's number of cellular communications or by electronic mail or with use of other means of communications ensuring registration of notice or summon.

3. If there is no one residing at the stated address in fact, the notice or summon may be directed to the legal address or at the place of work. The notification (notice) addressed to a legal entity shall be directed at the registered office.

4. Notification (notice) shall be recognized properly delivered in the following cases:

1) existence of signature of the person brought to administrative liability in the relevant section of administrative infraction report;

2) notice of a person by registered letter, telegram that shall be delivered to him (her) in person or to someone of adult family members residing jointly with him (her) against receipt on delivery confirmation subjected to return. The notice being addressed to a legal entity shall be delivered to the head or employee of the legal entity that shall sign for receipt of the notice on delivery confirmation specifying own last name, initials and position;

3) direction of a text message on the subscriber's number of cellular communications or by electronic mail that the informed person stated during proceeding on the case and confirmed by own signature;

4) direction of notification (notice) by the state revenues bodies by electronic methods to the persons registered as electronic tax payers in the manner established by the tax legislation of the Republic of Kazakhstan.

4-1. The instruction about need of payment of a penalty is recognized properly delivered in cases:

1) the directions the registered mail which is handed to the owner (owner) of the vehicle personally or to someone from the full age family members who are in common living with him on receipt on the assurance of receipt which is subject to return to the sender. The instruction about need of payment of a penalty sent to the legal entity is handed to the head or the employee of legal entity who undersigns for obtaining the instruction on the assurance of receipt with the indication of the of a surname, initials and positions;

2) refusal of the addressee to accept the instruction about need of payment of a penalty. At the same time the person bringing him does the corresponding mark in the assurance of receipt which together with the instruction comes back to the sender;

3) direct delivery of the instruction about need of payment of a penalty to the owner (owner) of the vehicle personally or to someone from the full age family members who are in common living with him on receipt the official;

4) sending of text message to a number of mobile communication specified by an possessor (owner) of a vehicle on the web-portal of "electronic government" and (or) information service of an authorized authority in the field of legal statistics and special accounts to receive notification on order to pay payment issued towards him.

5. The person in respect of whom the administrative infraction proceeding is carried out, shall confirm by signature the familiarization with that the address of the place of residence (location), work place, subscriber's number of cellular communications, electronic address specified by him (her) are trustworthy, and the notification (notice) directed to the stated contacts will be considered proper and sufficient.

5-1. The person against whom proceedings are initiated and also to other participants of proceeding is handed the coupon about consent to obtaining the notice of an appearance in

court through the text message on a subscriber number of cellular communication, expenses on which are paid at the expense of them.

Detachable part of the coupon is handed together with the copy of the protocol on administrative offense.

6. Upon refusal of an addressee to accept a notification (notice), the person carrying or delivering it shall make the relevant mark on the notification (notice) that will return to the court, body (to civil servant).

7. Refusal of an addressee from acceptance of a notification (notice) is not a bar of consideration of the case or commission of separate procedural actions.

Footnote. Article 743 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); from 31.10.2015 No. 378-V (shall be enforced from 01.01.2016); from 03.12.2015 No. 432-V (shall be enforced from 01.01.2016); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 38. PARTICIPANTS OF ADMINISTRATIVE INFRACTIONS PROCEEDING, THEIR RIGHTS AND OBLIGATIONS

Article 744. The person in respect of whom the administrative infraction proceeding is conducted

1. A person in relation to whom proceedings on administrative offense is administered is entitled to familiarize with a protocol and other materials of the case, give explanations, comment the content and composition of the protocol, tender evidence, present petitions including on immediate consideration of proceeding and immediate enforcement of judgement on the administrative case, and resignation, make use of legal assistance of a defender, in consideration of the case speak in native language or a language commanded, and make use of services of a translator/interpreter, when he/she does not speak the language of proceedings free of charge; lodge complaints on application of application of means of protections for proceedings, on breach of the law in execution of a protocol on administrative offense in case of indication of details inconsistent with actual data and circumstances, on order to pay penalty and order on the case; take notes and makes copies from documents available in the case, and make use of other procedural rights provided by this Code.

2. Case on administrative infraction shall be considered with participation of a person in relation to whom is a case on proceeding on administrative infraction shall be administered. Participation of a person, in relation to whom is a proceeding is administered, may be performed using technological means. In the absence of such person may be only considered in cases when an administrative offense is recorded by certified special monitoring and

measuring technical means and devices operating in automatic mode, or where there is information on proper notification on place and time of case consideration and he has not sent a request to adjourn consideration of a case.

3. Upon consideration of the case on administrative infraction committed by the person under eighteen years, or the commission of which entails administrative sanction in the form of administrative arrest, as well as administrative expulsion beyond the borders of the Republic of Kazakhstan of foreign person or stateless person or deprivation of the special right (with the exception of the right to operate transport vehicles) provided to the person, the presence of the person that is brought to administrative liability shall be mandatory.

4. In case of avoidance of the persons mentioned in a part three of this Article from appearance on calling of a judge, body (civil servant) considering the case on administrative infraction, the proceeding of which includes this case on administrative infraction, this person may be subjected to bringing.

Ruling of court on bringing shall be executed by an officer of justice or internal affairs body; ruling of body (civil servant) considering the case on administrative infraction – by the internal affairs body (police).

5. The minor person in respect of whom the administrative infraction proceeding is conducted may be removed for a time of consideration of the circumstances of the case the discussion of which may have a negative impact on him (her).

Footnote. Article 744 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 745. Injured party

1. The injured party is an individual or legal entity to which the administrative infraction caused physical, property or moral damage.

2. Complainant shall have a right to familiarize with all materials of a case, give explanations, tender evidence, present petitions, including on immediate proceeding and immediate enforcement of judgement on case of administrative offense, and resignation, have a representative, appeal against a protocol on administrative offense and judgement on case of administrative offense, and make use of other procedural rights provided by this Code.

3. Case on administrative offense shall be considered with participation of a complainant. Participation of a complainant in the court may be performed using technological means. In his/her absence, the case may be only considered in cases where there are details on proper notification on place and time for proceeding and when he/she has not sent petition on adjournment of case.

4. The injured party may be interrogated as a witness in the manner provided by Article 754 of this Code. If the injured party is the legal entity, its representative may be interrogated as a witness.

Footnote. Article 745 as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 746. Legal representatives of an individual

1. Protection of rights and legal interests of an individual in respect of whom the administrative infraction proceeding is carried out, or of injured party that are minors or deprived of a possibility to exercise own rights on an individual basis due to physical or mental state, shall be carried out by their legal representatives.

2. Legal representatives of an individual shall be recognized as parents, adopters, trustees, guardians and other persons in care or maintenance of whom he (she) is.

3. The kinship or the relevant powers of the persons that are legal representatives of an individual shall be certified by the documents provided by the legislation of the Republic of Kazakhstan.

4. Legal representative of an individual in respect of whom the administrative infraction proceeding is conducted shall be admitted to participate in the case from the date of administrative detention of the person bringing to administrative liability, or drawing up of protocol on administrative infraction.

5. Legal representatives of an individual in respect of whom the administrative infraction proceeding is conducted, and of injured party, shall have the right and bear the obligations provided by this Code in respect of the persons represented by them.

6. Upon consideration of the case on administrative infraction committed by the person under eighteen years, the participation of his (her) legal representatives is mandatory. In case of avoidance from appearance, the legal representative of a minor may be subjected to bringing carried out by the internal affairs body (police).

Article 747. Representatives of the individual entrepreneur, legal entity

Footnote. Article 747 heading in edition of the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

1. Protection of rights and legal interests of a legal entity in respect of which the administrative infraction proceeding is conducted or that is injured party shall be carried out by its representatives.

2. Legal representative of a legal entity is the head of the executive body of legal entity that acts in behalf of the legal entity. The powers of a legal representative of legal entity shall be confirmed by the documents certifying his (her) official position.

The other persons representing the interests of a legal entity are the representatives under a commission, the powers of which are determined by a power of attorney issued in behalf of the legal entity by the executive body of legal entity and signed by the head of the executive body.

3. The representatives of a legal entity in respect of which the administrative infraction proceeding is conducted, and of injured party shall have the rights and bear obligations provided by this Code in respect of the persons represented by them.

4. The case on administrative infraction shall be considered with participation of a representative of legal entity in respect of which the administrative infraction proceeding is conducted. In the absence of the mentioned person, the case may be considered only in the cases when there is data on his (her) appropriate notice about place and time for consideration of the case, if there is no petition from him (her) on postponement of consideration of the case

5. Upon consideration of the case on administrative infraction the commission of which entails administrative sanction in the form of confiscation of the subject that is the tool or subject for commission of administrative infraction, or confiscation of incomes (dividends), money and securities received due to commission of the administrative infraction, the presence of a representative of legal entity brought to administrative liability is compulsory.

6. In case of evasion of the representative of legal entity from an appearance on a call of the judge, body (official) in which production there is a business the specified person can be subjected to the drive by law-enforcement bodies (police), anti-corruption service and service of economic investigations on the basis of definition of the judge, body (official) in which production there is a business.

7. Representatives of the individual entrepreneur have the same procedural laws and duties, as representatives of legal entity in the limits provided by the present Code.

Footnote. Article 747 with the changes made by laws of the Republic of Kazakhstan from 4/6/2016 No. 484-V (shall be enforced after ten calendar days after day of its first official publication); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 748. Defence attorney

1. Defence attorney is a person carrying out protection of rights and interests of a person brought to administrative liability in the manner established by the Law, and rendering legal assistance to him (her).

2. Advocates take participation as defence attorneys. Together with advocates, the defence attorneys may be husband (spouse), close relatives or legal representatives of the person brought to administrative liability. Foreign advocates may be admitted to participate in case as defence attorneys, if it is provided by the international treaty of the Republic of Kazakhstan with the relevant state on a reciprocal basis, in the manner determined by the legislation.

3. The defender is allowed to participation in business from the moment of administrative detention of the person brought to administrative responsibility, initiations of proceedings about administrative offense and also at any stage of proceeding of administrative offense.

4. One and the same person may not be defence attorney of two participants of the administrative infractions proceeding, if the interests of one of them conflict with the interests of the other.

5. Defence attorney shall not have the right to refuse from participation as defence attorney on the case on administrative infraction, with the exception of cases provided by the legislation of the Republic of Kazakhstan.

Footnote. Article 748 with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 749. Compulsory participation of defence attorney

1. Participation of defence attorney in the administrative infraction proceeding shall be compulsory in the cases if:

- 1) the person brought to administrative liability filed a petition about this;
- 2) the person brought to administrative liability may not exercise own right to protection due to physical or mental deficiency on an individual basis;
- 3) the person brought to administrative liability may not speak the language in which the proceeding is conducted;
- 4) the person brought to administrative liability is a minor person.

2. If in existence of the circumstances provided by a part one of this Article, the defence attorney is not engaged by the person himself (herself) brought to administrative liability, his (her) legal representatives, as well as other persons under his (her) commission, the judge, body (civil servant) authorized to consider the cases on administrative infractions shall be obliged to ensure participation of defence attorney at the relevant stage of proceeding, on which they shall issue a decree. The decree shall be directed to the bar association of oblast, city of republican significance, the capital or its structural subdivisions for execution, and shall be subject to execution within the term no more than twenty four hours from the date of its receipt.

Article 750. Engagement, assignment, substitution of defence attorney, payment for his (her) labour

1. Defence attorney shall be engaged by the person in respect of whom the administrative infraction proceeding is conducted, by his (her) representatives, as well as other persons under a commission or with consent of the person in respect of whom the administrative infraction proceeding is conducted. The person in respect of whom the administrative infraction proceeding is conducted, shall have the right to engage several defence attorneys for defence.

2. Upon request of the person in respect of whom the administrative infraction proceeding is conducted, the participation of a defence attorney shall be ensured by a judge, body (civil servant) authorized to consider the cases on administrative infractions.

3. In the cases when participation of elected or assigned defence attorney is impossible within twenty four hours, the judge, body (civil servant) authorized to consider the cases on administrative infractions shall have the right to offer engagement of other defence attorney to the person in respect of whom the administrative infraction proceeding is conducted or to take measures for assignment of defence attorney through the bar association or its structural subdivisions. The judge, body (civil servant) authorized to consider the cases on administrative infractions shall not have the right to recommend engagement of a special person as defence attorney to the person in respect of whom the administrative infraction proceeding is conducted.

4. In case of administrative detention, if the appearance of a defence attorney being elected by the person in respect of whom the administrative infraction proceeding is conducted is impossible within three hours, the judge, body (civil servant) authorized to consider the cases on administrative infractions shall offer to engage the other defence attorney to the person in respect of whom the administrative infraction proceeding is conducted, and in case of refusal, shall take measures for assignment of defence attorney through the bar association or its structural subdivisions.

5. Payment for labour of a defence attorney shall be made in accordance with the legislation of the Republic of Kazakhstan. The judge, body (civil servant) authorized to consider the cases on administrative infractions shall be obliged to release the person in respect of whom the administrative infraction proceeding is conducted from paying legal assistance in existence of the grounds for that. In this case the payment for labour shall be made on account of budget funds.

6. Costs of payment for labour of defence attorneys shall be made on account of budget funds and in case provided by a part two of Article 749 of this Code, when the defence attorney took participation in a proceeding on case upon assignment.

7. The advocate shall be admitted to participate in case on administrative offence as defence attorney upon presenting the certificate of advocate and written notice of protection (

representation) provided by the Law of the Republic of Kazakhstan "On Advocacy and Legal Assistance". Reclamation of other documents confirming the authority of advocate to conduct a particular case shall be prohibited. The other persons mentioned in part two of Article 748 of this Code shall present the documents certifying their right to participate in the case as defence attorney (certificate of marriage, as well as documents mentioned in part three of Article 746 and part three of Article 747 of this Code).

Footnote. Article 750 as amended by the Law of the Republic of Kazakhstan No. 177-VI dated 05.07.2018 (shall be enforced from 01.01.2019).

Article 751. Refusal from defence attorney

1. The person in respect of whom the administrative infraction proceeding is conducted shall have the right to refuse from defence attorney at any time of the proceeding that means his (her) intention to exercise own protection on an individual basis. Refusal from defence attorney shall not be admitted on the grounds of absence of the funds for payment of legal assistance. Refusal shall be executed in written form.

2. Refusal from defence attorney shall not deprive the right of the person in respect of whom the administrative infraction proceeding is conducted to file petition in the following on admission of a defence attorney to participate in a case. Intervention of a defence attorney shall not entail review of the actions committed by this time in the course of consideration of the case on administrative infraction.

Article 752. Powers of defence attorney

1. Defence attorney shall have the right to: familiarize with all case materials; participate in consideration of a case; represent evidences; file petitions and objections; put questions to the persons interrogated in the process of consideration of a case upon authorization of a judge, body (civil servant) authorized to consider the case; appeal the application of measures to ensure proceeding on a case; use the other rights provided to him (her) by the Law.

2. Defence attorney shall not have the right to: commit any actions against the interests of a defendant and impede exercise of the rights belonging to him (her); recognize his (her) belonging administrative infraction and guilt in its commission in spite of position of a defendant, to apply on reconciliation of a defendant with injured party; withdraw complaints and petitions filed by a defendant; disclose the details that became known to him (her) due to applying for legal assistance and its implementation.

Article 753. Representative of injured party

1. The representatives of an injured party may be the persons legally qualified by operation of law to represent the interests of the injured party upon the administrative infraction proceeding.

1-1. For protection of the rights and legitimate interests of the victims who are minors or on the physical or mental state deprived of an opportunity independently to protect the rights and legitimate interests, their lawful representatives and representatives are involved in obligatory participation in process.

2. The representatives of an injured party shall have the same procedural rights as individuals and legal entities represented by them within the ambit provided by this Code.

3. The representatives shall not have the right to commit any actions contrary to the interests of the represented person.

4. Personal participation of an injured party in a case shall not deprive his (her) right to have a representative on this case.

Footnote. Article 753 with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 754. Witness

1. Any person who may know the circumstances having significance for a case may be called as a witness on a case on administrative infraction, unless otherwise provided by the Law.

2. The witness shall have the right to: refuse from testimony against himself (herself), husband (wife) or close relatives, make statements and remarks regarding the correctness of entering own evidences in the relevant protocol; act in native language upon consideration of a case; enjoy free assistance of an interpreter.

3. The witness shall be obliged to appear on call of a judge, body (civil servant) the proceeding of which includes the case on administrative infraction, to report faithfully about all that is known to him (her) on a case and answer to raised questions, to certify the correctness of entered evidences by his (her) signature in the relevant protocol.

4. The witness shall be informed on administrative liability for avoidance or refusal from testimony, giving of knowingly false testimony to the body (civil servant) authorized to consider the cases on administrative infractions, and on criminal liability for commission of these actions in court.

5. In case of avoidance of a witness from appearance on call of a judge, body (civil servant) the proceeding of which includes the case on administrative infraction, he (she) may be subjected to bringing by the internal affairs body (police) on the basis of the ruling of court , body (civil servant).

6. Upon interrogation of a minor witness under fourteen years, the presence of a pedagogue or psychologist is compulsory. In case of necessity, the interrogation shall be conducted in the presence of a legal representative of such witness.

Article 755. Attesting witness

1. In cases provided by this Code, the adult person that is impartial in outcome of a case, being able to perceive fully and correctly the actions happening in his (her) presence shall be brought as attesting witness.

2. Participation of an attesting witness in the administrative infraction proceeding shall be expressed in protocols of personal inspection, search of a transport vehicle, things, withdrawal of documents and things being in possession of an individual, inspection of territories, premises and property belonged to a legal entity, withdrawal of documents and property belonging to the legal entity.

3. The attesting witness shall be obliged to appear on call of a civil servant, the proceeding of which includes the case on administrative infraction, to take participation in a proceeding on this case and certify the fact of carrying out the actions performed with his (her) presence, their content and results by his (her) signature in the relevant protocol.

4. The attesting witness shall have the right to make statements and remarks regarding the performed action subjected to entering in protocol.

5. In case of necessity, the attesting witness may be interrogated as a witness in the manner provided by Article 754 of this Code.

Article 756. Specialist

1. Any adult person that is impartial in outcome of a case having special knowledge and skills required for rendering assistance in collection, research and assessment of evidences, as well as in applying special means may be assigned as a specialist for participation in the administrative infraction proceeding.

2. The specialist shall have the right to: know the aim of his (her) call; refuse from participation in a proceeding on case, if he (she) does not possess the relevant special knowledge and skills; familiarize with case materials related to the procedural actions committed with his (her) participation; put questions to the participants of procedural actions upon authorization of a judge, body (civil servant) the proceeding of which includes the case on administrative infraction; conduct research within the procedural actions, with the exception of comparative research, case materials with the reflection of its course and results in the protocol or official document that is a part of the protocol of procedural actions; familiarize with the protocol of procedural actions in which he (she) took participation, and

make statements and remarks subjected to entering in the protocol with regard to fullness and correctness of recording the course and results of the actions performed with his (her) participation.

3. The specialist shall be obliged to: appear on call of a judge, body (civil servant) carrying out the administrative infraction proceeding; participate in a procedural action using special knowledge, skills and scientific technical means; give explanations regarding the actions committed by him (her); certify the fact of commission of mentioned actions, their content and results by his (her) signature.

Article 757. Expert

1. The person that is impartial in outcome of a case, having special scientific knowledge may be called as an expert. Performance of forensic examination may be instructed to:

- 1) employees of the bodies of forensic examination;
- 2) to the natural persons who are engaged in judicial and expert activity on the basis of the license;
- 3) the other persons in accordance with requirements of the Law in exceptional manner.

2. The expert shall have the right to: familiarize with case materials related to the subject of examination; file petitions on representing additional materials required for giving an opinion, to participate in a proceeding of procedural actions upon authorization of the body (civil servant), the proceeding of which includes the case on administrative infraction, and put questions to the persons participating in them related to the subject of examination; familiarize with a protocol of procedural actions in which he (she) took participation, and make remarks subjected to entering in the protocols with regard fullness and correctness of recording his (her) actions and evidences; in coordination with a judge, body (civil servant) that assigned the forensic examination, to give an opinion within the competence on the circumstances having a meaning for the case detected in the course of judicial expert research, that are beyond the scope of the issues contained in a ruling on assignment of the forensic examination; represent the opinion and give evidences in native language or the language that he (she) can speak; enjoy free assistance of an interpreter; appeal decisions and actions of a court and other persons participating in the proceeding on case derogating from his (her) rights upon performance of the examination; receive compensation of the costs incurred upon performance of the examination, and remuneration for the performed work, if performance of forensic examination is not included into his (her) scope of official duties.

3. The expert shall not have the right to: hold negotiations with participations of the administrative infraction proceeding on the issues linked with performance of the examination , without knowledge of the body carrying out proceeding on a case; collect materials for

investigation on an individual basis; conduct investigations that may entail full or partial destruction of the objects or change of their appearance or main properties, if there is no special permit of the body that assigned the examination.

4. The expert shall be obliged to: appear on call of a judge, body (civil servant) the proceeding of which includes the case on administrative infraction; conduct thorough, full and objective investigation of the objects represented to him (her), give reasonable written conclusion on the issues set before him (her); refuse from giving an opinion and draw up substantiated written report on impossibility to give the opinion and direct it to the body (civil servant) that assigned the forensic examination, in the cases provided by a part thirteen of Article 772 of this Code; give evidences on the issues linked with conducted investigation and given opinion; ensure preservation of the investigated objects; not to disclose the details on circumstances of the case and other details that became known to him (her) due to performance of the examination.

5. The expert bears the responsibility provided by the present Code for making obviously false conclusion.

6. The expert who is the employee of body of judicial examination is considered by the nature of the activity acquainted with his rights and duties and warned about the responsibility for making obviously false conclusion in court provided by the present Code.

Footnote. Article 757 with the changes made by the Law of the Republic of Kazakhstan from 10.02.2017 No. 45-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 758. Interpreter

1. Any adult person that is impartial in outcome of a case that can speak languages (that understands the signs of dumb or deaf people), the knowledge of which are required for interpretation upon the administrative infraction proceeding.

2. The interpreter shall be assigned by a judge, body (civil servant) the proceeding of which includes the case on administrative infraction.

3. The interpreter shall have the right to: refuse from participation in a proceeding on case, if he (she) does not possess knowledge required for interpretation; put questions to the persons attending upon the process of interpretation for clarification of the interpretation; familiarize with a protocol of procedural actions in the proceeding of which he (she) took participation, and make remarks subjected to entering in the protocol in regard with fullness and correctness of recording of interpretation.

4. The interpreter shall be obliged to: appear on call of a judge, body (civil servant) the proceeding of which includes the case on administrative infraction, and to carry out the interpretation instructed to him (her) fully and precisely; certify correctness of interpretation by own signature in the relevant protocol.

5. The interpreter shall be warned on administrative liability for carrying out of knowingly false interpretation upon consideration of a case on administrative infraction by the body (civil servant) authorized to consider the cases on administrative infractions, and on criminal liability for commission of this act in court.

6. The rules of this Article shall apply to the person involved in participation in a case on administrative infraction that understands the signs of dumb or deaf people.

Article 759. Prosecutor

1. The highest supervision of respecting the rule of law in the course of production on cases of administrative offenses on behalf of the state is exercised by the Attorney-General of the Republic of Kazakhstan as directly, and through the prosecutors subordinated to him.

Upon exercising own procedural powers, the prosecutor shall be independent and shall abide by the Law.

2. For the purpose of realizing own powers provided by Article 760 of this Code, the prosecutor shall: participate in the administrative infractions proceeding; represent evidences and participate in their investigation; set forward own opinion to the court, body (civil servant) considering the case on guilt of the person in respect of whom the administrative infraction proceeding is conducted, as well as on the other issues raising in the process of considering the case; express suggestions to the court, body (civil servant) considering the case on applying the provisions of the Law and imposition of the administrative sanction or release from it.

3. The prosecutor is without fail informed on the place and time of consideration of the case about the administrative offense committed by the minor and also the offense attracting administrative detention, administrative exclusion of the foreigner or person without citizenship out of borders of the Republic of Kazakhstan. In his absence such case can be considered only in cases when there are data on the timely notice of the prosecutor on the place and time of consideration of the case and if from him the petition for adjournment of consideration of the case hasn't arrived.

Footnote. Article 759 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); from 11.07.2017 No. 91-VI (shall be enforced after ten calendar days after day of its first official publication); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 759-1. Court clerk

1. The court clerk is the public servant who isn't interested on the case of administrative offense who keeps the protocol of court session of court and also provides audio-, video fixing of court session.

2. The court clerk is obliged:

1) to be in the hall of court session all the time, so far he needs to provide recording and not to leave a court session without the permission of the chairman;

2) it is full and correct to state in the protocol of action and judgment, the petition, objection, the indication, an explanation of all persons participating in a court session and also other circumstances which are subject to reflection in the minutes of court;

3) to make the protocol of court session;

4) not to disclose data on the circumstances which have become known in connection with his participation in the closed court session;

5) to submit to lawful orders of the chairman.

3. The court clerk bears personal responsibility for completeness and correctness of the minutes of court.

4. In case of entering of the doubtful or untrue data into the protocol of court session the secretary bears the responsibility provided by the law.

Footnote. Chapter 38 is supplemented with article 759-1 according to the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 760. Powers of a prosecutor on ensuring legality of the administrative infractions proceeding

1. By results of checks of production on cases of administrative offenses, assessment of legality of the resolution and other acts the prosecutor has the right:

1) to bring in court, body (official) a protest on the resolution on the case of administrative offense or the instruction about need of payment of a penalty;

2) give written instructions to the authorized civil servants and bodies (except for the court) on performance of additional inspection;

3) require conduct of inspection from the authorized bodies in the organizations controlled by them or subordinated to them;

4) terminate the administrative infraction proceeding in the cases established by the Law;

5) to stop performance of the resolution on an administrative penalty or instructions about need of payment of a penalty;

6) issue a decree on release of the person illegally subjected to administrative detention;

7) issue a decree or requirement on release from any measures of prohibitive or restrictive nature imposed by the civil servants of the state bodies due to fulfillment of own obligations in the cases of violation of rights and legal interests of individuals, legal entities and the state;

8) issue a decree on initiation of the administrative infraction proceeding.

2. The acts of a prosecutor stated in subparagraphs 6) and 7) of part one of this Article shall be subject to immediate execution. The civil servants that are guilty in delay of executing the mentioned acts of a prosecutor shall bear liability established by the Law.

Footnote. Article 760 with the changes made by laws of the Republic of Kazakhstan from 11.07.2017 No. 91-VI (shall be enforced after ten calendar days after day of its first official publication); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 761. Liability for non-fulfillment of procedural obligations

1. Non-fulfillment of the procedural obligations provided by Articles 754, 756, 757, 758 of this Code by a witness, specialist, expert and interpreter shall entail administrative liability established in Articles 658, 659, 661 of this Code.

2. In case of commission of the actions specified in part one of the present article when considering the case about administrative offense, complaints, the appeal petition, the prosecutor's protest on the resolution on matter in protocols of consideration of the complaint, the appeal petition, the prosecutor's protest on the resolution on business the corresponding record is made.

Footnote. Article 761 with the change made by the Law of the Republic of Kazakhstan from 11.07.2017 No. 91-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 762. Circumstances excluding the possibility of participation in the administrative infraction proceeding

1. The persons that are employees of the state bodies carrying out supervision and control of compliance with the rules, the violation of which is the ground for initiation of this case, or if they previously acted as other participants of the proceeding on this case shall not be admitted to participate in the administrative infraction proceeding as defence attorney and representative.

2. The court clerk, the bailiff, the expert and the translator aren't allowed to participation in proceeding of administrative offense if: they consist in the related relations with the person brought to administrative responsibility, the victim, their representatives, the defender, the representative, the prosecutor, the judge, the official in whose production there is this case or they acted as other participants of production on this case earlier; their incompetence was found, and equally there are other bases to consider these persons directly or indirectly interested in this case.

3. Preceding participation of a person in the case as an expert is the circumstance that excludes his (her) instructing to perform the examination in cases when then it is assigned repeatedly second time after the examination performed with his (her) participation.

Footnote. Article 762 with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 763. Challenges of persons the participation of which in the proceeding on case is not admitted

1. In existence of the circumstances provided by Article 762 of this Code excluding a possibility for participation of defence attorney, representative, prosecutor, expert and interpreter in the administrative infraction proceeding, the mentioned persons shall be subject to challenge.

2. The application on recusation or challenge shall be filed to a judge, body (civil servant) the proceeding of which includes the case on administrative infraction.

3. the application on recusation or challenge shall be considered within three days from the date of filing the application.

4. After consideration of the application on recusation or challenge, the judge, body (civil servant) shall issue a ruling on satisfying the application or on refusal from its satisfaction.

Article 764. Compensation of expenses to injured party, witness, expert, specialist, interpreter or attesting witness

1. Injured party, witness, expert, specialist, interpreter and attesting witness shall be compensated for expenses incurred by them due to appearance in court, body (civil servant) the proceeding of which includes the case on administrative infraction in the manner established by the civil procedure legislation, including the cost of travelling of the mentioned persons from the place of residence or staying to the place of proceeding and return, and in cases when it is linked with staying at the other place – the cost of lease of a residential premise, as well as daily allowance.

2. The average earnings on the work place of the person called as injured party, witness, expert, specialist, interpreter and attesting witness shall be preserved in established manner for a time of their absence due to appearance in court, body (civil servant) the proceeding and consideration of which includes the case on administrative infraction.

3. Labour of an expert, specialist and interpreter shall be paid in the manner established by the legislation.

Chapter 39. EVIDENCES AND PROOF

Article 765. Evidences

1. Evidences on the case on administrative infraction are legally received actual data on the basis of which, the judge or body (civil servant) the proceeding of which includes the case on administrative infraction establishes existence or absence of the act containing all the signs of administrative infraction components, commission or non-commission of this act by the person in respect of whom the administrative infraction proceeding is conducted, guilt or guiltlessness of this person, as well as the other circumstances having significance for a proper solution of the case in the manner established by this Code.

2. Actual data mentioned in a part one of this Article, shall be established by: explanations of a person brought to administrative liability; testimony of an injured party, witnesses; opinions and testimony of an expert specialist; material evidences; other documents; protocols on administrative infraction and protocols of procedural actions provided by this Code.

Upon consideration of materials on administrative infractions, the data received with use of scientific technical means may be used as evidences.

3. Actual data shall be recognized inadmissible as the evidences, if they are received with violations of the requirements of this Code that affected or may affect a credibility of the received actual data by means of deprivation or restriction of the rights of the participants of proceeding guaranteed by the Law or violation of the other rules of process, as well as:

- 1) with use of force, threat, fraud, and equally the other illegal actions;
- 2) with use of wrong beliefs of a person participating in a process with regard of his (her) rights and obligations occurred due to non-clarification, incomplete or improper clarification of them;
- 3) due to conduct of a procedural action by a person that does not have the right to carry out the proceeding on this case;
- 4) due to participation of a person subjected to challenge in a procedural action;
- 5) with violation of the procedure for proceeding of a procedural action;
- 6) from unknown source;
- 7) with use of methods in the course of proving contradicting to modern scientific knowledge.

4. Inadmissibility of using actual data as evidences shall be established by a judge or body (civil servant) carrying out the administrative infraction proceeding at own initiative or upon petition of participants of the process.

5. The evidences received with breach of the Law shall be recognized invalid and may not be taken as basis of case decision, as well as may not be used upon proving any circumstance on the case, with the exception of the fact of the relevant violations and guilt of the persons that committed them.

Article 766. Circumstances subjected to proving on the case on administrative infraction

It shall be subject to proving on the case on administrative infraction as follows:

- 1) the fact and signs of administrative infraction components provided by this Code;
- 2) the person that committed wrongful act (action or omission) for which the administrative liability is provided by this Code;
- 3) guilt of an individual in commission of administrative infraction;
- 4) circumstances mitigating or aggravating administrative liability;
- 5) character and size of damage inflicted by administrative infraction;
- 6) circumstances entailing release from administrative liability;
- 7) reasons and conditions promoting commission of administrative infraction, as well as the other circumstances having significance for a proper solution of the case.

Article 767. Explanations of a person in respect of which the administrative infraction proceeding is conducted, the testimony of an injured party and witness

1. Explanations of the person concerning whom proceeding is conducted testimonies of the victim and the witness represent the data concerning business reported by specified persons in an oral or written form.

In need of the course of proceeding of administrative offense scientific and technical means in the video conferencing mode can be used.

The order of such application of means of a video conferencing is defined by the body which is carrying out organizational and material support of activity of the courts with requirements of the present Code.

2. The explanations of a person in respect of whom the proceeding on case is conducted shall be reflected in a protocol on administrative infraction or on applying the measures on ensuring the proceeding on case, and when necessary – shall be drawn up as polling protocol and attached to the case.

3. The explanations of a person in respect of whom the administrative infraction proceeding is conducted, the testimony of witnesses shall be incorporated in protocol on administrative infraction only after its full filling and clarification of rights and obligations provided by this Code to the mentioned persons.

4. In case of failure to comply with the requirements provided by a part three of this Article, the explanations of a person in respect of whom the administrative infraction proceeding, the testimony of a witness shall not be considered as having the force of evidences and may not be recognized as evidences.

Footnote. Article 767 with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 768. Representation of evidences

1. The evidences may be represented by parties and other participants of administrative proceeding.

2. If the represented evidences are insufficient, the court or body considering a case may suggest to represent additional evidences to participants of a process or to collect them at own initiative.

Article 769. Grounds for release from evidence

1. The circumstances recognized as commonly known by a court, body (civil servant) authorized to consider administrative infraction, shall not be subject to proving.

2. The circumstances established by the court decision on a civil case or the court decree on another case on administrative infraction entered into force shall not be subject to proving upon consideration of the other cases on administrative infractions in which the same persons take participation.

3. The following circumstances shall be considered as established without evidences, unless the contrary is established within the due process of law:

1) correctness of the methods for investigation being generally accepted in modern science, technology, arts, craft;

2) knowledge of the law by a person;

3) knowledge of own official and professional obligations by a person;

4) absence of special training or education of a person that did not represent a document for their certification and that did not state the educational organization or another institution where he (she) obtained special training or education.

Article 770. Securing of evidence

1. The parties that have a reason to be worried that the representation of necessary evidences for them will be impossible or difficult, may ask a judge, body (civil servant) considering a case on administrative infraction on securing of these evidences.

2. Securing of evidences shall be carried out by demanding representation of documents, details and conclusions, performance of examinations, survey on the spot and by other methods from organizations independently from their participation in the case.

Article 771. Application on securing of evidences

1. The application on securing of evidences shall include: the evidences that are required to be secured; the evidences the confirmation of which requires these evidences; the reasons inducing an applicant to make a request on securing, as well as the case for which these evidences are required.

2. The statement is filed a lawsuit, body (official), considering case of administrative offense, in writing or in electronic form, certified by the digital signature.

Footnote. Article 771 with the change made by the Law of the Republic of Kazakhstan from 31.10.2015 No. 378-V (shall be enforced from 01.01.2016).

Article 772. Assignment and performance of examination

1. The examination shall be assigned by a judge, body (civil servant) the proceeding of which includes a case on administrative infraction, when the circumstances having significance for the case may be received in a result of investigation of the case materials conducted by an expert on the basis of special scientific knowledge.

2. Existence of certificates of audit, inspection, conclusions of departmental inspections, as well as official documents drawn up according to results of investigations conducted by specialists in the course of procedural actions shall not exclude a possibility to conduct an examination on the same issues.

3. The judge, body (civil servant) the proceeding of which includes a case on administrative infraction may assign an examination upon petition of parties or at own initiative.

4. Performance of an examination may be instructed to employees of the examination bodies or to other persons satisfying requirements of Articles 757 of this Code. Performance of an examination may be instructed to a person from among those proposed by the parties. The requirements of a judge, civil servant on call of the person that is instructed by performance of the examination shall be compulsory for the head of the organization where the mentioned person works.

5. On assignment of an examination, the judge, body (civil servant) the proceeding of which includes a case on administrative infraction shall issue a ruling in which he (she) states:

- 1) last name, initials of a judge, civil servant, name of a court, body;
- 2) time, place of assignment of an examination;
- 3) grounds for assignment of an examination;
- 4) last name, first name, patronymic (when available) of an expert or name of an examination body in which it shall be performed;
- 5) issues set before an expert;
- 6) list of materials represented in disposal of an expert.

The ruling shall also contain records on explanation of the rights and obligations to an expert and on the warning on liability for giving knowingly false opinion.

6. The single-discipline expert panel may be assigned for performance of complex expert investigations that shall be performed by no less than two experts of one specialty.

7. The comprehensive examination shall be assigned if for establishment of the circumstance having significance for a case it is required investigation on the basis of

different branches of knowledge that shall be performed by experts of different specialties within own competence.

8. Before direction of a ruling on assignment of an examination for execution, the judge, body (civil servant) that assigned the forensic examination shall be obliged to familiarize the person in respect of whom the administrative infraction proceeding is conducted, the injured party with it, to explain the rights to them:

1) challenge an expert or file petition on dismissal from performance of an examination of the body of forensic examination;

2) file petitions on assignment of the persons or employees of particular bodies of forensic examination specified by them as experts, as well as on performance of an examination by the committee of experts;

3) file petition on raising additional questions before an expert or on clarification of the raised questions;

4) attend during performance of an examination, to give explanations to an expert upon authorization of a judge or body (civil servant) that assigned the forensic examination, with the exception of cases precluding performance of the examination;

5) familiarize with expert's opinion or report on impossibility to give an opinion after its delivery to a judge or body (civil servant) that assigned the forensic examination, to represent own remarks, to file petitions on assignment of additional or repeated examination, assignment of new examinations.

The examination of injured parties shall be performed only with their written agreement. If these persons did not attain majority age or recognized incapable by court, he written agreement for performance of the examination shall be given by their legal representatives.

9. Based on the results of performance of an examination, the expert (experts) shall give an opinion in his (her) own name, drawn up in accordance with the requirements of Article 773 of this Code and shall direct it to a judge, body (civil servant) that assigned the examination.

10. Upon insufficient clarity and completeness, as well as in case of necessity of solution of additional issues linked with the previous investigation, the additional examination the performance of which is instructed to the same or another expert (experts) shall be assigned.

11. If the opinion of the expert is substantiated insufficiently or his (her) conclusions raise doubts or the procedural rules on assignment and performance of an examination were essentially violated, the repeated examination, the performance of which is instructed to the committee of experts which does not include the expert (experts) that performed the previous examination, may be assigned for investigation the same objects and solution of the same issues.

12. Ruling of a judge, body (civil servant) on assignment of additional and repeated examinations shall be substantiated. Upon instructing of additional and repeated examinations

to an expert (experts), the opinions drawn up based on the results of the previous examinations shall be represented.

13. If before conduct of investigation, the expert is assured that the issues set before him (her) are beyond his (her) special knowledge or the materials provided to him (her) are unsuitable or insufficient for giving an opinion and may not be performed, or the state of science and expert practice does not allow to answer to the raised issues, he (she) shall draw up a substantiated report on impossibility to give the opinion and direct it to a judge, body (civil servant).

Article 773. Opinion and testimony of an expert and specialist

1. Expert's opinion – the conclusions represented in written form on the issues set before him (her) by a judge, body (civil servant) the proceeding of which includes a case on administrative infraction, based on the results of investigation of case materials, including material evidences and samples, performed with the use of special scientific knowledge. The opinion shall also include the methods applied by an expert during investigation, the substantiation of answers to the raised issues and circumstances having significance for a case established at the initiative of the expert himself (herself).

2. Conclusion shall be made by an expert (experts) after surveys in consideration of its outcomes on its behalf shall be certified by its certified by their signature and private seal. In case of expertise evaluation by expert authority, signature of an expert (experts) shall be affixed by the seal of respective authority. Conclusion of an expert (experts), presented in electronic form shall be certified by their electronic digital signature, as well as by expertizing authority in expertise by the above authority.

3. The opinion of an expert shall include: date of its drawing up, terms and place of the examination; grounds for performance of forensic examination; details on a judge, body (civil servant) the proceeding of which includes a case on administrative infraction; details on a body of forensic examination and (or) expert (experts) being instructed to perform the examination (last name, first name, patronymic (when available), education, specialty, work experience with a relevant degree, academic degree and academic rank, current position); mark certified by the signature of an expert that he (she) is informed on criminal liability for giving knowingly false opinions in court; issues set before an expert (experts); details on participants of a process attending during performance of an examination and the explanations given by them; objects; content and results of investigations with specification of used methods; assessment of results of performed investigations, substantiation and formulation of the conclusions on the issues set before an expert (experts).

4. The opinion shall contain substantiation of impossibility to answer to all or several of the raised issues, if the circumstances mentioned in a part thirteen of Article 772 of this Code are detected in the course of investigation.

5. Expert testimony – the details reported by him (her) in the course of consideration of a case on administrative infraction for the purpose of clarification or specification of the opinion represented to them in accordance with requirements of Article 757 of this Code.

6. Specialist's opinion – judgement represented in written form on the issues raised before a specialist by the authorized body carrying out administrative infraction proceeding, or by parties upon answers to which, the conduct of the relevant investigation is not required.

7. The opinion of a specialist consists of introductory, descriptive parts and opinions. The introductory part shall contain: date, place, time for giving an opinion; civil servant that instructed performance of the special investigation; details on a specialist (last name, first name, patronymic (when available), education, specialty, work experience, academic rank, current position. The descriptive part shall contain the issues raised before a specialist, objects, materials, documents represented to a specialist for giving an opinion, the persons attending during investigation. Conclusions shall reflect answers of a specialist to raised issues and their scientific rationale.

8. Specialist evidence – the details reported by him (her) in the course of consideration of a case on administrative infraction, on circumstances requiring special knowledge, as well as clarification of own opinion in accordance with requirements of Article 756 of this Code.

9. Materials illustrating opinion of an expert, specialist (photo board, schemes, schedules, tables and other materials) certified in the manner provided by a part two of this Article shall be accompanied to the opinion and constitute its component part. The opinion shall be also accompanied by the objects left after investigation, including samples.

10. The opinion of an expert, specialist is not compulsory for a court, body (civil servant) the proceeding of which includes a case on administrative infraction, however their disagreement with the opinion shall be substantiated.

Footnote. Article 773 as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 774. Sample acquisition

1. The judge shall have the right to obtain samples, as well as those representing properties of human, animal, substance, subject, if their investigation has significance for a case.

2. The samples shall also include test samples of materials, substances, raw materials, finished products.

3. The reasoned ruling shall be issued on sample acquisition, that shall include: a person that will obtain samples; a person (organization) from which it is required to obtain samples;

which exactly samples and in which quantity should be obtained; when and to whom shall person come for obtainment of samples from him (her); when and to whom the samples should be represented after their obtainment.

4. The samples may be obtained by a judge in person, and in case of necessity – with participation of a doctor or the other specialist, if it is not linked with uncovering of the opposite sex from whom the samples are obtained, and if it does not require special professional skills. In other cases, the samples may be obtained by a doctor or the other specialist under a commission of a judge.

5. A judge, expert, doctor or the other specialist shall have the right to obtain samples.

6. In cases when sample acquisition is a part of expert investigation, it may be performed by an expert.

7. The samples may be obtained from parties, as well as from third parties.

8. The judge shall summon a person, familiarize him (her) with a ruling on sample acquisition against receipt, explain the rights and obligations to him (her) and other persons participating in this procedural action.

9. A judge shall perform necessary actions, receive samples, pack them and seal in person or with participation of a specialist.

10. The results of sample acquisition shall be recorded in a protocol of procedural action (court sitting) in which the actions taken for obtainment of samples in a sequence in which they were performed, the scientific research and other methods and procedures applied by this , as well as the samples themselves, are described.

Article 775. Sample acquisition by a doctor or other specialist, as well as other expert

1. The judge shall direct the person from whom the samples should be obtained to a doctor or other specialist, as well as ruling with the relevant commission. The ruling shall contain the rights and obligations of all the participants of this procedural action.

2. The doctor or the other specialist shall perform any necessary actions and obtain samples under commission of a judge. Samples shall be packed and sealed, after what they shall be directed to a judge together with official document drawn up by a doctor or other specialist.

3. In a process of investigation, the expert may produce experimental models, on which he (she) shall report in opinion.

4. The judge shall have the right to attend upon production of such samples that should be reflected in a protocol drawn up by them.

5. After conduct of investigation, the expert shall attach the samples to own opinion in a packed and sealed form.

6. If the samples are obtained under a commission of a judge by a specialist or expert, he (she) shall draw up official document that shall be signed by all the participants of procedural action and transferred to the judge for attaching to case materials.

7. The protocol shall be accompanied by obtained samples in a packed and sealed form.

Article 776. Protection of individual rights upon sample acquisition

The methods and scientific technical means of sample acquisition shall be safe for life and health of human. Applying complex medical procedures and methods causing strong pain senses shall be admitted only with written agreement of the person from which the samples should be obtained, and if he (she) is under majority age or suffers from mental diseases, with written agreement of his (her) legal representatives.

Article 777. Material evidences

1. Material evidences on a case on administrative infraction are the subjects that are the tool or subject for commission of infraction or that preserved its traces.

2. In necessary cases, the material evidences shall be photographed or recorded by other method and attached to a case, whereat the entry in a protocol on administrative infraction or another protocol provided by this Code shall be made.

3. The judge, body (civil servant) the proceeding of which includes a case on administrative infraction shall be obliged to take all necessary measures to ensure preservation of material evidences before solution of the case in essence, as well as to adopt decision on them upon completion of consideration of the case.

Article 778. Scientific technical means

1. The court, body (civil servant) and participants of the administrative infraction proceeding shall have the right to use and represent actual data received upon using scientific technical means.

2. Use of scientific technical means shall be recognized admissible, if they:

- 1) explicitly provided by the Law or do not contradict its rules and principles;
- 2) scientifically well-grounded;
- 3) ensure effectiveness of proceeding on a case;
- 4) safe.

3. Actual data received upon use of scientifically technical means shall be reflected in a protocol on administrative infraction or decree on a case on administrative infraction.

Article 779. Documents

1. The documents shall be recognized as evidences on a case, if the details stated or certified in them by organizations, civil servants and individuals, have significance for a case on administrative infraction.

2. The documents may contain details recorded as in written, so in other form. Materials containing computer information, photo survey and cine filming, sound and video recording received, demanded or represented in the manner provided by this Code may be also referred to the documents.

3. Driving license for the right of operation of transport vehicle is a document having significance for a case only in cases of its verification and adoption of a decision on deprivation of the right of an individual to operate transport vehicle.

4. The judge, body (civil servant) the proceeding of which includes a case on administrative infraction shall be obliged to take necessary measures to ensure preservation of documents before solution of the case in essence, as well as adopt decision on them upon completion of consideration of the case.

5. In cases when the documents have the signs mentioned in Article 777 of this Code, they are material evidences.

Article 780. Demand of additional details

1. The judge, body (civil servant) the proceeding of which include a case on administrative infraction shall have the right to issue a ruling on demand of additional details from organizations, public associations, required for solution of the case.

2. In the ruling of a judge, body (civil servant) on demand of additional details, the brief of the merit of considered case shall be stated, the circumstances subjected to clarification shall be specified. This ruling shall be compulsory for a court to which it is directed, and subjected to execution within the established term.

3. Demanded details shall be directed within three days from the date of receipt of requirement.

4. Upon impossibility to represent the mentioned details, the organization, public association shall be obliged to notify a judge, body (civil servant) that issued the ruling in written form within three days.

Article 781. Proving

1. Proving consists of collection, verification and assessment of evidences for the purpose of establishment of the circumstances having significance for a legal, substantiated and fair consideration of cases on administrative infractions.

2. Burden of proving the existence of the grounds of administrative liability and guilt of infraction shall be imposed on a body (civil servant) authorized to consider the proceeding on cases on administrative infractions.

Article 782. Collection of evidences

1. Collection of evidences shall be carried out in a process of the administrative infraction proceeding by carrying out the actions provided by this Code.

2. Subjects and documents shall be attached to the case after their assessment whereat the relevant record shall be entered in a protocol on administrative infractions or a separate protocol shall be drawn up.

Acceptance of subjects and documents from the persons that are participants of the administrative infractions proceeding shall be carried out on the basis of a petition.

Article 783. Inspection

All the evidences collected on a case on administrative infraction shall be subject to detailed, comprehensive and objective inspection. The inspection includes an analysis of received evidence, its correlation with other evidences, collection of additional evidences, inspection of the sources of evidences.

Article 784. Evaluation of evidences

1. Evaluation of evidences is a logical intellectual activity consisting of analysis and synthesis of evidences and terminating with a summary on relevance, admissibility, credibility and value of separate evidences and sufficiency of their totality for substantiation of adopted decision.

2. The judge, body (civil servant) carrying out the administrative infraction proceeding shall evaluate evidences at own inner conviction based on comprehensive, full and objective consideration of the evidences in their totality, governed by the Law and conscience. No evidences have a predetermined established force.

3. Each evidence shall be subject to evaluation from the point of view of relevance, admissibility, credibility, and all the evidences collected in total – sufficiency for solution of a case.

4. The evidence shall be recognized related to a case if it represents actual data that confirms, deny or challenge the summaries on existence of the circumstances having a significance for a case.

5. The evidence shall be recognized admitted if it is received in the manner provided by this Code.

6. The evidence shall be recognized credible if in results of inspection it is clear that it conforms to actuality.

7. The totality of evidences shall be recognized sufficient for solution of a case, if all the admitted and credible evidences related to the case establishing the issue about all and each of the circumstances subjected to proving without controversy, are collected.

Chapter 40. TAKING MEASURES OF ENSURING THE ADMINISTRATIVE INFRACTIONS PROCEEDING

Article 785. Measures of ensuring the administrative infraction proceeding

1. For the purpose of suppression of administrative infraction, establishment of identity of a person suspected in its commission, drawing up a protocol on administrative infraction, when its drawing up is impossible on location of the administrative infraction, ensuring well-timed and proper consideration of a case and execution of a decree adopted on the case, prevention of a direct danger to life or health of people, threat of accident or technogenic disasters, the authorized civil servant shall have the right to apply the following measures of ensuring the administrative infraction proceeding within the competence in respect of an individual:

- 1) bringing to the place of drawing up of a protocol on administrative infraction;
- 2) administrative detention of an individual;
- 3) bringing;
- 4) personal inspection and search of things being in possession of an individual;
- 5) search of transport vehicles, small size vessels;
- 6) withdrawal of documents, things and goods;
- 7) suspension from operation of transport vehicle or small size vessel and examination of his (her) state of alcohol, drug, substance abuse intoxication;
- 8) detention, bringing and prohibition to operate transport vehicle or small size vessel;
- 9) survey;
- 10) medical certification of an individual of the state of alcohol, drug or substance abuse intoxication;
- 11) suspension or prohibition of the activity or its separate types in order of Article 48 of this Code.

2. In respect of a legal entity, the following measures of ensuring the administrative infraction proceeding may be applied:

- 1) survey of premises, territories, goods located there, transport vehicles and other property belonging to a legal entity, as well as the relevant documents;
- 2) withdrawal of documents belonging to a legal entity;
- 3) arrestment or withdrawal of goods, transport vehicles and another property belonging to a legal entity;

4) suspension or prohibition of the activity or its separate types in order of Article 48 of this Code.

3. Measures of ensuring the administrative infraction proceeding may be applied before initiation of a case on administrative infraction (except for personal inspection, search of things being in possession of an individual) during proceeding of the case, as well as at the stage of execution of a decree of the case on administrative infraction.

4. Each of the measures of ensuring the administrative infraction proceeding listed in parts one and two of this Article may be applied separately or together with the other measures, if it is caused by necessity.

5. The civil servant shall bear responsibility for the damage inflicted by illegal application of the measures of ensuring the administrative infraction proceeding.

6. Application of measures of ensuring proceeding of administrative offense can be appealed in the order provided by chapter 44 of the present Code.

Upon the demand of the natural person or the representative of legal entity he is immediately handed copies of the relevant protocols and other materials necessary for ensuring protection of the rights and legitimate interests of the person to which measures of ensuring proceeding are applied.

Footnote. Article 785 with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 786. Conveying

1. Conveying, i.e. forced transmittal of an individual, representative of legal entity, civil servant, and in cases provided by subparagraphs 1), 3), 4), 5) and 7) of this Article, transport vehicle and other tools for commission of an infraction for the purpose of suppression of the infraction, establishment of identity of the offender, as well as drawing up of a protocol on administrative infraction or issuing restraining order upon impossibility to draw them up at the place of detection of the administrative infraction, if the drawing up of the protocol is compulsory, shall be carried out upon commission of:

1) violations of the rules of using transport means, the rules on protection of order and traffic safety, the rules oriented to preserve cargo in transport, the rules of fire security, sanitary hygienic and sanitary epidemiological rules in transport – by the authorized person to the internal affairs body (police), if he (she) does not have the documents certifying identity, and there are no witnesses that may tell necessary data about him (her), as well as if he (she) does not have necessary documents relating to transport vehicle;

2) forest violations or violations of hunting rules, fishing rules and protection of fish stocks and other violations of the legislation of the Republic of Kazakhstan in the field of

protection, reproduction and use of the animal world - by employees of forestry authorities, wildlife, specially protected natural areas exercising state control and supervision, and also specialized organizations of the authorized authority and local executive authorities, officials of other authorities exercising state and departmental control over the protection, reproduction and use of wildlife, officials of specially protected natural areas, employees of internal affairs authorities (police) to the internal affairs authorities (police) or to a local government;

3) administrative infractions linked with encroachment on protected objects, the other persons' property – by employees of paramilitary security service to the service building of the paramilitary security service or to the body of internal affairs (police);

4) violations of the mode of Frontier of the Republic of Kazakhstan, the boundary and customs modes, the mode at check points through Frontier of the Republic of Kazakhstan and customs border of the Eurasian Economic Union, malicious disobedience to the lawful order or the requirement of the serviceman of the Border service of Committee of national security of the Republic of Kazakhstan, military personnel of other troops, military formations, the employee of law-enforcement bodies (police) – the serviceman, the employee of law-enforcement bodies (police) or other natural person, the acting as on protection of Frontier of the Republic of Kazakhstan, in division, military unit, the Border service of Committee of national security of the Republic of Kazakhstan, in law-enforcement body (police), body of local management;

5) infractions in the scope of entrepreneurial activity, trade and finances, tax assessment, customs affairs – by employees of the service of economic investigations;

6) infractions encroaching on established order of management and institutions of the state power, corruption infractions – by employees of anti-corruption service;

7) infractions committed upon conduct of protective measures on safety ensuring of protected persons – by employees of the State Security Service of the Republic of Kazakhstan ;

8) other administrative infractions in existence of the relevant orders of a prosecutor or request from the side of civil servants authorized to draw up protocols on administrative infractions – by employees of the internal affairs bodies (police) to the internal affairs body (police) or another state body.

2. Upon commission of infractions on a continental shelve, in territorial waters (sea) and internal waters of the Republic of Kazakhstan, the offender the identity of whom may not be established on the spot, as well as vessels and tools for commission of the administrative infraction used for carrying out illegal activity on the continental shelve, in territorial waters (sea) and internal waters of the Republic of Kazakhstan, the belonging of which may not be established upon survey, shall be subject to delivery to the port of the Republic of Kazakhstan (foreign vessels – to one of the ports of the Republic of Kazakhstan opened for entry of

foreign vessels) for suppression of the infraction, as well as for establishment of the identity of the offender and belonging of detained vessels, tools for commission of the infraction and drawing up of a protocol on administrative infraction.

3. Conveying shall be carried out within a possible short term.

4. About bringing the protocol is formed or the corresponding entry in the protocol on administrative offense or administrative detention is made.

At impossibility to carry out bringing of the person in the terms provided for attraction him to administrative responsibility to the addressed body (official) goes in writing or in electronic form certified by the digital signature, the notice with the indication of the reasons for which bringing isn't made.

Footnote. Article 786 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); from 31.10.2015 No. 378-V (shall be enforced from 01.01.2016); from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 787. Administrative detention

Administrative detention, i.e. short-term restriction of personal freedom of an individual, representative of a legal entity, civil servant for the purpose of suppression of the infraction or ensuring the proceeding, may be carried out by:

1) law-enforcement bodies – at identification of administrative offenses, cases of which according to article 685 of the present Code are considered by law-enforcement bodies (polices), or administrative offenses on affairs on which according to the subparagraph 1) of part one of article 804 of the present Code make protocols on administrative offense;

2) commandant's office of the place where the state of emergency is declared, and by military patrols – upon violation of regime of emergency situation and actions provoking the violation of legal order in conditions of emergency situation;

3) civil servants participated in anti-terrorist operation within the established competence – upon violation of a legal regime of anti-terrorist operation or non-performance of requirements established due to declaration of anti-terrorist operation;

4) civil servants of the Frontier service of the National Security Committee of the Republic of Kazakhstan – upon detection of administrative infractions considered by them in accordance with a part three of Article 726 of this Code or administrative infractions on the cases of which the protocols on administrative infractions shall be drawn up in accordance with subparagraph 44) of part one of Article 804 of this Code;

5) senior military servant at location of protected object, employee of the internal affairs bodies, special state bodies, civil servant of paramilitary security service – upon commission of infractions linked with encroaching on the protected objects, other persons' property;

6) authorities of forestry, wildlife, specially protected natural areas, exercising state control and supervision, as well as specialized organizations of the authorized authority and local executive authorities - when committing infractions in the field of forestry legislation of the Republic of Kazakhstan, legislation of the Republic of Kazakhstan in the field of protection, reproduction and use of the animal world in the field of specially protected natural areas;

7) bodies of transport control – upon violation of the rules, the control of compliance of which is carried out by these bodies;

8) officials of military police – at identification of administrative offenses, cases of which according to article 727 of the present Code are considered by bodies of military police, or administrative offenses on affairs on which according to the subparagraph 4) of part one of article 804 of the present Code make protocols on administrative offense;

9) authorities of state control in the field of environmental protection and use of natural resources - in case of violation of environmental legislation;

10) civil servants of the state revenues bodies – upon commission of infractions in the scopes of entrepreneurial activity, trade and finances, tax assessment, customs cases in accordance with the jurisdiction of cases on administrative infractions;

11) it is excluded by the Law of the Republic of Kazakhstan from 4/6/2016 No. 484-V (shall be enforced after ten calendar days after day of its first official publication);

12) civil servants of the state mining supervision bodies, Frontier service of the National Security Committee of the Republic of Kazakhstan, authorized body on geology and subsoil use, bodies on environmental protection and natural resources, republican body of fishing industry – upon commission of administrative infractions on a continental shelf, territorial waters (sea) and internal waters linked with violation of the license conditions regulating permitted activity on the continental shelf, territorial waters (sea) and internal waters of the Republic of Kazakhstan, violation of the rules of conducting scientific or marine scientific researches, violation of the rules of burial of wastes and other materials, non-performance of legal requirements of civil servants of the bodies of protection of continental shelf, territorial waters (sea) and internal waters of the Republic of Kazakhstan on stopping of the vessel or impeding its carrying out;

13) is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015);

14) civil servants of the State Security Service of the Republic of Kazakhstan – if the infraction is committed during conduct of protective measures on safety ensuring of protected persons;

14-1) by officials of the authorized authority: in the field of veterinary medicine, on plant quarantine - in case of violation of the rules, requirements, control and supervision over

compliance with which shall be carried out by these authorities; in the field of plant protection - in case of violation of the rules, requirements, control over the observance of which shall be carried out by this authority;

15) bailiffs – upon non-performance of requirements on termination of unlawful actions in a room during a court session, as well as in the course of the forced execution of enforcement documents.

Footnote. Article 787 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); from 06.04.2016 No. 484-V (shall be enforced after ten calendar days after day of its first official publication); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 788. Procedure for administrative detention

1. Upon administrative detention, the protocol shall be drawn up. The protocol shall contain data, time (to the exact minute) and place of its drawing up, position, last name and initials of a person that drew up the protocol; details on personality of a detained person; time, place and grounds for detention. The protocol shall be signed by a civil servant that drew it up , and by a detained person. In case of refusal of the detained person to sign the protocol, the relevant record shall be made. Copy of protocol on detention shall be delivered to the person detained for commission of administrative infraction.

2. At the request of the person detained for commission of administrative offense his relatives, administration in the place of work or study, the defender and also embassy, consulate or other representative office of the foreign state in the order established by the legislation of the Republic of Kazakhstan immediately are notified on the place of his stay. About detention of the minor the notification of his parents or persons replacing them surely.

3. The military unit and bodies of military police within their competence in which the detainee undergoes military collecting (military service) immediately are notified on administrative detention of the serviceman or citizen called on military collecting.

4. The rights and obligations provided by this Code shall be explained to the detained person, whereat the relevant record shall be made in a protocol of administrative detention.

5. Failure to explain the rights and obligations of a detained person is material violation of the administrative infraction proceeding and shall entail the liability provided by the legislation of the Republic of Kazakhstan.

6. The person detained in the manner established by this Code shall be subject to immediate release upon failure of the circumstances that served as the ground for his (her) detention.

7. The persons subjected to administrative detention shall be detained in premises specially allocated for this, meeting the sanitary requirements and excluding a possibility of their willful leaving.

8. Conditions for detention of persons subjected to administrative detention, food standards and procedure for medical service of such persons shall be determined by the bodies of executive power.

9. The minor persons in respect of whom the administrative detention is applied shall be detained separately from adult persons.

Footnote. Article 788 with the changes made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 789. Terms of administrative detention

1. Administrative detention shall be carried out within a time required for achievement of the purposes mentioned in Article 785 of this Code, and may last no more than three hours.

Beginning of the term of detention is the hour to the exact minute when restriction of freedom of a detained person became real independently from attribution of any procedural status to the detained person or performance of other formal procedures. The term of administrative detention in respect of a person being in a state of alcohol intoxication – from the time of his (her) detoxication certified by a medical worker. The expiry date of this term is expiration of three hours calculated uninterruptedly from the time of factual detention.

2. The person concerning whom production for illegal penetration on the protected objects, violation of the law of the Republic of Kazakhstan in the field of population shift, violations of the mode of Frontier of the Republic of Kazakhstan, the boundary and customs modes or the mode is excited in check points through Frontier of the Republic of Kazakhstan and customs border of the Eurasian Economic Union and also about administrative offense on the continental shelf, territorial waters (sea) and internal waters of the Republic of Kazakhstan can be detained in necessary cases for identification and clarification of circumstances of offense till forty eight o'clock with the message about it in writing to the prosecutor within twenty four hours from the moment of detention. The persons which have allowed violation of the order established in connection with introduction of a curfew in the area where a state of emergency is declared can be detained by staff of bodies of internal affairs (police) or military patrols before the termination of a curfew, and those from them which have at themselves no documents, – before establishment of their personality, no more than for forty eight hours.

3. The person concerning whom proceeding of the administrative offense attracting administrative detention as one of measures of an administrative penalty is excited can be

subjected to administrative detention before consideration of the case about administrative offense, but no more than twenty four hours.

Footnote. Article 789 with the changes made by laws RK from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); from 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018).

Article 790. Bringing

1. In cases provided by Article 785 of this Code, bringing of an individual or representative of legal entity in respect of whom the administrative infraction proceeding is conducted, legal representative of a minor person subjected to administrative liability shall be carried out.

2. The drive is made by law-enforcement bodies, anti-corruption service and service of economic investigations on the basis of definition of the judge, body (official) considering case of administrative offense in the order established respectively by the Agency of the Republic of Kazakhstan for public service and to anti-corruption, the Ministries of Internal Affairs, finance of the Republic of Kazakhstan on the cases of administrative offenses which are in production of the specified bodies.

Footnote. Article 790 with the changes made by the laws of the Republic of Kazakhstan from 18.11.2015 No. 411-V (shall be enforced from 01/01/2016); from 06.04.2016 No. 484-V (shall be enforced after ten calendar days after day of its first official publication); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 791. Personal inspection and search of things being in possession of an individual

1. Personal inspection is a forced checkup of human body and his (her) clothes for the purpose of detection and prevention of infarctions, discovery and withdrawal of documents, things and other subjects being a tool for commission or subject of the administrative infraction.

2. The search of things being in possession of an individual – checkup of things being in possession of an individual without violation of their structural integrity.

3. Personal inspection and examination of the things which are at the natural person are made only by authorized officials whose list is defined in article 787 of the present Code, of part one of article 98 of the Criminal and executive code of the Republic of Kazakhstan and is exhaustive. Production of the specified measures by other persons is forbidden and attracts the responsibility provided by the law.

4. Personal inspection may be carried out by the person of the same sex with inspected person and in presence of two attesting witnesses of the same sex.

5. Personal inspection and search of things being in possession of an individual may be carried out only during the administrative infraction proceeding. The ground for conduct of personal inspection and search of things being in possession of an individual is commission of administrative infraction by the person.

6. The search of things (hand-luggage, luggage, hunting and signing weapons) being in possession of an individual shall be carried out in the presence of the person in possession of which these things are, and with participation of two attesting witnesses.

7. In exceptional cases in existence of grounds to suppose that there are weapons or the other subjects in possession of an individual that may be used for infliction of harm to life and health of surrounding people, the personal inspection, search of things may be carried out without attesting witnesses with notification of a prosecutor about this within twenty four hours.

8. In the absence of a real possibility of participation of attesting witnesses in conduct of personal inspection and survey of things being in possession of an individual (in a hardly accessible location, night time, in conditions of emergency or military situation), they may be carried out without participation of attesting witnesses with compulsory application of technical means for recording its course and results.

9. In necessary cases, photo survey and cine filming, video recording shall be produced, and the other established methods for recording material evidences shall be applied.

10. Upon personal inspection, search of things being in possession of an individual, the protocol shall be drawn up. Copy of protocol on personal inspection shall be delivered to a person in respect of whom the proceeding on case is conducted, to his (her) legal representative. The protocol shall contain data, time and place of its drawing up, position, last name and initials of a person subjected to personal inspection, type, number, other identification characteristics of the things including on type, mark, model, calibre, series, number, signs of weapons, number and type of ammunition, special technical means for conduct of the special operational investigative measures of information protection.

11. Application of photo survey and cine filming, video recording, other methods of recording documents shall be recorded in a protocol of inspection. Materials received upon conduct of survey with application of photo survey and cine filming, video recording, other established methods of recording material evidences shall be enclosed to the relevant protocol

12. Protocol of personal inspection, search of things shall be signed by a civil servant that drew it up, by a person subjected to personal inspection, by the owner of things subjected to search, by attesting persons. In case of refusal of a person subjected to personal inspection, owner of things subjected to search from signing protocol, the relevant record shall be made.

Footnote. Article 791 with the change made by the Law of the Republic of Kazakhstan from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication).

Article 792. Search of transport vehicles, small size vessels

1. The search of transport vehicles, small size vessel, i.e. inspection of a transport vehicle, small size vessel conducted without violation of their structural integrity shall be carried out for the purpose of detection and withdrawal of the tools for commission of infraction or subjects of administrative infraction.

2. The search of transport vehicles, small size vessels shall be carried out by the authorized civil servant listed in Article 787 of this Code with participation of two attesting persons.

In exceptional cases (in a hardly accessible location in the absence of proper means of communication or when there is no possibility to involve individuals as attesting witnesses in force of other objective reasons), the search of transport vehicles, small size vessels, i.e. inspection carried out without violation of a structural integrity may be conducted without participation of attesting persons, but with application of technical means for recording its course and results.

3. The grounds for performance of search of transport vehicles, small size vessels are:

1) existence of sufficient grounds to assume that there are tools for commission or subjects of administrative infraction in a transport vehicle, small size vessel;

2) operation of transport vehicle by a driver being in a state of alcohol, drug, substance abuse intoxication, if the driver maintain disobedience to legal requirements of the authorized civil servants;

3) conduct of measures on detention of sought transport vehicles, small size vessels by the authorized civil servants;

4) if there are reasonable grounds to assume that the cargo transferred in a transport vehicle, small size vessel does not conform to represented documents;

5) necessity of reconciliation of the junctions and aggregates of a transport vehicle, small size vessel with data according to represented documents;

6) detection of disorders of a transport vehicles, small size vessels in existence of which the operation is prohibited;

7) detention of a transport vehicle, prohibition of its operation.

4. The search of transport vehicles, small size vessels shall be carried out in the presence of a person possessing them, or his (her) representative or a person operating transport vehicle , small size vessel on a legal ground. In exigent cases, they may be subjected to search in the absence of mentioned persons.

5. In necessary cases, for the purpose of recording of the subjects detected during search of transport vehicles and small size vessels, their photo survey, cine filming shall be performed.

6. Upon search of transport vehicles, small size vessels, the protocol shall be drawn up. Copy of this protocol shall be delivered to a person possessing the transport vehicles, small size vessels subjected to search, or to his (her) representative or person operating transport vehicle on a legal basis.

7. The protocol of search of transport vehicles, small size vessels shall contain date and place of its drawing up, last name and initials of a person that drew up the protocol, details on personality of the owner of a transport vehicle, small size vessel subjected to search, details on type, mark, model, state registration number, other identification characteristics of transport vehicles, small size vessel.

8. Application of photo survey and cine filming, video recording, other methods of recording documents shall be recorded in a protocol of search. Materials received upon conduct of search with application of photo survey and cine filming, video recording, other established methods of recording material evidences shall be enclosed to the relevant protocol.

9. Protocol of search of transport vehicles, small size vessels shall be signed by a civil servant that drew it up, by a person in respect of whom the proceeding on case is conducted, by owner of a transport vehicle, small size vessel subjected to search, or by his (her) representative. In case of refusal of a person in respect of whom the proceeding on a case is conducted, owner of a transport vehicle, small size vessel subjected to search, his (her) representative from signing the protocol, the relevant record shall be made.

Article 793. Survey

1. Survey, that is visual inspection of the vehicle, the area, objects, the goods imported on the territory of the Republic of Kazakhstan and also moved across the territory of the Republic of Kazakhstan, documents, living persons is made for the purpose of identification of traces of administrative offense, other material objects and also the circumstances important for drawing up the protocol on administrative offense.

2. The survey may be carried out before initiation of a case on administrative infraction.

Footnote. Article 793 with the change made by the Law of the Republic of Kazakhstan from 03.12.2015 No. 432-V (shall be enforced from 01.01.2016).

Article 794. General rules of carrying out of surveys

1. It is, as a rule, examined urgently when there is a need. If necessary and also upon the demand of participants of survey the protocol in which date and the place of his drawing up, a position, a surname and initials of the person which has made him, the information about the person fined, a look, quantity, other identification signs of things, the goods imported on the territory of the Republic of Kazakhstan and also moved across the territory of the Republic of Kazakhstan including about type, brand, model, caliber, a series, number, signs of weapon,

quantity and a type of fighting supplies, special technical means for conducting special investigation and search operations and cryptographic means of information protection are specified is formed.

The protocol of survey shall be signed by a civil servant that drew it up, by a person subjected to survey, by owner of things subjected to survey, by attesting witnesses. In case of refusal of a person subjected to survey, owner of things subjected to survey from signing the protocol, the relevant record shall be made.

2. The survey of living persons shall be carried out by civil servants listed in Article 787 of this Code. The survey of living persons shall be carried out by a person of the same sex with surveyed person and in the presence of two attesting witnesses of the same sex.

The survey of subjects being in possession of a living person, i.e. checkup carried out without violation of their structural integrity shall be carried out by the authorized civil servants listed in Article 787 of this Code, in the presence of a person that owns or possesses these things with participation of two attesting witnesses.

In exceptional cases in existence of grounds to suppose that there are weapons or the other subjects in possession of a living person that may be used for infliction of harm to life and health of surrounding people, the survey may be carried out without attesting witnesses with notification of a prosecutor about this within twenty four hours.

3. Survey of the area, objects, the goods imported on the territory of the Republic of Kazakhstan and also moved across the territory of the Republic of Kazakhstan, documents except for specified regarding the second present article, is made with participation of witnesses. In exceptional cases (in the remote area, in the absence of appropriate intermedia or when owing to other objective reasons there is no opportunity for involvement of natural persons as witnesses) inspection can be performed without participation of witnesses, but with use at the same time of technical means of fixing of his course and results.

4. In case of necessity, the survey shall be carried out with participation of an offender, injured party, witnesses, as well as specialist.

5. The survey of detected traces and other material objects shall be carried out at the place of administrative infraction. If the survey requires additional time or survey on the spot of detection is essentially obstructed, the objects may be withdrawn and transferred to the other place accessible for survey in a packed, sealed and undamaged form.

6. All that was detected and withdrawn during survey shall be represented to attesting witnesses, other participants of survey, whereat the relevant note shall be made in the protocol

7. Only those objects and also the goods imported on the territory of the Republic of Kazakhstan and also moved across the territory of the Republic of Kazakhstan which can be related to business are subject to withdrawal. The withdrawn objects, goods are packed, sealed up and certified by signatures of the authorized official and witnesses.

8. The persons participating in survey shall have the right to direct attention of the authorized civil servant to all that in their opinion may promote to clarify the circumstances of a case.

9. In necessary cases, the measurements shall be carried out, plans and schemes of surveyed objects shall be drawn up, as well as photography and imprinting by other means, whereat the relevant note shall be made in the protocol to which the mentioned materials shall be attached.

10. Copy of protocol of survey shall be delivered to a person in respect of whom the proceeding on a case is conducted, or to his (her) representative.

Footnote. Article 794 with the changes made by the Law of the Republic of Kazakhstan from 03.12.2015 No. 432-V (shall be enforced from 01.01.2016).

Article 795. Withdrawal of things, goods and documents being in possession of an individual

Footnote. Heading of Article 795 as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. . Withdrawal of documents and things, the goods imported on the territory of the Republic of Kazakhstan and also moved across the territory of the Republic of Kazakhstan, which are the tool or a subject of the offenses found on the place of commission of offense or at application of the measures of ensuring proceeding of administrative offense provided by article 785 of the present Code is carried out by the officials authorized to apply the appropriate measures of ensuring proceeding with participation of two witnesses.

In exceptional cases (in the remote area, in the absence of appropriate intermedia or when owing to other objective reasons there is no opportunity for involvement of natural persons as witnesses) withdrawal of documents and things, the goods imported on the territory of the Republic of Kazakhstan and also moved across the territory of the Republic of Kazakhstan, which are the tool of the offenses found on the place of commission of offense or at application of the measures of ensuring proceeding of administrative offense provided by article 785 of the present Code it can be carried out without participation of witnesses, but with use at the same time of technical means of fixing of his course and results.

2. About withdrawal of things, the goods imported on the territory of the Republic of Kazakhstan, and documents the protocol which copy is handed to the person concerning whom proceeding is conducted, or his representative is formed, or the corresponding entry in the protocol on administrative offense is made.

3. The protocol on withdrawal of the documents, goods imported on the territory of the Republic of Kazakhstan, and things (the protocol on administrative offense) contains data on a look and requisites of the withdrawn documents, a look, quantity, other identification signs

of the withdrawn things, including on type, brand, model, caliber, a series, number, other identification signs of the withdrawn weapon, quantity and a type of fighting supplies, special technical means for conducting special investigation and search operations and cryptographic means of information protection.

4. The protocol is signed by the official who has made it, the person from whom the relevant documents, goods imported on the territory of the Republic of Kazakhstan and also moved across the territory of the Republic of Kazakhstan, and a thing, witnesses are withdrawn. In case of refusal persons from which the relevant documents and things are withdrawn from signing of the protocol in him the corresponding record is made.

5. The withdrawn things, goods imported on the territory of the Republic of Kazakhstan and also moved across the territory of the Republic of Kazakhstan and documents before consideration of the case on administrative offense are stored in the places determined by the official who has made withdrawal in the order determined by the appropriate authorized public authority.

6. The withdrawn fire and other weapon and also fighting supplies, special technical means for conducting special investigation and search operations and cryptographic means of information protection are stored or destroyed in the order determined by the Ministry of Internal Affairs of the Republic of Kazakhstan.

7. After consideration of the case according to the issued decree the withdrawn documents, goods imported on the territory of the Republic of Kazakhstan and also moved across the territory of the Republic of Kazakhstan and things come back to their owner or will be confiscated, either are implemented, or are stored, or destroyed in accordance with the established procedure. On cases of administrative offenses in the field of traffic the withdrawn documents are stored before the execution accepted in the matter of the resolution.

8. The driver's license on the right of driving is subject to withdrawal only if for the administrative offense committed by the person the present Code has provided the sanction in the form of deprivation of the right of driving. In other cases the driver's license after drawing up the protocol on administrative offense immediately comes back to the right of driving to the owner.

Instead of the withdrawn driver's license to the driver the temporary certificate in the form established by authorized body is issued.

9. At failure to deliver by the driver of examination for check of knowledge of traffic regulations within two months from the date of obtaining the resolution on the direction on examination by the official who has issued the decree takes the measures provided by the legislation of the Republic of Kazakhstan in the field of traffic safety.

10. The state plate numbers of transport vehicles shall be subject to withdrawn only in the presence of two attesting witnesses and (or) owner of a transport vehicle, by this the authorized civil servant that performed withdrawal of state plate numbers shall be obliged to explain the ground for performance of withdrawal to the owner of a transport vehicle.

Withdrawal of state plate numbers of transport vehicles for the purpose of recovery of imposed fine shall be prohibited.

11. Withdrawn order, medal, lapel badge to honorary title of the Republic of Kazakhstan, Kazakh SSR, USSR and other states shall be subject to return to their legal owner, and if he (she) is not known, shall be directed to the Executive office of the President of the Republic of Kazakhstan.

12. Withdrawal of things, the goods imported on the territory of the Republic of Kazakhstan and also moved across the territory of the Republic of Kazakhstan, and the documents which are at the natural person is made only in exceptional cases for achievement of the goals, provided by part one of article 785 of the present Code. Application of this measure for, not provided by the present Code, attracts the responsibility established by laws of the Republic of Kazakhstan.

Footnote. Article 795 with the changes made by laws RK from 03.12.2015 No. 432-V (shall be enforced from 01.01.2016); from 22.11.2016 No. 28-VI (shall be enforced after ten calendar days after day of its first official publication); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 796. Suspension from operation of a transport vehicle, vessel, including small size vessel, and examination of the state of intoxication

1. The driver, navigator operating a transport vehicle, vessel, including small size vessel, in respect of whom there are reasonable grounds to suppose that they are in a state of intoxication, shall be subject to suspension from operation of a transport vehicle, vessel, including small size vessel and examination of the state of intoxication.

2. Suspension from operation of a transport vehicle, vessel, including small size vessel, examination and appointment to medical certification of the state of intoxication shall be carried out by employees of the internal affairs bodies, military police respectively – upon commission of infractions by a person operating a transport vehicle of the national security bodies, Armed Forces of the Republic of Kazakhstan, other forces and military formations of the Republic of Kazakhstan and bodies of transport control.

3. Referral to examination of a state of intoxication, examination of the state of intoxication and drawing up of its results shall be carried out in the manner established by the Government of the Republic of Kazakhstan. In case of disagreement of a driver, navigator with the results of examination, they shall be directed to the health care institution for medical certification.

4. Excluded by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

5. The protocol on administrative infraction shall contain date, time, place, grounds for substitution from operation of a transport vehicle, vessel, including small size vessel for conduct of examination. Copy of protocol shall be delivered to a person in respect of whom the proceeding on a case is conducted, or to his (her) legal representative.

6. Act of examination of a state of intoxication shall be enclosed to the relevant protocol.

Footnote. Article 796 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 797. Detention, conveying and prohibition of operation of a transport vehicle, vessel, including small size vessel

1. Upon commission of violations mentioned in Articles:

1) 230 (part two), 367, 368, 370, 372, 381, 382, 383, 392, 393, 394, 395, 396, 400, 403 (part two), 406 (excluding parts seven and eight), 506, 510, 511, 512, 513, 514, 515, 516, 517, 571, 571-1, 572, 573, 575, 581, 582, 586, 589, 590 (parts two, three and four), 597 (parts three and four), 608, 612, 613 (parts 3-1, four, five, six, nine, ten and eleven), 654 (in terms of infractions provided by Articles 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 606, 607, 610, 611, 612, 613) of this Code, the authorized official specified in part two of this Article has the right to detain, deliver and prohibit the operation of transport means, ships, including small boats, by delivering them for temporary storage to special sites, parking lots or sites adjacent to a stationary transport control post, including using another vehicle (evacuator), a ship or and a small vessel, until the reasons for the detention shall be eliminated;

2) 400, 403 (part two), 406 (excluding parts seven and eight), 571 (parts five, six, seven and eight), 573, 575, 593 (parts two, three, four and five) of this Code, the authorized official specified in part two of this Article has the right to detain, deliver and prohibit the operation of vehicles belonging to foreigners or foreign legal entities by delivering them for temporary storage to special sites, parking lots or sites adjacent to a stationary transport control post, in including with the use of another vehicle (tow truck), before the execution of the decision on imposition of administrative sanction;

3) 334 (part second), 590 (parts the first, the fifth, the sixth, the seventh, the eighth, ninth and tenth), 597 (parts first and second), 610, 611 present Codes, the authorized official specified regarding the second present article having the right to forbid operation of vehicles

by withdrawal of the state registration registration plates before elimination of the reasons of the ban on operation of the vehicle.

Bringing (evacuation) of the vehicle for his temporary storage on the special platforms, parking or platforms adjacent to a stationary post of transport control, can be also applied in cases of violation by the driver of the vehicle of rules of a stop or the parking in his absence and also to the vehicles left by drivers on the road unguarded when it isn't possible to establish their location.

2. Detention, delivery and prohibition of operation of a vehicle, a vessel, including a small vessel, shall be carried out by employees of the internal affairs authorities, the Border Service of the National Security Committee for the protection and protection of the State Border of the Republic of Kazakhstan, the military police when an administrative infraction shall be committed by the person driving the vehicle authorities of national security, the Armed Forces of the Republic of Kazakhstan, other troops and military formations of the Republic of Kazakhstan, transport control authorities within their powers, authorities of forestry and hunting, specially protected natural areas, state protection of wildlife (in case of violation of legislation in the field of forestry, fish, hunting economy, specially protected natural areas), officials of the authorized authority in the field of veterinary medicine, plant quarantine and plant protection, officials of state revenue authorities within their powers.

Bringing (evacuation) of the vehicle for his temporary storage on special platforms or parking can be carried out by local executive bodies.

3. Upon detention, conveying and prohibition of operation of a transport vehicle, vessel, including small size vessel, the act of due form shall be drawn up and attached to a protocol on administrative infraction.

4. Storage of detained transport vehicle, vessel, including small size vessel shall be carried out on special grounds and parking stands created under decision of the local executive bodies and that are the communal property.

Footnote. Article 797 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272 (shall be enforced from 01.01.2015); from 03.12.2015 No. 432-V (shall be enforced from 01.01.2016); from 28.12.2017 No. 127-VI (shall be enforced after ten calendar days after day of its first official publication); No. 166-VI dated 02.07.2018 (shall be enforced from 01.01.2019); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 798. Survey of territories, premises, goods, other property belonging to a legal entity, as well as of relevant documents

1. The survey of territories, premises, goods, other property belonging to a legal entity, as well as of relevant documents shall be carried out by civil servants authorized to draw up the protocols on administrative infractions of legal entities in accordance with Article 804 of this Code.

2. The survey shall be carried out in presence of a representative of legal entity with participation of two attesting witnesses.

3. Upon conduct of survey, the protocol shall be drawn up. Copy of protocol shall be delivered to a representative of legal entity in respect of whom the proceeding on case is conducted.

4. Protocol of survey of territories, premises, goods, other property belonging to a legal entity, as well as the relevant documents shall contain date and place of its drawing up, position, last name and initials of a person that drew up the protocol, details on the relevant legal entity, as well as on identity of its representatives or another employee, the details on surveyed territories and premises, types, number, other identification characteristics of goods and other things, types and requisite elements of documents.

5. Application of photo survey and cine filming, video recording, other methods of recording documents shall be recorded in a protocol of survey in the course of its performance. Materials received in result of photo survey and cine filming, video recording, other established methods of recording material evidences shall be enclosed to the relevant protocol.

6. The protocol of survey of territories, premises, goods, other property belonging to a legal entity, as well as the relevant documents shall be signed by a civil servant that drew it up, by a representative or employee of legal entity in exigent cases, as well as by attesting witnesses. In case of refusal of a representative or another employee of mentioned legal entity from signing the protocol, the relevant record shall be made.

Article 799. Withdrawal of documents and property belonging to a legal entity

Withdrawal of documents, goods, other property, subjects being a tool or subject for commission of administrative infraction, belonging to a legal entity detected at the place of commission of the administrative infraction or during conduct of survey of territories, premises, transport vehicles, goods, other property belonging to a legal entity shall be carried out by the civil servants mentioned in Article 804 of this Code, as well as by the authorized civil servants having the right to draw up the protocols on administrative infractions under Articles 235, 236, 237, 416 of this Code. Drawing up of withdrawal of documents, goods, other property belonging to a legal entity, as well as their storage shall be carried out in the manner established by Article 795 of this Code.

Article 800. Arrestment of goods, transport vehicles and other property belonging to a legal entity

1. Arrestment of goods, transport vehicles and other property belonging to a legal entity that are tools or subjects for commission of administrative infraction represents inventory of the mentioned goods, transport vehicles and other property with a declaration to a representative of legal entity, in respect of whom this measure of ensuring the administrative infraction proceeding is applied, on prohibition to dispose (and use in necessary cases) of them and shall be applied in case if it is impossible to withdraw these goods, transport vehicles and other property and (or) their preservation may be ensured without withdrawal. Arrested goods, transport vehicles and other property may be transferred for safe storage of other persons assigned by a civil servant that carried out arrestment.

2. Arrestment on goods, transport vehicles and other property belonging to a legal entity shall be carried out by the authorized persons mentioned in Article 787, part one of Article 804 of this Code, in the presence of the owner of goods, transport vehicle and other property and two attesting witnesses.

In exigent cases, arrestment of goods, transport vehicles and other property may be carried out in the absence of the owner.

3. In necessary cases, photo survey and cine filming, video recording shall be applied.

4. Upon arrestment of goods, transport vehicles and other property belonging to a legal entity, the protocol shall be drawn up. Protocol of arrestment of goods, transport vehicles and other property belonging to a legal entity, shall contain date and place of its drawing up, position, last name and initials of a person that drew up the protocol, details on the legal entity in respect of which this measure of ensuring the administrative infraction proceeding is applied and on a person who possesses arrested goods, transport vehicles and other property, their inventory and identification characteristics, as well as the application of photo survey and cine filming, video recording shall be recorded. Materials received upon carrying out of arrestment with application of photo survey and cine filming, video recording shall be enclosed to the relevant protocol.

5. In necessary cases, the arrested goods, transport vehicles and other property shall be packaged and (or) sealed.

6. Copy of protocol on arrestment of goods, transport vehicles and other property belonging to a legal entity shall be delivered to a representative of legal entity in respect of whom this measure of ensuring the administrative infraction proceeding is applied.

7. Alienation or concealment of arrested goods, transport vehicles and other property belonging to a legal entity by the legal entity in respect of whom this measure of ensuring the administrative infraction proceeding is applied, or by a person carrying out storage of arrested property, shall entail the liability established by the Laws of the Republic of Kazakhstan.

Article 801. Procedure for suspension or prohibition of activity or its separate types

1. Suspension or prohibition of an activity or its certain types shall be carried out by an official authorized in accordance with Article 804 of this Code to draw up a protocol on an administrative infraction, for commission of which an administrative sanction may be applied in the form of suspension or prohibition of an activity or its certain types. The suspension or prohibition of an activity or its individual types shall be allowed for a period of not more than three days. Within the specified period, the authority (official) shall be obliged to send materials on the administrative infraction to the court, the authority (official) authorized to consider cases of administrative infractions.

2. An act shall be drawn up on suspension or prohibition of activity or its certain types, which indicates the basis for application of this measure, the date and place of its preparation, position, surname and initials of the official who drew up the act, information about the person in respect of whom the proceedings are being conducted on administrative infraction, the object of activity, subject to a temporary ban of activity, the time of the actual termination of activity, explanations of the person and other data necessary for the correct resolution of the case. In this case, the act on suspension or prohibition of the activity or its certain types shall be valid until a decision shall be made on the case.

3. The act on suspension or prohibition of activity or its separate types shall be signed by a civil servant that drew it up, by an individual or representative of legal entity the activity of which is terminated on a temporary basis. In case if the act is not signed by any of mentioned persons, the civil servant shall make the relevant record.

4. Copy of act on suspension or prohibition of activity or its separate types shall be delivered to a person whose activity if terminated on a temporary basis against receipt.

5. The civil servant that drew up the act on suspension or prohibition of activity of its separate types shall carry out stamping, sealing premises, storage places of goods and other material values, cash registers, as well as the other measures on execution shall be applied by persons mentioned in the act, event, required for temporary termination of activity.

Footnote. Article 801 as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 41. INITIATION OF CASES ON ADMINISTRATIVE INFRACTIONS

Article 802. Reasons and grounds for initiation of a case on administrative infraction

1. The reasons for initiation of a case on administrative infraction are:

1) indirect detection of a fact of committing administrative infraction by the authorized civil servant in consideration of provisions of part three of this Article;

2) materials received from law enforcement bodies, as well as from other state bodies, bodies of local self-government;

3) notices or applications of individuals and legal entities, as well as notices in mass media;

4) indications of special automated measuring means, as well as of certified special monitoring and testing technical means and observation devices, operating in automated regime and recording commission of administrative infraction in the scope of automobile transport and road traffic safety by photo survey and video recording of traffic situation, determination of speed of a transport vehicle, actions of other participants of road traffic;

5) indications of monitoring and testing equipment and (or) of radiotechnical control.

2. The ground for initiation of a case on administrative infraction is the existence of sufficient data pointing to the signs of the administrative infraction in the absence of circumstances excluding the proceeding on case provided by Article 741 of this Code.

3. The grounds for initiation of a case on administrative offence according to subparagraph 1) of part one of this Article in relation to the subject of control and supervision shall be the result of inspection carried out in the manner established by the Entrepreneurial Code of the Republic of Kazakhstan, as well as the result of preventive control and supervision to the entity (object) of control and supervision visit in cases provided by part three of Paragraph 3 of Article 137 of the Entrepreneurial Code of the Republic of Kazakhstan.

This part action shall not apply to the cases of detecting the elements of administrative offense upon carrying out control and supervision in the areas provided by Paragraphs 4 and 5 of Article 129 and Paragraphs 3 and 5 of Article 140 of the Entrepreneurial Code of the Republic of Kazakhstan, as well as for the state statistics upon carrying out preventive control without visiting respondents.

4. The case on administrative infraction shall be considered initiated from the date of drawing up of the first protocol on applying the measures of ensuring the administrative infraction proceeding provided by Article 785 of this Code, drawing up of a protocol on administrative infraction or issuance of the decree by a prosecutor on initiation of a case on administrative infraction, as well as from the date of declaring on establishment of the fact of contempt of court by a judge (court) from the side of a person attending the proceeding in the course of judicial proceeding.

In case if the administrative infraction is recorded by certified special monitoring and testing technical means and devices operating in automated regime, the case on administrative infraction shall be considered initiated from the date of direction the prescription on necessity to pay the fine in the manner provided by Article 743 of this Code, as well as upon commission of administrative infractions, the cases on which are considered by the state revenues bodies, the case on administrative infraction shall be considered initiated from the date of a proper delivery of notification (notice).

Footnote. Article 802 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 29.10.2015 No. 376-V (shall be enforced from 01.01.2016); dated 24.11.2015 No. 419-V (shall be enforced from 01.01.2016); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 803. Protocol on administrative infraction

1. Protocol on administrative infraction shall be drawn up in a written form by the authorized civil servant, with the exception of cases provided by Article 807 of this Code. The electronic form of a protocol on administrative infraction may be used together with written form.

2. The protocol on administrative infraction shall contain:

- 1) date and place of its drawing up;
- 2) position, last name and initials of a person that drew it up;
- 3) details on a person in respect of whom the case is initiated (for individuals – last name, first name, patronymic (when available), date of birth, place of residence, name and requisite elements of a document certifying identity, identification number, place of work, subscriber's number of phone, fax, cellular communication and (or) electronic mail (if they are available); for legal entities – name, location, number and date of state registration (reregistration) of a legal entity, identification number and banking details, subscriber's number of phone, fax, cellular communication and (or) electronic mail (if they are available);
- 4) place, time of commission and merits of administrative infraction;
- 5) Article of the Special part of section 2 of this Code providing administrative liability for this infraction; last names, first names, patronymics (when available), addresses of witnesses and injured parties, if available;
- 6) explanation of an individual or representative of legal entity in respect of whom the case is initiated; name, number, date of metrological verification, indications of technical means, if they were used upon clarification and recording of an administrative infraction;
- 7) other details required for solution of a case, place, including time and place of consideration a case on administrative infraction, as well as the documents confirming the fact of committing administrative infraction shall be enclosed.

3. Upon drawing up of a protocol on administrative infraction, the language of proceeding shall be determined. The person in respect of whom the case is initiated, as well as other participants of the proceeding on case shall be explained about their rights and obligations provided by this Code, whereat the relevant note shall be made in the protocol.

Upon drawing up of a protocol on administrative infraction, the defence attorney or legal representative of a minor person in respect of whom the administrative infraction proceeding

is conducted, shall be explained about their right to file a petition on transfer of the case according to court jurisdiction to the specialized administrative court, and in the absence of the specialized administrative court in a territory of the relevant administrative territorial entity – to district (city) court.

4. The protocol on administrative infraction shall be signed by a person that drew it up, and by a person (representative of the person) in respect of whom the administrative infraction proceeding is conducted, with the exception of cases provided by this Article. In existence of injured parties and witnesses, as well as in cases of participation of attesting witnesses, the protocol shall be signed by these persons.

5. In case of absence or non-appearance of a notified person in a proper manner, in respect of whom the case is initiated, the protocol on administrative infraction shall be signed by a person that drew it up, with the note on absence or non-appearance of the person in respect of whom the case is initiated.

6. In case of refusal from accepting a protocol on the case on administrative infraction against receipt by a person, in respect of whom the case on administrative infraction is initiated, the relevant record shall be made in the protocol by the person that drew it up.

7. The individual or representative of legal entity in respect of which the case is initiated shall be provided by a possibility to familiarize with a protocol on administrative infraction. The mentioned persons shall have the right to represent explanations and remarks on contain of the protocol, as well as to state the grounds of own refusal from its signing. In case of refusal of these persons from signing the protocol on administrative infraction, the relevant record shall be made. The fact of signing the protocol by a person in respect of whom the case is initiated shall bear evidence of familiarization of this person with the protocol and shall not constitute a confession of his (her) fault in commission of administrative infraction.

8. An individual or representative of a legal entity against whom a case has been initiated, as well as a victim, a copy of the protocol on administrative infraction shall be handed over against a receipt immediately after it has been drawn up, except for the cases provided by part nine of this Article.

When drawing up the protocol in electronic form, the authorized person informs the participants in the proceedings on the case of its placement on the web portal of the "electronic government" and (or) the information service of the authorized authority in the field of legal statistics and special accounting. At the request of the person (representative of the person) in respect of whom the proceedings are being conducted in the case of an administrative infraction, a copy of the protocol shall be submitted immediately by handing it on paper or sending it to the postal or e-mail address indicated by him, as well as in another way, provided by the procedure for maintaining the Unified Register of Administrative Proceedings.

9. The protocol on administrative infraction in cases of its drawing up in the absence of a person in respect of whom the case is initiated on the grounds provided by subparagraph 4) of

part one of Article 802 of this Code, as well part five of this Article within two days after its drawing up shall be directed by registered mail with notification of the person in respect of whom the case is initiated, or in the form of electronic document certified by an electronic digital signature. The fact of non-return of the protocol within three days from the date of receipt by the person in respect of whom the case is initiated shall be recognized as refusal from its signing, whereat the relevant record shall be made in a copy of protocol.

Footnote. Article 803 as amended by the Law of the Republic of Kazakhstan dated 20.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 31.10.2015 No. 378-V (shall be enforced from 01.01.2016); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 804. Civil servants having the right to draw up protocols on administrative infractions

1. The following authorized civil servants shall have the right to draw up the protocols on administrative infractions on the cases on administrative infractions considered by courts:

1. Duly authorized executive officers shall have a right to draw protocols on administrative infractions on cases regarding administrative infractions considered by courts:

Note of RCLI!

Amendments to subparagraph 1), Part 1 are provided for by the Law of the Republic of Kazakhstan dated 30.12.2016 No. 41-VI (shall be enforced from 01.01.2021).

1) internal affairs authorities (Articles 73, 73-1, 73-2, 85, 100, 127, 128, 129, 130, 131, 133, 134, 149, 150, 154, 156-1 (parts two and three), 160 (part two), 190 (parts two, three and four), 200, 282 (parts three and four), 381-1, 382 (parts two and three), 383 (parts three and four), 395 (part two), 398, 416 (on violation of safety requirements for civilian and service weapons and bullets thereto, chemical products related to distribution of narcotic drugs, psychotropic substances and precursors, civilian pyrotechnical agents and items they include), 423, 427, 433 (part two), 434, 435, 436, 438 (part three), 440 (part three), 442 (part three), 443 (part two), 444 (part one), 445 (parts one and eleven), 446, 448, 449 (parts two and three), 450 (part two), 453, 461, 462, 463, 476, 477, 478, 479, 480 (part two), 481, 482, 483, 488, 489 (parts two, three and four), 490 (parts one and three), 495 (part two), 496 (parts two and three), 506, 510 (part four), 512 (part two), 513 (part two), 514 (part two), 517 (parts two, four, five, six and seven), 590 (part four), 596 (part three), 603 (parts one and two), 606 (part two), 607 (part two), 608, 610, 611 (parts two and three), 612 (parts three and 4-1), 613 (parts three, four, five, nine, ten and eleven), 615 (part four), 621 (part three), 654 (in relation to infractions stipulated by articles 590, 591, 592, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 606, 607, 608, 610, 611, 612, 613), 662, 663, 665, 667, 669, 674, 675);

2) authorized authority in the field of civil protection (Articles 299 (part two) (except for safety of embankments), 312 (part two), 314, 416 (on violation of safety requirements for machinery and equipment, chemical products in relation to fire and explosion hazard), 462);

3) commandant's headquarters of separate regions (Articles 476, 478);

4) authorities of military police of the Armed Forces of the Republic of Kazakhstan on infractions committed by military servants, persons liable for military service called out for training, and by persons operating vehicles of the Armed Forces of the Republic of Kazakhstan, other forces and military units of the Republic of Kazakhstan stipulated by Articles 73, 73-1, 73-2, 154, 434, 436, 440 (part three), 444 (part one), 479, 482, 483, 488, 506, 590 (part four), 596 (part three), 603 (part one and two), 606 (part two), 607 (part two), 608, 610, 611 (parts two and three), 612 (parts three and 4-1), 613 (parts three, four, five, nine, ten and eleven), 615 (part four), 621 (part three), 651 (in relation to military servants, chairmen, deputies and members of physical evaluation boards, draft boards, selection boards of local bodies of military administration, military bases and institutions), 652, 667, 676, 677, in relation to commanders (senior officers) of military units (institutions) on Articles 680, 681 of this Code, except for persons specified in subparagraphs 5) and 6) of this part;

5) authorities of military police of the National Security Office of the Republic of Kazakhstan on infractions committed by persons operating vehicles of special state authorities stipulated by Articles 590 (part four), 596 (part three), 603 (parts one and two), 606 (part two), 607 (part two), 608, 610, 611 (parts two and three), 612 (parts three and 4-1), 613 (parts three, four, five, nine, ten and eleven), 615 (part four), 621 (part three), committed by military servants national security authorities of the Republic of Kazakhstan on Articles 73-1 (part one), 73-2 (part one), 434, 652, 667, as well as in relation to other persons on Article 506, in relation to executive officers of military units on Articles 676, 677, 680, 681 of this Code;

6) authorities of military police of the National Guard of the Republic of Kazakhstan on infractions committed by military servants and persons liable for military service called out for training stipulated by Articles 506, 590 (part four), 596 (part three), 603 (parts one and two), 606 (part two), 607 (part two), 608, 610, 611 (parts two and three), 612 (parts three and 4-1), 613 (parts three, four, five, nine, ten and eleven), 615 (part four), 621 (part three), 652, 667, 676, 677, as well as in relation to commanders of military units on Articles 680, 681 of this Code;

7) authorized authority in the field of the use and protection of the water fund (Articles 299 (Part Two) (except for industrial safety), 360 (Part One), 462);

8) authorized authority in the field of veterinary (Article 416 (on violation of safety requirements for food products which shall be subject to veterinary control and supervision);

9) authorities in the field of forestry, fishery and hunting industry, conservation areas (Articles 160 (part two), 381-1 (parts two and three), 382 (parts two, three), 383 (part three and four), 385 (part two), 389, 392 (part three), 395 (part two), 396 (part two), 398, 462, 463)

;

- 10) authorized authority in the field of environmental control (Articles 139 (part two), 397 (part four), 416 (on violation of safety requirements for chemical products), 462);
- 11) public oversight authorities in the field of exploration (Articles 416, 462);
- 12) authorized authority in the field of culture (Article 145);
- 13) authorized authority in the field of tourism activities (Articles 462, 463, 465);
- 14) authorized authority in the field of gaming industry (Articles 214, 444 (Part One), 445, 462);
- 14-1) authorized authority in the field of lottery and lottery activities (Articles 214, 445-1);
- 15) authorities on quarantine and plant protection (Articles 400 (part two), 415 (part two) (on violation of the requirements of technical regulations in the field of circulation of pesticides), 416 (on violation of the requirements of technical regulations in the field of circulation of pesticides), 462);
- 16) authorities in the field of seed industry and grain market regulation (Article 462);
- 17) authorized authority in the field of biofuel production (Article 169 (parts two, seven, thirteen (with regard to biofuel production)));
- 18) authorized authority in the field of circulation of biofuel (Article 169 (parts ten, eleven, twelve, thirteen (with regard to circulation of biofuel), fourteen));
- 19) authorized authority in the field of livestock breeding (Articles 407 (parts two and three), 462, 463);
- 20) authorized authority in the field of agriculture (Article 416 (on violation of safety requirements for machinery and equipment, chemical products));
- 21) authorities of state architectural and construction control and supervision (Articles 312 (part two), 313, 314, 316 (part two), 317 (part four), 317-1 (part two), 317-2 (part two), 319, 462, 463);
- 22) authorities of sanitation and epidemic control (Articles 193 (parts two and three), 282 (parts three and four), 312 (part two), 314, 416 (on violation of safety requirements for food products, toys, chemical products), 425 (part two), 426 (parts two and three), 430 (part two), 462, 463, 476);
- 23) authorized authority in the field of information technology and communication (Articles 134, 416 (on violation of safety requirements for communication means), 462, 463, 637 (parts eight, nine, ten and thirteen), 638 (part two));
- 23-1) authorized authority in the field of maintenance of information security (Articles 462, 463);
- 24) authorized authority in the field of civil aviation (Articles 462, 563 (part two), 564 (part five), 569 (parts one, two and four));
- 25) authorized authority in the field of transport and communication (Articles 416 (on violation of safety requirements for machinery and equipment, chemical products), 462, 463);
- 26) transport control authorities (Articles 462, 463, 613 (part three), 618);

27) authorities of the Ministry of Finance of the Republic of Kazakhstan (Articles 214 (when such infractions shall be committed by auditors, audit companies), 245, 246, 247 (parts 7-1, nine and eleven), 462);

28) excluded by the Law of the Republic of Kazakhstan dated 12.11.2015 No. 393-V (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

29) authorities of state control over production and circulation of excisable products (Articles 281 (parts four, five and six), 282 (parts three, four, six, seven, eleven and thirteen), 283, 463);

30) anti-corruption service (Articles 658, 659, 660, 661, 662, 665, 667);

31) state revenue authorities (Articles 150, 151 (part two), 154, 158, 174 (part two), 176, 182, 246 (parts five and six), 281 (parts four, five and six), 282 (parts three, four, six, seven, eleven and thirteen), 283, 283-1, 357, 398, 462, 463, 489 (parts five, six, seven and eight), 528 (part 1-1), 532 (part two), 543 (parts 1-1, three and four), 544, 545, 548 (part two), 549, 550, 552 (part two), 590 (part four), 654, 679, as well as on administrative infractions committed at automobile border-crossing points across the State Border of the Republic of Kazakhstan stipulated by Article 425 (part two);

32) authorized authority in the field of industrial safety (Articles 416 (on violation of safety requirements for machinery and equipment, chemical products with regard to fire and explosion hazard), 462);

33) justice authorities (Articles 158, 214, 462, 668);

34) authorities which are licensers or those authorized to issue permits of the second category in accordance with the laws of the Republic of Kazakhstan (Articles 312 (part two), 313, 314, 316 (part two), 319, 392 (part three), 462, 463, 465, 621 (part three);

35) authorized authority exercising management in the field of natural monopolies (Articles 171 (parts one and three (upon excess of the limit price for retail trade of oil products), 462);

36) authorized authority on entrepreneurship (Articles 175, 175-1, 462, 465);

37) authorities in the field of technical regulation and measurement assurance and territorial authorities thereof (Articles 415 (part two), 415-1 (part two), 417 (parts one and six), 419 (part two), 462, 463);

38) authorities on state energy supervision and control (Articles 462, 463);

39) authorized authority in the field of regulation of industrial policy (Article 416 (on violation of safety requirements for machinery and equipment, chemical products, toys);

40) authorized authority in the field of regulation of business activity (Articles 214, 462);

41) authorized state authority in the field of state registration of legal entities, vital records (Articles 462, 463);

Note of RCLI!

Amendment is provided for in subparagraph 42) by the Law of the Republic of Kazakhstan dated 04.07.2018 No. 173-VI (shall be enforced from 01.01.2021).

42) authorized authority in the field carbohydrates (Articles 170 (parts seven, nine, ten, eleven and twelve), 171 (parts two and three (upon excess of limit price of retail trade of commercial or liquid petroleum gas), 356 (part fourteen), 462 (part three), 463);

42-1) authorized authority in the field of solid commercial mineral (Article 462 (part three));

42-2) authorized authority in the field production of uranium (Article 462 (part three));

43) authorized authority in the field of nuclear energy use (Articles 416 (on violation of safety requirements for machinery and equipment established by technical regulations on nuclear and radiation safety), 462, 463);

44) The Border Service of the National Security Committee of the Republic of Kazakhstan (Articles 382 (parts two and three), 383 (parts three and four), 395 (part two), 396 (part two), 506, 510 (part four), 512 (part two), 513 (part two), 514 (part two), 516, 517 (parts two, four, six and seven));

45) national security authorities (Articles 453 (parts two and three) (for commitment of infractions related to state secrets), 462, 477, 667);

46) State Guard Service of the Republic of Kazakhstan when taking guard actions (Articles 149, 425 (part two), 436, 477, 479, 482, 488, 506, 606 (part two), 652 (parts one, two, three, four and six) on administrative infractions committed by military servants of the State Guard Service of the Republic of Kazakhstan), 667);

47) Accounts Committee for Control over Execution of the Republican Budget and revision committees of regions, cities of republican status, the capital city (Articles 234-1 и 462);

48) state labor inspection authorities (Article 462);

49) authorized authority in the field of education (Articles 127-1, 134, 409 (parts seven, 7-1 and 7-8), 462, 463);

50) local executive authorities of regions, cities of republican status, the capital city, districts, cities of regional status (Articles 134, 145, 156-1, 294 (parts one and two), 320 (parts one, two and three), 381-1, 382 (parts two and three), 383 (parts three and four), 401 (parts six and seven), 402 (part four), 404 (part nine), 453, 462, 463, 489-1, 490);

50-1) authorized authority in the field of interaction with nongovernmental organizations (Article 489-1);

51) anti-monopoly authority (articles 159 (parts one, two, three, 3-1 and four), 160 (part two));

52) authorities on the control in the field of health care (Articles 80 (part four), 81 (part two), 82 (part two), 127-1, 409 (part seven), 424 (parts three and five), 462, 463);

53) authority in the field of circulation of pharmaceutical and medical products (Articles 426 (parts two, three and four), 462 и 463);

54) excluded by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

55) authorized state authority in the field of religious activities (Article 490 (parts two, six and eight (when such infractions shall be committed by executive officers of central government authorities));

56) state legal executives (Articles 665, 667, 669 (part one), 673);

57) officers of justice and other employees of courts authorized by a president of court or a person presiding over a court session (Articles 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 673);

58) persons authorized by akims of regions (cities or republican status, the capital city) (Article 656);

59) authorized authority in the field of postal communication (Articles 214, 462);

60) authorized authority in the field of state service affairs and anti-corruption (Articles 99, 154, 173, 462 (parts three and four), 465, 661, 676, 677, 678, 679, 680, 681);

61) penal institutions or pretrial detention centers (Article 481);

62) authorized authority in the field of information (Articles 134 (except for erotic content items), 156-1 (parts one and three), 451 (parts one, two and three), 452 (parts three and four), 462, 463);

63) authorities of state control in the field of the use and protection of lands (Article 462);

64) authorized authority in the field of protection of consumer rights protection and its territorial authorities (Articles 193 (part three), 415 (part two));

65) authorized authority in the field of protection of children's rights (Article 135);

66) social welfare authorities of the Republic of Kazakhstan (Articles 127-1, 462);

67) authority exercising state control in the field of conservation of energy and improvement of energy efficiency (Articles 462, 463);

68) economic investigation services (Articles 658, 659, 660, 661, 662, 665, 667).

2. Authorized officers of the National Bank of the Republic of Kazakhstan also have a right to draw protocols on administrative infractions on cases regarding administrative infractions considered by courts: (Articles 214 (parts one, two, three and four (in relation to legal entities carrying out their activities exclusively through exchange points on the basis of a license from the National Bank of the Republic of Kazakhstan for exchange transactions with foreign currency in cash, and legal entities exclusive activity whereof is encashment of banknotes, coins and values, payment institutions), 251, 462, 463).

2-1 Authorized officers of an authorized authority for regulation, control and supervision over financial market and financial organizations also have a right to draw protocols on administrative infractions on cases regarding administrative infractions considered by courts (

Articles 214 (parts one, two, three and four (in relation to the National Postal Operator, entities carrying out microfinance activities, and financial entities (except for legal entities carrying out activities exclusively through exchange points on the basis of a license from the National Bank of the Republic of Kazakhstan for exchange transactions with foreign currency in cash, and legal entities exclusive activity whereof shall be encashment of banknotes, coins and values, payment institutions), 245, 462, 463).

3. A right to draw protocols on infractions on cases on administrative offenses consideration whereof is placed under the jurisdiction of bodies specified in Articles 685 – 735 of this Code have duly authorized executive officers of such authorities. In addition, a right to draw protocols on administrative officers have:

1) executive officers of an authorized authority in the field of transport and communications (Articles 230 (part two) (when such offenses are committed by passenger carriers), 581 (part two), 582, 583 (part three), 586, 621 (part four), 622 (part one), 623, 625 (for commitment of infractions with the use of motor transport and urban rail transport);

2) executive officers of specialized organizations of authorities in the field of forestry, fishery and hunting industry (Articles 138, 142, 143, 337, 339, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 385 (part one), 394 (parts one и two), 395 (part one), 396 (part one);

3) huntsmen, directors of hunting entities and fish farms responsible for matters of wildlife conservation (Articles 382, 383 (parts one, two, three and four);

4) executive officers of the State Guard Service of the Republic of Kazakhstan during guard actions (Articles 297, 485, 504, 614, 675);

5) executive officers of bodies of military police of the Armed Forces of the Republic of Kazakhstan in relation to military servants and employees of the Armed Forces of the Republic of Kazakhstan (Articles 437, 440 (parts one and two), 441, 444 (part two), 484, 485)

Footnote. Article 804 as amended by the Laws of the Republic of Kazakhstan dated 07.11.2014 No. 248-V (shall be enforced from 01.01.2015); dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015); dated 29.12.2014 No. 272-V (the order of enforcement see Article 2); dated 10.01.2015 No. 275-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 24.04.2015 No. 310-V (shall be enforced upon expiry of twenty one calendar days after the date of its first official publication); dated 05.05.2015 No. 312-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 02.08.2015 No. 343-V (shall be enforced upon expiry of six months after its first official publication); dated 28.10.2015 No. 366-V (shall be enforced upon expiry of three months after its first official publication); dated 29.10.2015 No. 376-V (shall be enforced from 01.01.2016); dated 31.10.2015 No. 378-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 12.11.2015 No. 393-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated

18.11.2015 No. 411-V (shall be enforced from 01.01.2016); dated 24.11.2015 No. 419-V (shall be enforced from 01.01.2016); dated 27.11.2015 No. 424-V (shall be enforced upon expiry of six months after its first official publication); dated 02.12.2015 No. 429-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.12.2015 No. 432-V (shall be enforced from 01.01.2017); dated 29.03.2016 No. 479-V (shall be enforced upon expiry of twenty one calendar days after its first official publication); dated 06.04.2016 No. 484-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.04.2016 No. 487-V (shall be enforced upon expiry of six months after its first official publication); dated 09.04.2016 No. 496-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.04.2016 No. 501-V (shall be enforced from 01.01.2017); dated 21.04.2016 No. 504-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.04.2016 No. 506-V (shall be enforced upon expiry of sixty calendar days after its first official publication); dated 26.07.2016 No. 12-VI (shall be enforced upon expiry of two months after its first official publication); dated 22.12.2016 No. 28-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2016 No. 34-VI (shall be enforced from 01.01.2017); dated 10.05.2017 No. 64-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2017 No. 84-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.12.2017 No. 122-VI (shall be enforced from 01.01.2018); dated 26.12.2017 No. 124-VI (shall be enforced from 01.01.2018); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 No. 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 134-VI dated 10.01.2018 (shall be enforced upon expiry of six months after its first official publication); No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); No. 170-VI dated 02.07.2018 (shall be enforced upon expiry of six months after its first official publication); No. 184-VI dated 05.10.2018 (shall be enforced upon expiry of six months after its first official publication); No. 210-VI dated 28.12.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); No. 211-VI dated 28.12.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); No. 240-VI dated 01.04.2019 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.04.2019 No. 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 26.12.2019 No. 284-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 26.12.2019 No. 289-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 27.12.2019 No. 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication

); dated 27.12.2019 No. 292-VI (for procedures of enforcement, see Article 2); dated 27.12.2019 No. 294-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 805. Initiation of the administrative infraction proceeding by a prosecutor

1. The prosecutor shall issue a decree on initiation of the cases on administrative infractions provided by Articles 74, 75, 76, 77, 78, 79, 81, 82, 82-1, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 129, 130, 173, 189, 214, 361, 362, 363, 439, 451, 452, 453, 455, 456, 456-1, 457, 465, 490, 498, 507, 508, 653, 660, 666, 675, 680 of this Code

2. The prosecutor shall have the right to issue a decree on initiation of the case and on other administrative infraction.

3. Decree of a prosecutor on initiation of the administrative infraction proceeding shall contain details provided by Article 803 of this Code.

Footnote. Article 805 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 19.05.2015 No. 315-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 16.11.2015 No. 404-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 806. Terms for drawing up a protocol on administrative infraction

1. The protocol on administrative infraction shall be drawn up immediately after detection of the fact of commission of administrative infraction.

2. Upon detection of administrative infraction in the course of inspection conducted in the manner established by the Entrepreneurship Code of the Republic of Kazakhstan, the protocol on administrative infraction shall be drawn up immediately after completion of the relevant inspection.

3. In cases of detection of administrative infraction upon carrying out monopolistic activity, unfair competition, as well as anticompetitive actions (inaction) of the state and local executive bodies, institutions, with mandates of the state regulation functions of market players activity prohibited by the Entrepreneurship Code of the Republic of Kazakhstan, the protocol shall be drawn up immediately after adoption of the relevant decision on results of investigation.

4. In cases of detection of administrative infractions in the field of tax assessment or use of budget funds in the scope of technical regulation and ensuring the uniformity of

measurements, the protocol shall be drawn up immediately after completion of the relevant inspection.

5. In case of failure to pay a fine in the manner determined by Article 897 of this Code, the protocol shall be drawn up within a day upon expiration of the term established by mentioned Article of this Code.

6. In cases when additional clarification of circumstances of administrative offence, identity of an individual or information on legal entity and identity of a representative of legal entity shall be required, in respect of which the case shall be initiated, the protocol on administrative offence shall be drawn up within three days from the date of establishment of mentioned circumstances, and on administrative offences provided by Articles 210, 213 (parts four, eight and nine), 217, 218, 220, 222, 227 (parts one, two, three and four), 228 (parts five and twelve), 239 (parts three and four), 243, 244, 251, 252, 464 (part one), 571, 572, 573, 575, 593 (part one) of this Code, as well as upon transfer of materials on administrative offences to the territorial branches within ten days from the date of detection of offence or a person that committed it.

7. In case when carrying out examination is required, investigation by specialist, the protocol on administrative infraction shall be drawn up within two days from the date of receipt of opinion of the examination and (or) specialist.

8. In cases when on administrative infractions provided by Articles 324 (part one), 337 (part one), 344, 347, 394 (part two) of this Code, the establishment of the extent of damage to environment is required, the protocol on administrative infraction shall be drawn up within a day from the date of establishment of the extent of damage to environment.

9. In cases when the requirements mentioned in a part six of this Article may not be executed by the reason of failure to establish an individual, the protocol on administrative infraction shall be drawn up on the fact of commission of administrative infraction within the terms established by this Article.

Footnote. Article 806 as amended by the laws of the Republic of Kazakhstan dated 29.10.2015 No. 376-V (shall be enforced from 01.01.2016); dated 28.12.2016 No. 34-VI (shall be enforced from 01.01.2017); dated 06.05.2017 No. 63-VI (shall be enforced upon expiry of twenty one calendar days after its first official publication); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); No. 168-VI dated 02.07.2018 (order of enforcement see Article 2).

Article 807. Cases when the protocol on administrative infraction shall not be drawn up

1. The protocol on administrative infraction shall not be drawn up:

1) in cases of commission of an administrative infraction that entails imposition of administrative sanction in the form of notification, if the person admitted the fact of commission of the administrative infraction;

2) if the administrative infraction is recorded by certified special control monitoring and testing technical means and devices operating in automated regime, the fine shall be drawn up in the form of prescription on necessity to pay the fine;

3) upon commission of administrative infractions the cases on which shall be considered by the state revenues bodies in case if the person admitted the fact of commission of an administrative infraction and agreed with imposition of a sanction, as well as paid a fine in accordance with Article 897 of this Code;

4) upon address of individuals with application on restoration of violated rights, the cases on administrative infractions provided by Articles 74, 75, 76, 78, 81, 82, 82-1, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 92-1, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 130, 132 and 456-1 of this Code shall be considered by a court without drawing up of a protocol on infraction;

5) if the administrative infraction proceeding is initiated by a decree of a prosecutor and upon establishment of the fact of contempt of court directly in the course of consideration by court in cases provided by a part three of Article 684 of this Code.

2. Recovery in the form of notification shall be drawn up by the authorized civil servant at the place of commission of administrative infraction, with the exception of the infraction in the field of finance and trade.

The person that committed administrative infraction shall confirm own agreement with imposed sanction by signing of the second copy of the decree on issuance of notification.

Footnote. Article 807 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 19.05.2015 No. 315-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 16.11.2015 No. 404-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.11.2015 No. 406-V (shall be enforced from 01.07.2017); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 808 – Sending of a protocol (order of a public prosecutor) for consideration of case

A protocol, and in cases provided by part nine, Article 803 of this Code a copy of protocol (order of a public prosecutor) on administrative offense within three days after it has been drawn shall be sent for consideration at the court, authority (executive office), authorized to consider cases on administrative infraction.

When it is impossible to identify a person who committed administrative infraction, protocol on administrative infraction shall be sent within three days to the court, a authority (executive officer) authorized to consider cases on administrative infractions after identification of a person who committed the administrative infraction.

A protocol, and in cases provided by part nine, Article 803 of this Code a copy of a protocol (order of a public prosecutor) on administrative infraction, liability for commitment whereof may result in application of administrative arrest, administrative deportation of a foreign citizen or a person without citizenship out of the Republic of Kazakhstan, shall be sent immediately after it has been drawn.

In cases provided by part three, Article 811 of this Code, a protocol (order of a public prosecutor) on administrative infraction shall be sent within three days for consideration at the court, an authority (executive officer) authorized to consider cases on administrative infraction after expiration of the term specified in part one, Article 811 of this Code.

A protocol (order of a public prosecutor) on administrative infraction may be sent to a judge, authority (executive officer) authorized to consider cases on administrative infractions in written or in the form of an electronic document certified by electronic digital signature.

Footnote. Article 808 as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 809. Termination of the administrative infraction proceeding before transfer of a case for consideration

In existence of at least one of the circumstances provided by Articles 741 and 742 of this Code, the civil servant the proceeding of which includes a case, shall issue a decree on termination of the administrative infraction proceeding.

Chapter 42. CURTAILED ADMINISTRATIVE INFRACTION PROCEEDING

Article 810. Grounds for curtailed administrative infraction proceeding

1. Curtailed administrative infraction proceeding shall be carried out on cases on administrative infraction, including the cases, the consideration of which is related to jurisdiction, for which the administrative sanction in the form of fine is provided according to the item of part one of Article 44, the individual that committed it is established admitting his (her) guilt and that is agreed with paying the fine in amount of fifty percent of stated sanction of the Article of special part of this Code and not appeal the submitted evidences.

2. Curtailed administrative infraction proceeding shall not be applied in the cases:

1) when the sanction of Article provides the other types of sanction, with the exception of the prevention;

- 2) Is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication);
- 3) commission of an infraction by persons having privileges and immunity;
- 4) commission of administrative infractions the cases on which are considered by the state revenues bodies;
- 5) Is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication);
- 6) commitment of administrative infraction cases whereon shall be considered by the National Bank of the Republic of Kazakhstan and an authorized authority for regulation, control and supervision of the financial market and financial organizations, as well as in case of drawing by authorized officers of the National Bank of the Republic of Kazakhstan and authorized authority for regulation, control and supervision over financial market and financial organizations of protocols on administrative infractions on articles specified in parts two and 2-1, Article 804 of this Code.

Footnote. Article 810 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.01.2019 № 217-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2019 No. 262-VI (shall be enforced from 01.01.2020).

Article 811. Procedure for curtailed administrative infraction proceeding

1. In case of identification of an administrative infraction and identification of a person who committed it, an authorized person specified in Articles 804 or 805 of this Code shall initiate administrative proceedings, explain such person a right to pay penalty at the amount of fifty per cent of penalty amount specified in sanction of Article of Special Part of this Code within seven days and, where necessary, serve a pay receipt as per standard form.

If the administrative infraction is recorded by certified special monitoring testing technical means and devices operating in automated regime, the person shall have the right to pay a fine in amount of fifty percent of stated sum of the fine within seven days from the date of the proper delivery of the prescription on necessity to pay a fine, with a receipt of the established sample.

2. In case of payment a fine in amount of fifty percent of stated sum of the fine within seven days, the case is considered in essence, decision entered into force, and a person committed on administrative liability.

The cases shall not be subject to review that considered on rules of this Chapter, with the exception of cases provided by Chapter 47 of this Code.

3. In case failure to use or improper use of the right provided by a part one of this Article, the administrative infraction proceeding shall be carried out according to the standard procedure.

Footnote. Article 811 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 43. CONSIDERATION OF CASES ON ADMINISTRATIVE INFRACTIONS BY AUTHORIZED BODY (CIVIL SERVANTS)

Footnote. Title of Chapter 43 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 812. Place of consideration of a case on administrative infraction

1. The case on administrative infraction shall be considered at the place of its commission, and in the cases provided by this Code – at location of a authorized body (civil servant) the jurisdiction of which includes consideration of the case on administrative infraction. Upon petition of a person in respect of whom the administrative infraction proceeding is conducted, the case may be considered at the place of residence of this person or at the place of registration of transport vehicles, vessels including small size vessels.

2. Cases on administrative infraction stipulated by Articles 333, 334, 571, 572, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 606, 607, 608, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624-1, 625, 626, 627, 628, 630, 631 and 632 of this Code may be also considered at place of registration of vehicles, ships, including small ships, or at place of residence of a person in relation to whom proceedings on a case on administrative infraction shall be administered.

3. The cases on administrative infractions provided by Articles 378, 379, 382, 383, 440 and 481 of this Code shall be considered at the place of their commission or at the place of residence of a person in respect of whom the administrative infraction proceeding is conducted.

4. The cases on administrative infractions of minor persons, their parents or persons substituting them shall be considered at the place of residence of a person in respect of whom the administrative infraction proceeding is conducted.

Footnote. Article 812 as amended by the laws of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten

calendar days after its first official publication); dated 27.12.2019 No. 295-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 813. Preparation for consideration of a case on administrative infraction

1. The body (civil servant) upon preparation for consideration of a case on administrative infraction shall clarify the following issues:

- 1) if the consideration of this case is related to their competence;
- 2) are there the circumstances excluding the possibility of considering this case by a civil servant;
- 3) are there petitions, including on cases with participation of a minor person on consideration of a case in court at the place of residence of the minor person and challenges;
- 4) if the persons mentioned in Articles 744, 745, 746, 747 and 748 of this Code notified on place and time for consideration of a case.

2. Is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 813 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 814. Circumstances excluding a possibility of considering the case on administrative infraction by a civil servant

The civil servant for consideration of whom the case on administrative infraction is transferred, may not consider this case in cases if this person:

- 1) is a relative of the person bringing to liability, or of injured party, their representatives, defence attorney;
- 2) is interested in solution of a case in person, directly or indirectly.

Footnote. Article 814 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 815. Recusation and challenge of a civil servant

Footnote. Title of Article 815 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. In existence of circumstances provided by Article 814 of this Code, the civil servant shall be obliged to apply on recusation.

2. In existence of circumstances provided by Article 814 of this Code, the person in respect of whom the proceeding on case is conducted, injured party, legal representatives of an individual and representatives of legal entity, defence attorney, prosecutor shall have the right to challenge civil servant.

3. Applications of recusation, challenge shall be filed to a chairman of civil servant.

4. Applications on recusation, challenge shall be considered by a chairman of civil servant within a day from the date of receipt.

5. Following the results of consideration of applications on recusation, challenge, the ruling on satisfying the applications or on refusal from their satisfaction shall be issued.

Footnote. Article 815 as amended by the laws of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 816. Decision of a body (civil servant), adopted upon preparation to consideration of a case on administrative infraction

Footnote. Title of Article 816 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. The body (civil servant) upon preparation to consideration of a case on administrative infraction, shall adopt the relevant decision:

1) on appointment of time and place for consideration of a case;

2) on calling of persons, demand of necessary additional case materials, on assignment of examination in case of necessity;

3) on postponement of consideration of a case;

4) on transfer of a protocol on administrative infraction and other case materials for consideration according to jurisdiction, if the consideration of this case does not relate to its competence or the ruling on challenge of a judge, civil servant is issued;

5) on transfer of a case for consideration in essence in accordance with Article 812 of this Code.

2. Decisions provided by a part one of this Article shall be issued in the form of ruling.

3. Is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

4. Upon establishment that there are two and more cases initiated in respect of one and the same person, the body (civil servant) authorized to consider the cases on administrative infractions shall have the right to consolidate these cases in one proceeding for joint consideration.

5. Upon preparation to repeated consideration of a case on administrative infraction due to non-appearance of a person bringing to liability, his (her) representative, witness without reasonable excuses in cases provided by a part four of Article 744, part six of Article 746 and part five of Article 754 of this Code, the body (civil servant) considering the case shall have the right to issue a ruling on bringing of mentioned persons.

Footnote. Article 816 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 817. Terms for consideration of cases on administrative infractions

1. The cases on administrative infractions shall be considered within fifteen days from the date of receipt of a protocol on administrative infraction and other case materials by a body (civil servant) legally competent to consider a case.

In case when the administrative infraction is recorded by certified special control monitoring and testing technical means and devices operating in automated regime, the case shall be considered upon expiry of fifteen days from the date of the proper delivery of the prescription on necessity to pay a fine, with exception cases considered in essence in the manner of curtailed proceeding.

2. In case of receipt of petitions from participants of the proceeding on a case on administrative infraction or upon necessity of additional clarification of the circumstances of a case, the term for consideration of the case may be extended by a body (civil servant) considering the case, but no more than one month. The reasoned ruling shall be issued on extension of a term.

3. In respect of a person subjected to administrative detention, a case on administrative infraction shall be considered no later than twenty four hours from the date of its detention.

4. If the person in respect of whom the case on administrative infraction is initiated, appeals the results of inspection and other circumstances on the basis of which the civil servant initiated the case on administrative infraction, the term for consideration of the case shall be extended by a body (civil servant) considering the case on administrative infraction, until issuance and entering of the relevant court decision into legal force or expiration of the term for appealing the decision of the body (civil servant) considering a complaint of the person in respect of whom the case on administrative infraction is initiated.

Footnote. Article 817 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 818. Procedure for consideration of cases on administrative infractions

1. Upon beginning of consideration of a case on administrative infractions, the body (civil servant) shall:

1) declare who considers a case, which case is subject to consideration, who and on the basis of which Article of this Code is brought to liability;

2) be satisfied in appearance of an individual or representative of legal entity bringing to administrative liability, as well as other persons participating in consideration of a case;

3) establish identity of participants of the proceeding on a case and check the powers of legal representatives of an individual or representatives of legal entity, defence attorney;

4) clarify the reasons of non-appearance of participants of the proceeding on a case and adopt decision on consideration of a case in the absence of mentioned persons or on postponement of consideration of the case;

5) issue a ruling in necessary cases on bringing of a person the participation of which is compulsory during consideration of a case, shall appoint an interpreter;

6) explain the rights and obligations to the persons participating in consideration of a case, provided by this Code, including the right to receive a gratuitous legal assistance on account of the funds of state budget;

7) determine the language of proceeding, shall explain the right to make statements, to give explanations and testimony, to present petitions, to deliver complaints, to familiarize with case materials, to speak during its consideration in native or other language that is known by the person in respect of whom the proceeding is conducted, to enjoy the services of an interpreter on a free basis;

8) permit the challenges and filed petitions;

9) announce a protocol on administrative infraction, and in case of necessity – other case materials;

10) hear explanations of a person in respect of whom the proceeding on a case is conducted, testimony of other persons participating in the proceeding, clarifications of a specialist and opinion of an expert, shall examine the other evidences, and in case of participation of a prosecutor in consideration of the case, shall hear his (her) opinion;

11) issue a ruling on postponement of consideration of a case due to: application on recusation or challenge of a civil servant considering the case, in case if his (her) challenge precludes consideration of the case in essence; challenge of a defence attorney, authorized representative, expert or interpreter, if the mentioned challenge precludes consideration of the case in essence; necessity of appearance of the persons participating in consideration of the case, or demand of additional case materials, as well as in cases provided by a part two of article 51 of this Code. In case of necessity, the body (civil servant) shall issue a ruling on assignment of examination;

12) issue a ruling on transfer of a case for consideration in essence in cases provided by Article 816 of this Code.

2. Is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

3. In case of participation of a civil servant that initiated a case on administrative infraction in consideration of the case, or a chairman of the state body whose representatives have the right to initiated cases on administrative infractions, they first shall represent explanations in essence of an infraction and proofs of guiltiness of a person in its commission.

4. In necessary cases, the other procedural actions provided by this Code shall be carried out.

Footnote. Article 818 as amended by the laws of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 819. Circumstances subjected to clarification upon consideration of a case on administrative infraction

1. Upon consideration of a case on administrative infraction, the body (civil servant) shall be obliged to clarify if the administrative infraction was committed, if this person is guilty of its commission, if it is subjected to administrative liability, are there any circumstances mitigating or aggravating administrative liability, if the material damage is inflicted, circumstances, provided by Articles 741 and 742 of this Code, if the protocol on administrative infraction and other protocols drawn up properly, if the other case materials drawn up properly, provided by this Code, are there circumstances excluding proceeding on the case, as well as the circumstances allowing shall not brought a person to administrative liability, as well as to clarify other circumstances having significance for a proper solution of a case.

2. Upon establishment of circumstances, provided in part one of this Article, the body (civil servant) shall have the right to reduce a sum of administrative fine imposed on an individual in respect of whom the case on administrative infraction is initiated, and calculated according to the first paragraph of the first part of Article 44 of this Code, but no more than thirty percent of total fine amount.

Footnote. Article 819 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 820. Protocol of a court session

Footnote. Article 820 is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 820-1. Fixing of court session by means of audio, video recording

Footnote. Chapter 43 as amended by Article 820-1 in accordance with the Law of the Republic of Kazakhstan dated 31.10.2015 No. 378-V (shall be enforced from 01.01.2016); Is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 821. Types of decisions based on the results of consideration of a case on administrative infraction

1. After consideration of a case on administrative infraction, the body (civil servant) shall issue one of the following decrees:

- 1) on imposition of administrative sanction;
- 2) on termination of the proceeding on a case.

1-1. In case when the administrative infraction is recorded by certified special control monitoring and testing technical means and devices operating in automated regime, the decision on the case on administrative infraction shall be drawn up in the form of the prescription on necessity to pay a fine, which is considered in accordance with Article 817 of this Code, with the exception of the cases, considered in essence in the manner of curtailed proceeding.

2. After recognition of a legal evaluation of illegal acts as incorrect in results of consideration of a case, the judge, body (civil servant) shall have the right to change classification of an infraction to Article or part of Article of the Law providing less severe administrative sanction.

3. Upon referral of a driver of a transport vehicle to pass the exam for testing of knowledge of the road traffic rules, the decree on referral for testing of knowledge of the road traffic rules, the copy of which is issued to a person referred to pass the exam, shall be issued.

3-1. Prior to sending an owner and (or) user of civilian and service weapon to pass examination to verify knowledge of the rules for safe civilian and service weapon handling, an order on sending for verification of knowledge of the rules for safe civilian and service weapon handling shall be passed and its copy shall be sent to the person to be sent to pass examination.

4. Is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

5. Decree on termination of the proceeding on a case shall be issued in the cases of:

- 1) existence of circumstances excluding the proceeding on a case provided by Article 741 of this Code;
- 2) existence of circumstances that allow not to bring to administrative liability provided by Article 742 of this Code;

3) transfer of case materials to the relevant bodies for solution of the issue on bringing of a person to disciplinary liability in accordance with Article 32 of this Code.

Footnote. Article 821 as amended by the laws of the Republic of Kazakhstan dated 22.12.2016 No. 28-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 237-VI dated 18.03.2019 (shall be enforced upon expiry of ten calendar days after its first official publication);

Article 822. Decree on a case on administrative infraction

1. Decree on a case on administrative infraction shall contain:

- 1) position, last name, initials of a civil servant that issued decree;
- 2) date and place of consideration of a case;

3) details on a person in respect of whom the case is considered: for individuals – last name, first name, patronymic (when available), date of birth, place of residence, name and requisite elements of a document certifying identity, identification number, details on registration at the place of residence, place of work; for legal entities – name, legal organizational form, location, number and date of the state registration as a legal entity, identification number and bank details;

- 4) language of a proceeding on a considered case;
- 5) Article of this Code providing liability for administrative infraction;
- 6) circumstances established upon consideration of a case;
- 7) decision on a case;
- 8) procedure and terms for appealing decree;

9) terms of voluntary payment of fine or execution of another type of administrative sanction.

2. Decree on a case on administrative infraction shall be lawful and reasoned.

3. In decree on a case on administrative infraction, the issues on withdrawn things and documents being in possession of an individual, on withdrawn documents and property belonging to a legal entity shall be resolved, by this:

1) the subjects that are the tools or subjects for commission of an administrative infraction and belonging to an individual or legal entity brought to administrative liability, in cases provided by the sanctions of the rules of the Special part of section 2 of this Code shall be confiscated or transferred to the relevant institutions or destructed; in other cases shall be returned to whom it may concern;

2) things prohibited to circulation shall be transferred to the relevant institutions or shall be destructed;

3) things of no value and that may not be used shall be subject to destruction, and in cases of petitions of interested persons may be issued to them;

4) documents that are material evidences shall remain in a case within entire term of its storage or shall be transferred to interested persons.

4. The decision made on the basis of the results of the consideration of the case of an administrative offense shall be executed in writing and signed by the official who issued such an order or be made in the form of an electronic document certified by an electronic digital signature of the official who issued such an order.

Footnote. Article 822 as amended by the laws of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 822-1. Prescription on necessity to pay a fine and procedure of its direction

1. The prescription on necessity to pay a fine shall includes:

- 1) name, location of the body that drawn up the prescription on necessity to pay a fine;
- 2) details of the owner (user) of the transport vehicle, in respect of whom the prescription on necessity to pay a fine is draw up: for individuals - the last name, first name, patronymic (if available), date of birth, place of registration and other necessary personal data; for legal entities - name, organizational and legal form, location;
- 3) details of a transport vehicle: trademark, model, state registration number plate;
- 4) date, time, place, essence of an administrative infraction, article of this Code, providing liability on administrative infraction;
- 5) indications of certified special monitoring and testing technical mean and device, operating in automated regime;
- 6) name, number, date of metrological verification of certified special monitoring and testing technical mean and device, operating in automated regime;
- 7) amount of a fine;
- 8) terms of voluntary payment of a fine or in the manner of curtailed proceeding;
- 9) procedure and terms of the prescription appeal;
- 10) electronic digital signature.

2. Along with a written form may be used an electronic form of the prescription on necessity to pay a fine.

3. Prescription on necessity to pay a fine with receipt of establishment sample shall be directed to the owner (user) of the transport vehicle within ten days from the date of fixing an administrative infraction.

Footnote. Chapter 43 as amended by Article 822-1 in accordance with the laws of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 823. Announcement of a decree on a case on administrative infraction and delivery of copy of the decree

1. Decree on a case on administrative infraction shall be announced immediately upon completion of consideration of the case.

2. Decree issued on the basis of results on consideration of the case on administrative infraction to the persons indicated in Articles 744, 745, 746, 747 and 748, shall be delivered and (or) sent within three days from the date of its announcement.

3. Is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 823 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 11.07.2017 No. 91-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 824. Determination on a case on administrative infraction

Determination on a case on administrative infraction shall contain details provided by a part one of Article 822 of this Code, with the exception of terms of voluntary payment of a fine or execution of another type of administrative sanction.

Footnote. Article 824 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 825. Correction of slips, clerical mistakes and arithmetic errors

1. The body (civil servant) that issued a decree on a case on administrative infraction, upon application of participants of the proceeding on a case, officer of justice, body (civil servant) executing the decree on a case on administrative infraction, or at own initiative, shall have the right to correct slips, clerical mistakes and arithmetic errors made in a decree without change of content of the decree.

2. Correction of slips, clerical mistakes and arithmetic errors in a decree adopted on the basis of results of consideration of complaints, appeal petition, prosecutor's protests against the decree on a case on administrative infraction shall be carried out in the manner established by this Article.

3. Consideration of an application on correction of slips, clerical mistakes and arithmetic errors shall be carried out within three days from the date of receipt of the application.

4. Correction of a slip, clerical mistake or arithmetic error shall be carried out in the form of a ruling.

5. Copy of a ruling shall be directed to participants of a proceeding on a case, officer of justice, body (civil servant) executing decrees, as well as to body (civil servant) that drew up a protocol on administrative infraction within three days from the date of its issuance.

Footnote. Article 825 as amended by the laws of the Republic of Kazakhstan dated 11.07.2017 No. 91-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 826. Private representation

1. Upon detection of cases of violation of legality, as well as establishment of the reasons and conditions promoting commission of administrative infractions, the body (civil servant) shall make a submission to the relevant organization and civil servants on taking of measures on their elimination.

Submission of a body (civil servant) may be appealed in a superior body within ten days from the date of its receipt. The decision of a superior body issued on the basis of results of consideration of complaint on representation, may be appealed in a specialized district and equated administrative court within ten days from the date of its receipt, the decision of which is not subject to appeal. Decision of a body (civil servant) issued in manner of ruling.

2. Heads of organizations and other civil servants shall be obliged to consider a private representation within a month from the date of its receipt and inform a body (civil servant) that issued the representation on taken measures.

Footnote. Article 826 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 43-1. PROCEDURE FOR APPEAL PROTEST DECREES ON CASES ON ADMINISTRATIVE INFRACTION THAT DID NOT ENTER INTO LEGAL FORCE IN A SUPERIOR BODY (CIVIL SERVANT), PRESCRIPTION ON NECESSITY TO PAY A FINE

Footnote. Code as amended by Chapter 43-1 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 826-1. Right to appeal, protest a decree on a case on administrative infraction, prescription on necessity to pay a fine

Decree on a case on administrative infraction the prescription on necessity to pay a fine, may be appealed by persons mentioned in Articles 744, 745, 746, 747, 748 and 753 of this Code, as well as may be protested by a prosecutor in a superior body (civil servant).

Article 826-2. Procedure for appeal, protest of decree on a case on administrative infraction, prescription on necessity to pay a fine

1. Complaint, protest to a decree on a case on administrative infraction, prescription on necessity to pay a fine shall be directed to a body (civil servant) that issued the decree on a case, that drew up the prescription, that within three days from the date of receipt of the complaint, protest shall be obliged to direct them with all case materials to the relevant superior body (civil servant).

The complaint may be filed, and the protest may be entered directly in a superior body (civil servant) that are authorized to consider them.

2. Complaint, protest to a decree on a case on administrative infraction shall be filed within ten days from the date of delivery of a copy of decree, and in case if the persons mentioned in Articles 744, 745, 746, 747, 748 and 753 of this Code did not participate in consideration of the case – from the date of its receipt.

Complaint, protest to a prescription on necessity to pay a fine may be filed within ten days upon expiration of the term provided by Article 817 of this Code.

3. Complaint, protest to a decree on a case on administrative infraction issued due to failure to fulfill or improper fulfillment of tax obligation established by the Tax Code of the Republic of Kazakhstan, or the obligations provided by the legislation of the Republic of Kazakhstan on retirement insurance and on compulsory social insurance, detected on the basis of the results of tax inspection, may be filed within thirty days from the date of delivery or receipt of a copy of decree.

4. Filing of a complaint, protest within established term of this Article shall suspend the execution of a decree on imposition of administrative infraction, a prescription on necessity to pay a fine until issuance of the decision on the complaint, the protest.

5. The complaint being filed to the superior body (civil servant) shall include details and confirm the requirements provided by Article 833 of this Code.

In case, if delivered complaint do not conform to the requirements provided by parts one and two of Article 833 of this Code, it shall be considered as delivered, but shall be returned with specification of the term for completion. If within the specified term, the complaint is not represented in court, body (civil servant) after repeated lodging, it shall be considered unfiled.

Article 826-3. Consideration of a complaint, protest to a decree on a case on administrative infraction, prescription on necessity to pay a fine

1. The complaint, protest to a decree on a case on administrative infraction, the prescription on necessity to pay a fine shall be subject to consideration within ten days from the date of their receipt.

2. The superior body (civil servant) after beginning of considering a complaint, protest to a decree on a case on administrative infraction, the prescription on necessity to pay a fine shall:

1) announce, who considers a complaint, protest; which complaint, protest is subject to consideration; who filed the complaint, protest; shall clarify if the consideration of the complaint, protest are related to their competence, if consideration of a complaint, protest does not relate to their competence, shall direct them with all case materials according to jurisdiction;

2) be ascertain in attendance of a person, or his (her) representative, in respect of whom the decree on a case is issued, the prescription is drawn up, as well as persons summoned for participation in consideration of a complaint, protest;

3) verify the powers of participants of the proceeding and his (her) legal representatives;

4) clarify the reasons of non-appearance of participants of the proceeding on a case and adopt decision on consideration of a complaint, protest in their absence or on postponement of consideration of the complaint, protest;

5) explain the rights and obligations to the persons participating in consideration of a complaint, protest;

6) read a complaint, protest to a decree on a case on administrative infraction, the prescription on necessity of payment a fine and other case materials in case of necessity;

7) solve challenges and filed petitions, establish other circumstances necessary for full, comprehensive and objective consideration of the complaint, protest.

3. Upon consideration of a complaint, protest to a decree on a case on administrative infraction, the prescription on necessity to pay a fine, the legality and substantiation of the issued decree, prescription shall be verified according to available and additionally represented materials. The superior body (civil servant) shall have the right to establish new facts and examine new evidences.

Upon consideration of a case on administrative infraction a superior body (civil servant) shall be obliged to clarify, if the administrative infraction was committed, if this person is guilty of its commission, if it is subjected to administrative liability, are there any circumstances mitigating or aggravating administrative liability, if the material damage is inflicted, circumstances provided by Articles 741 and 742 of this Code, as well as to find out other circumstances that are important for the proper resolution of the case.

4. The superior body (civil servant) shall have the right to postpone consideration of a complaint, protest due to demand of additional case materials, assignment of examination and in other cases when it is necessary for full, comprehensive and objective consideration of the complaint, protest.

5. In case of receipt of petitions from participants of the proceeding on a case on administrative infraction or upon necessity of additional clarification of circumstances of the case, the term for consideration of a complaint, protest may be extended by a superior body (civil servant) considering the case, but no more than ten days. The body (civil servant) shall be obliged to suspend the term for consideration of a complaint, protest upon impossibility of its consideration until solution of another case considered in a civil, criminal or administrative judicial proceeding, as well as in case of appeal of the results of tax and (or) customs checks, on the basis of which a case on an administrative infraction is initiated, to the superior body or when sending a request to a state body on issues of importance to the case Decision on suspension or extension of a term, the reasoned ruling shall be issued.

6. If the complaint, protest to a decree on a case on administrative infraction, the prescription on necessity to pay a fine delivered to the court and the superior body (civil servant) simultaneously, the complaint, the protest filed to superior body, shall be subject to direct them to the court.

Article 826-4. Solution of a complaint, protest to a decree on a case on administrative infraction, prescription on necessity to pay a fine, and its announcement

1. After consideration of a complain, protest to a decree on a case on administrative infraction, the prescription on necessity to pay a fine, the superior body (civil servant) shall adopt one of the following decisions:

1) on leaving the decree, the prescription unchanged, and the complaint, protest – without satisfaction;

2) on change of the decree;

3) on repeal of the decree, the prescription and termination of a case;

4) on repeal of the decree, the prescription and issuance of new decree on a case.

2. The solution of the complaint, protest to the decree on a case on administrative infraction, prescription shall be announced immediately after its adoption, and shall be issued in the form of a decree on the complaint, protest drew up in accordance with Article 822 of this Code, a written or electronic document.

3. The decree with regard complaint, protest to the decree on a case, prescription shall be issued or sent to a person in respect of whom the decree on a case was issued, or him (her) representative drawn up the prescription, to an injured party in case of filing of the complaint by him (her), to a prosecutor that lodged a protest, within the term up to three days after its issuance.

4. The decree of a superior body (civil servant) with regard to complaint, protest to the decree on a case on administrative infraction, the prescription on necessity to pay a fine, may be appealed, protested within ten days from the date of delivery or receive of the decree to a court in the manner provided by Chapter 44-1 of this Code.

Article 826-5. Repeal or change of a decree on a case on administrative infraction or repeal of prescription on necessity to pay a fine

Decision on repeal of a decree, the prescription and termination of a case shall be adopted in presence of circumstances provided by Articles 741 and 742 of this Code, as well as upon unprovenness of the circumstances, on the grounds of which the decree is issued the prescription is drawn up.

Repeal or amendment of the decree on the case on administrative infraction, or repeal of the prescription on necessity to pay a fine as well as carrying out on the grounds provided in Articles 841, 842, 843, 844 and 845 of this Code.

Chapter 44. APPEAL OF ACTIONS (OMISSION) AND DECISIONS OF A BODY (CIVIL SERVANT), CARRYING OUT THE ADMINISTRATIVE INFRACTION PROCEEDING

Footnote. Title of Chapter 44 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 827. Procedure for filing a complaint

1. A person whose rights and freedoms are directly affected by the actions (omission) and (or) decision of a body (civil servant) carrying out the administrative infraction proceeding may be appealed in a superior body (civil servant) and (or) court on the violation of the law on drawing up of a protocol on administrative infraction, the use of measures to ensure on the case proceeding, appointment and expertise proceeding procedure, on other actions (omission) and adoption of decisions, with the exception of adopting of the decisions on the results of consideration a case on administrative infraction and on complaint (protest) on decree on the case on administrative infraction. Preliminary referral to a superior body (civil servant) is not compulsory condition for filing an application in court and its acceptance for consideration and solution in essence by the court.

2. Complaints shall be filed to a body (civil servant) court, whose actions (omission) and decisions are appealed, that shall be obliged directed complaints within three days from its receipt to superior body (civil servant), relevant court.

Complaints may be filed directly to a superior body (civil servant), court, that are authorized to consider them.

3. Complaints may be oral and written. Oral complaints shall be entered in a protocol which shall be signed by an applicant and civil servant that accepted the complaint. Oral

complaints set out by persons at reception of the relevant civil servants shall be solved on a common basis with the complaints represented in written form. The complaint may be accompanied by additional materials.

4. The person that does not speak the language in which the proceeding on a case is conducted, shall be ensured by the right to file a complaint in native language or language that he (she) can speak.

5. The person that filed a complaint shall have the right to withdraw it. The person in respect of whom a case is initiated, injured party shall have the right to withdraw a complaint of own defence attorney, representative, except for legal representative. The complaint filed in behalf of a person in respect of whom a case is initiated may be withdrawn only with their written consent. Withdrawal of a complaint shall not preclude its repeated filing.

6. Filing of a complaint shall not suspend proceeding of appealed action and execution of appealed decision.

Note. If there are no specialized interdistrict administrative court in a territory of the relevant administrative territorial entity, the district (city) courts shall have the right to consider the cases related to their jurisdiction.

7. In case of filing a written application on withdrawal the complaint to action (omission) of civil servant carrying out an administrative infraction proceeding on a case, ruling on returning of a complaint shall be issued by a court.

Footnote. Article 827 as amended by the laws of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 828. Term for filing a complaint

1. The person shall have the right to refer to superior body (civil servant) and (or) to court with a complaint within two months from the date when he (she) became known on violation of his (her) rights, freedoms and legal interests.

2. Omission of the term for filing of a complaint shall not be the ground for refusal in acceptance of the complaint. The reasons for omission of the term shall be clarified upon consideration of a complaint in essence and may be one of the grounds for refusal in satisfying the complaint.

Article 829. Procedure for consideration of a complaint

1. During consideration of a complaint, the judge or body (civil servant) shall be obliged to check the arguments set out in it comprehensively, upon necessity to demand additional materials, receive explanations from the relevant civil servants, individuals and legal entities in respect of appealed actions (omission) and decisions.

2. The complaint shall be subject to consideration within ten days from the date of acceptance. The term of consideration of a complaint may be extended upon necessity up to ten days. Non-appearance of notified person in a proper manner is not preclusion for consideration of a complaint.

Decree on refusal from satisfaction of a complaint shall be subject to appeal within ten days from the date of receipt of a copy of the decree of a body (civil servant) in a specialized district and equated administrative court, a decree of a court -in a superior court, the decisions of which shall not be subject to appeal, protest.

Decree on satisfaction of a complaint shall be subject to protest in a specialized district and equated administrative court, the decision of which may be protested in a superior court and the decree of a court - in a superior court.

3. The decree shall be delivered to an individual or representative of legal entity without delay, and in case of absence of these persons – shall be delivered to them within three days from the date of issuance of the decree.

4. The body (civil servant) or judge considering a complaint, shall be obliged to take measures within the competence without delay to restore violated rights and legal interests of participants of the administrative infraction proceeding, as well as other persons.

Footnote. Article 829 as amended by the laws of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 44-1. CONSIDERATION OF CASES ON ADMINISTRATIVE INFRACTIONS BY COURTS, APPEAL, PROTEST DECREES ON CASES ON ADMINISTRATIVE INFRACTIONS, PRESCRIPTION ON NECESSITY TO PAY A FINE, DECREES OF SUPERIOR BODY (CIVIL SERVANT) ON COMPLAINT, PROTEST IN COURTS

Footnote. Code as amended by Chapter 44-1 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 829-1. Place of consideration of a case on administrative infraction by court

1. The case on administrative infraction shall be considered at the place of its commission. Upon petition of a person in respect of whom the administrative infraction proceeding is conducted, the case may be considered at the place of residence of this person.

2. Cases on administrative infraction stipulated by Articles 333, 334, 571, 572, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 606, 607, 608, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624-1, 625, 626, 627, 628, 630, 631 and

632 of this Code may also be considered at the place of registration of vehicles, ships, including small ships, or at the place of residence of a person in relation to whom proceedings on a case on administrative infraction shall be administered.

3. The cases on administrative infractions provided by Articles 378, 379, 382, 383, 440 and 481 of this Code shall be considered at the place of their commission or at the place of residence of a person in respect of whom the administrative infraction proceeding is conducted.

Footnote. Article 829-1 as amended by the laws of the Republic of Kazakhstan No. 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2019 No. 295-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 829-2. Right to appeal, protest a decree on a case of administrative infraction, prescription on necessity to pay a fine, decree of superior body (civil servant) on complaint, protest

1. Decree on a case on administrative infraction the prescription on necessity to pay a fine, the decree may be appealed by persons mentioned in Articles 744, 745, 746, 747, 748 and 753 of this Code, as well as may be protested by a prosecutor in a superior body (civil servant) on the complaint, protest.

2. Decree of a judge of specialized district and equated administrative court and juvenile court on imposition of administrative sanction may be appealed, protested in a superior court.

3. Decree on a case of the fact of contempt of court issued by a judge (court) in the procedure of part four of Article 829-10 of this Code may be appealed, protested in a court of superior instance.

4. Decree on a case on administrative infraction issued by a body (civil servant), the prescription on necessity to pay a fine may be appealed, protested in specialized district and equated administrative court and juvenile court at the location of the body (civil servant).

5. Preliminary referral of persons mentioned in Articles 744, 745, 746, 747 and 748 of this Code to a superior body (civil servant) is not compulsory condition for filing a complaint in court and its acceptance by the court for consideration and solution in essence.

Article 829-3. Procedure for appeal, protest of decree on a case of administrative infraction, prescription on necessity to pay a fine, decrees of superior body (civil servant) on complaint, protest

1. Complaint, protest to a decree on a case on administrative infraction, the prescription on necessity to pay a fine, decree of superior body (civil servant) on the complaint, protest

shall be directed to a body (civil servant) that issued the decree on a case, drawn up the prescription, that within three days from the date of receipt of the complaint, protest shall be obliged to direct them with all case materials to the relevant court.

2. In case of appeal, protest of a decree on a case of the fact of contempt of court in accordance with a part two of Article 830 of this Code, the court shall enclose the decree by an extract from the protocol of court session in a part of establishment of the fact.

3. The complaint may be filed, and the protest may be entered directly in a court, that is authorized to consider them, at the place of residence of a person or his location.

4. The complaint, protest of a decree of a judge on imposition of sanction in the form of administrative arrest shall be subject to direction to a superior court on a date of receipt of the complaint, protest.

5. If consideration of a complaint, protest does not relate to the competence of a judge to whom a decree on a case on administrative infraction, a prescription on necessity to pay a fine, a decree of superior body (civil servant) on the complaint, protest are appealed, protested, the complaint, protest shall be directed according to jurisdiction.

6. Complaint being filed to the superior body (civil servant) shall include details and confirm the requirements provided by Article 833 of this Code.

Article 829-4. Terms for appeal, protest of a decree on a case of administrative infraction, prescription on necessity to pay a fine, decrees of superior body (civil servant) on complaint, protest

1. The complaint, protest to a decree on a case on administrative infraction, the prescription on necessity to pay a fine, decree of superior body (civil servant) on the complaint, protest shall be filed within ten days from the date of delivery of a copy of decree, and in case if the persons mentioned in Articles 744, 745, 746, 747, 748 and 753 of this Code did not participate in consideration of the case – from the date of its receipt.

Complaint, protest to a prescription on necessity to pay a fine may be filed within ten days upon expiration of the term provided by Article 817 of this Code.

2. Complaint, protest to a decree on a case on administrative infraction issued due to failure to fulfill or improper fulfillment of tax obligation established by the Tax Code of the Republic of Kazakhstan, or the obligations provided by the legislation of the Republic of Kazakhstan on retirement insurance and on compulsory social insurance, detected on the basis of the results of tax inspection, may be filed within thirty days from the date of delivery or receipt of a copy of decree.

3. Omission of the term for filing of a complaint, protest shall not be the ground for refusal in acceptance of the complaint, protest. The complaint, protest are considered, the reasons for omission of the term shall be clarified upon consideration of a complaint, protest.

4. Filing of a complaint, protest within established term of this Article shall suspend the execution of a decree on imposition of administrative sanction, a prescription on necessity to pay a fine until issuance of the decision on the complaint, the protest.

5. The Court shall have the right to suspend the execution of a decree on imposition of administrative sanction for a period of consideration of a case on administrative infraction.

6. The complaint may be filed, the protest lodged to the side aggravating position of a person brought to administrative liability, or a person in respect of whom the administrative proceeding is terminated, shall be admitted within a year from the date of entering of decree on a case of administrative infraction, the prescription on necessity to pay a fine, decree of superior body (civil servant) on the complaint, protest into legal force.

Article 829-5. Terms for consideration of a case on administrative infraction, complaint, protest on a decree on a case of administrative infraction, prescription on necessity to pay a fine, decree of superior body

1. Cases on administrative infraction, claim, opposition to judgement on the case of an administrative infraction, order for payment of penalty, order of a superior authority (executive officer) on a claim, opposition, shall be considered within fifteen days after the court authorized to consider the case have received the protocol on administrative infraction, claim, opposition and other case materials.

2. A case on administrative infraction may be considered immediately in case of receipt of respective requests from a person in relation to whom proceedings shall be administered, and from complainant. In case of receipt of requests from parties of proceedings on administrative infraction or, where necessary, additional identification of circumstance of the case, time for consideration of the case, claim, opposition may be extended but no more for than fifteen days.

3. The case on administrative infraction the commission of which entails administrative arrest, administrative expulsion beyond the Republic of Kazakhstan, shall be considered on a date of receipt of a protocol on administrative infraction and other case materials, and in respect of a person subjected to administrative detention – no later than twenty four hours from the date of its detention.

If the person bringing to liability, endured administrative arrest the complaint, protest on decree of administrative arrest, shall be subject to consideration within a day from the date of filing a complaint or protest.

4. The court shall be obliged to suspend the term for consideration of a complaint, protest upon impossibility of its consideration until solution of another case considered in a civil, criminal or administrative judicial proceeding, as well as in case of appeal of the results of tax and (or) custom inspections, on the ground of which initiated a case on administrative infraction to superior body, or expiration of term for appeal a decision of body (civil servant),

considering a complaint of a person, in respect of whom a case on administrative infraction is initiated.

Footnote. Article 829-5 as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 829-6. Preparation to consideration of a case on administrative infraction, complaint, protest on a decree on a case of administrative infraction, prescription on necessity to pay a fine, decree of superior body (civil servant) on complaint, protest

1. Upon preparation to consideration of a complaint, protest, the judge shall clarify the following issues:

- 1) if the consideration of this case, complaint, protest are related to their competence;
- 2) are there the circumstances excluding the possibility of considering this case, complaint, protest by a judge;
- 3) are the protocol on administrative infraction and the other protocols provided by this Code drawn up in a proper manner, as well as other case materials;
- 4) are there the circumstances excluding the proceeding on a case, as well as circumstances that allow not to bring a person to administrative liability;
- 5) are there petitions, including on cases with participation of a minor person on consideration of a case in court at the place of residence of the minor person and challenges;
- 6) resolve petitions, demand of necessary additional case materials, on calling of persons whose participation shall be recognized necessary for the consideration of a case, complaint, protest, on assignment of examination in case of necessity;
- 7) are the persons mentioned in Articles 744, 745, 746, 747 and 748 of this Code notified on place and time for consideration of a case.

2. Requirements of subparagraphs 1), 3) and 6) of part one of this Article shall not be applied to the cases on facts of contempt of court considered in accordance with part three of Article 684 of this Code.

Article 829-7. Circumstances excluding a possibility of considering the case on administrative infraction, complaint, protest on a decree on a case of administrative infraction by a court, prescription on necessity to pay a fine, decree of superior body (civil servant) on complaint, protest

The judge may not consider a case, complaint, protest in cases if this person:

- 1) is a relative of the person bringing to liability, or of injured party, their representatives, defence attorney;
- 2) is interested in solution of a case in person, directly or indirectly.

Article 829-8. Recusation and challenge of a judge

1. In existence of circumstances provided by Article 829-7 of this Code, the judge shall be obliged to apply on recusation.

2. In existence of circumstances provided by Article 829-7 of this Code, the person in respect of whom the proceeding on case is conducted, injured party, legal representatives of an individual and representatives of legal entity, defence attorney, prosecutor shall have the right to challenge a judge.

3. Applications of recusation, challenge shall be filed to a chairman of the relevant court.

4. Applications on recusation, challenge shall be considered by a chairman of court within a day from the date of receipt.

5. Following the results of consideration of applications on recusation, challenge, the ruling on satisfying the applications or on refusal from their satisfaction shall be issued.

Article 829-9. Decision of a judge, adopted upon preparation to consideration of a case on administrative infraction complaint, protest on a decree on a case of administrative infraction, prescription on necessity to pay a fine, decree of superior body (civil servant) on complaint, protest

1. The judge upon preparation to consideration of a case on administrative infraction, complaint, protest shall adopt the relevant decision:

1) on appointment of time and place for consideration of a case, complaint, protest;

2) on calling of persons, demand of necessary additional case materials, on assignment of examination in case of necessity;

3) on postponement of consideration of a case, complaint, protest;

4) on extension, suspension of terms for consideration of the case, complaint, protest;

5) on transfer of a protocol on administrative infraction and other case materials, complaint, protest for consideration according to jurisdiction, if the consideration of this case, complaint, protest do not relate to its competence;

6) on transfer of a case for consideration in essence in accordance with Article 812 of this Code;

7) on transfer of a case for consideration to a court, authorized to impose a sanction of other type or amount for the administrative infraction, as well as on transfer of a case for consideration at the place of registration of transport vehicles (vessels including small size vessels) in cases provided by Article 812 of this Code

2. Decisions provided by a part one of this Article shall be issued in the form of ruling and contain information provided by a part one of this Article 822 of this Code, with the exception of term and procedure for appeal.

3. Upon establishment that there are two and more cases initiated in respect of one and the same person, the judge shall have the right to consolidate these cases in one proceeding for joint consideration.

4. Upon preparation to repeated consideration of a case on administrative infraction due to non-appearance of a person bringing to liability, his (her) representative, witness without reasonable excuses in cases provided by a part four of Article 744, part six of Article 746 and part five of Article 754 of this Code, the judge shall have the right to issue a ruling on bringing of mentioned persons.

Article 829-10. Procedure for consideration of a case on administrative infraction complaint, protest on a decree on a case of administrative infraction, prescription on necessity to pay a fine, decree of superior body (civil servant) on complaint, protest

1. Upon beginning of consideration of a case, complaint, protest, the judge shall:

1) declare who considers a case, which case, complaint, protest, are subject to consideration, who and on the basis of which Article of this Code is brought to liability, determine the language of proceeding;

2) be satisfied in appearance of a person or his (her) representative bringing to administrative liability, as well as other persons participating in consideration of a case, complaint, protest;

3) establish identity of participants of the proceeding and check the powers of legal representatives of persons, defense attorney;

4) clarify the reasons of non-appearance of participants of the proceeding on a case and adopt decision on consideration of a case, complaint, protest, in the absence of mentioned persons or on postponement of consideration of the case, complaint, protest;

5) issue a ruling in necessary cases on bringing of a person the participation of which is compulsory during consideration of a case, complaint, protest shall appoint an interpreter;

6) explain the rights and obligations to the persons participating in consideration of a case, provided by this Code including the right to receive a gratuitous legal assistance on account of the funds of state budget;

7) permit the challenges and filed petitions;

8) announce a protocol on administrative infraction, complaint, protest, and in case of necessity – other case materials;

9) hear explanations of a person in respect of whom the proceeding on a case is conducted , testimony of other persons participating in the proceeding, clarifications of a specialist and opinion of an expert, shall examine the other evidences, and in case of participation of a prosecutor in consideration of the case, complaint, protest, shall hear his (her) opinion;

10) issue a ruling on postponement of consideration of a case, complaint, protest, due to: application on recusation or challenge of a judge in case if his (her) challenge precludes

consideration of the case, complaint, protest, in essence; challenge of a defence attorney, authorized representative, expert or interpreter, if the mentioned challenge precludes consideration of the case, complaint, protest, in essence; necessity of appearance of the persons participating in consideration of the case, complaint, protest, or demand of additional case materials, complaint, protest, as well as in cases provided by part two of article 51 of this Code. In case of necessity, the judge shall issue a ruling on assignment of examination;

11) issue a ruling on extension, suspension of terms of consideration a case, complaint, protest;

12) issue a ruling on transfer of a case for consideration in essence in cases provided by Article 829-9 of this Code.

2. Upon consideration of a case, complaint, protest shall be checked legitimacy and relevancy the initiation of a case on administrative infraction, according to issued decrees and additional materials available in a case. The court unconnected with arguments and circumstances of the case, complaint, protest and checked the case in full, herewith the court shall have the right establish new facts and examine new evidences.

3. The court shall be obliged to suspend the term for consideration of a complaint, an appellate petition of a prosecutor upon impossibility of its consideration until solution of another case considered in a civil, criminal or administrative judicial proceeding. Upon extension and (or) suspension of a term, the reasoned ruling shall be issued.

4. Upon establishment of the fact of contempt of court from the side of a person attending the process directly in the course of judicial proceeding, the presiding judge shall have the right to issue a decree after declaring the fact on imposition of administrative sanction on a guilty person provided by Article 653 of this Code without compliance with the requirements of subparagraphs 2), 4), 8) and 12) of part one of this Article.

5. The case on the fact of contempt of court from the side of person attending the process established in the course of judicial proceeding shall be considered by a judge (court) directly at the same court session with establishment and recording of this fact in a protocol of a court session.

6. In case of participation of a civil servant that initiated a case on administrative infraction, complaint, protest, in consideration of the case, or a chairman of the state body whose representatives have the right to initiated cases on administrative infractions, to consider a complaint, protest to a decree on a case on administrative infraction, the prescription on necessity to pay a fine, they first shall represent explanations in essence of an infraction and evidences of guiltiness of a person in its commission.

7. In necessary cases, the other procedural actions provided by this Code shall be carried out.

Article 829-11. Circumstances subjected to clarification upon consideration of a case on administrative infraction complaint, protest on a decree on a case of

administrative infraction, prescription on necessity to pay a fine, decree of superior body (civil servant) on complaint, protest

1. Upon consideration of a case on administrative infraction, complaint, protest, the judge shall be obliged to clarify if the administrative infraction was committed, if this person is guilty of its commission, if it is subjected to administrative liability, are there any circumstances mitigating or aggravating administrative liability, if the material damage is inflicted, circumstances provided by Articles 741 and 742 of this Code, are the protocol on administrative infraction and the other protocols provided by this Code drawn up in a proper manner, as well as other case materials, are there the circumstances excluding the proceeding on a case, as well as circumstances that allow not to bring a person to administrative liability, as well as to clarify other circumstances having significance for a proper solution of a case.

2. Upon establishment of circumstances provided by part one of this Article, the judge shall have the right to reduce a sum of administrative fine imposed on a person in respect of whom the case on administrative infraction is initiated, and calculated according to the first paragraph of part one of Article 44 of this Code, but no more than thirty percent of total fine amount.

Article 829-12. Protocol of a court session

1. Upon consideration of a case on administrative infraction, the protocol shall be kept in a court session. If the person in respect of whom the administrative infraction proceeding is conducted, makes full admission of his (her) guiltiness upon consideration of a case on administrative infraction, does not apply on necessity to examine evidences, the keeping of a protocol is not mandatory. By this, upon consideration of a case according to the rules provided for the court of first instance, the court of superior instances shall keep the protocol of a court session in cases of necessity of examining additional materials having significance for a proper solution of the case, received expert opinions, of interrogation of the persons summoned at session, as well as at own initiative or upon petition of a person in respect of whom the administrative infraction proceeding is conducted.

2. The protocol of a court session shall contain:

1) place and date of a session, time of its beginning and completion;

2) details of a person in respect of whom the case is considered: for individuals – last name, first name, patronymic (when available), date of birth, place of residence, name and requisite elements of a document certifying identity, identification number, details on registration at the place of residence, place of work; for legal entities – name, legal organizational form, location, number and date of the state registration as a legal entity, identification number and bank details;

3) language of a proceeding on a considered case;

- 4) event of a considered case on administrative infraction;
- 5) position, last name, initials of a judge, secretary of a court session;
- 6) details on appearance of persons participating in consideration of a case, on notifying absent persons in established manner;
- 7) the course of a court session;
- 8) challenges, petitions and results of their consideration;
- 9) explanation of the rights and obligations to participants on a case on administrative infraction proceeding;
- 10) content of explanations, questions and answers, speeches of participants of a court session;
- 11) considered materials and documents;
- 12) indication to rulings, decrees issued in the course of a court session, court decision on a case on administrative infraction, explanation of the term and procedure for its appealing;
- 13) familiarization with a protocol of a court session and explanation of the term for filing remarks on it.

3. The protocol shall be drawn up, signed by a judge and secretary of a court session no later than five days from the date of consideration of the case.

4. The judge shall be obliged to ensure a possibility to familiarize with a protocol of a court session to a person in respect of whom the administrative infraction proceeding is conducted, to other participants of the administrative infraction proceeding.

5. The participants of the administrative infraction proceeding shall have the right to represent own remarks in respect of fullness and credibility of drawing up the protocol of a court session within five days after its signing.

6. Remarks on the protocol of a court session shall be considered by a judge within five days from the date of their filing.

7. The judge shall issue a reasoned decree on acceptance or denying of remarks on the protocol of a court session. The decree and remarks on the protocol of a court session shall be attached to the protocol of a court session.

Article 829-13. Fixing of court session by audio, video recording means

1. Fixing the course of a court session is carried out by audio, video recording means. Fixing of a court session means of audio, video recording shall be carried out by secretary of a court session.

Fixation of a court session by audio, video recording means shall not be carried out in cases of technically faulty equipment, its absence or impossibility of its application on technical reasons. The impossibility of using audio, video recording does not exclude the continuation of a court session.

The secretary of a court session, in case of impossibility of using audio, video recording means, shall reported this to a court with a mandatory reflection of the reasons for not using audio, video recording in a protocol of a court session.

2. In case of fixing consideration of a case with the using by means of audio, video recording, the secretary of a court session shall draw up a brief protocol in written form.

The brief protocol of the court session shall contain:

- 1) place and date of a session, time of its beginning and completion;
- 2) details of a person in respect of whom the case is considered: for individuals – last name, first name, patronymic (when available), date of birth, place of residence, name and requisite elements of a document certifying identity, identification number, details on registration at the place of residence, place of work; for legal entities – name, legal organizational form, location, number and date of the state registration as a legal entity, identification number and bank details;
- 3) position, last name, initials of a judge, secretary of a court session;
- 4) details on application of audio, video recording means by court;
- 5) name of a file containing audio, video recording;
- 6) details on appearance of persons participating in consideration of a case, on notifying absent persons in established manner;
- 7) indication to rulings, decrees issued in the course of a court session, court decision on a case on administrative infraction, explanation of the term and procedure for its appealing;
- 8) considered materials and documents;
- 9) familiarization with audio, video recording,
a protocol of a court session and clarification of the term for filing remarks on it .

A brief protocol shall be drawn up, signed by a judge and secretary of a court session no later than three days from the date of consideration of the case.

The material carrier containing audio, video recording, and a brief protocol of the court session shall be attached to the case materials.

3. The judge shall be obliged to ensure a possibility to familiarize with audio, video recording, a brief protocol of the court session provide comments on the completeness and reliability of the compilation audio, video recording, protocol of the court session to a person in respect of whom the administrative infraction proceeding is conducted, to other participants of the administrative infraction proceeding within three days after its signing.

4. Remarks on audio, video recording and brief protocol of the court session shall be considered by a judge in the manner established by parts six and seven of Article 829-12 of this Code.

5. Audio, video recording of the court sessions shall be used for the purposes of judicial proceedings for accurately fixing the course of the court trial only, as well as for establishing factual data in civil, criminal, judicial proceeding, on cases of administrative infractions proceeding or in disciplinary case proceedings.

The procedure for the technical use of audio, video recording means that ensure the fixing the course of court session, the storage and destruction of audio, video recordings, as well as access to audio, video recordings shall be determined by the body that carried out organizational and material and engineering ensure activities of the courts, taking into account the requirements of this Code.

Article 829-14. Decisions, adopted based on the results of consideration of a case on administrative infraction complaint, protest on a decree on a case of administrative infraction, prescription on necessity to pay a fine, decree of superior body (civil servant) on complaint, protest

1. After consideration of a case on administrative infraction, complaint, protest, the judge, shall issue one of the following decrees:

- 1) on imposition of administrative sanction;
 - 2) on termination of the proceeding on a case;
 - 3) on leaving the decree, prescription unchanged, and the complaint, protest – without satisfaction;
 - 4) on change of the decree;
 - 5) on repeal of the decree, prescription and termination of a case;
 - 6) on repeal of the decree, prescription and issuance of new decree on a case.
2. Decree provided by this Article shall be lawful and reasoned.

If upon solution of an issue on imposition of sanction for administrative infraction, the judge decides the issue on compensation of property damage by a guilty person, the decree shall contain the extent of damage subjected to recovery, term and procedure for its compensation.

Decree of a court on expulsion of a foreign person or stateless person beyond the Republic of Kazakhstan, enter into legal force from the date of its issuance and serve as a ground for expulsion of a foreign person or stateless person beyond the Republic of Kazakhstan. It also contain the term within which a foreign person or stateless person should leave the territory of the Republic of Kazakhstan.

3. Decree shall contain details, also issues shall be solved provided by Article 822 of this Code.

4. After recognition of a legal evaluation of illegal acts as incorrect in results of consideration of a case, the judge shall be obliged to change classification of an infraction to Article of the Law providing less severe administrative sanction.

5. Upon referral of a driver of a transport vehicle to pass the exam for testing of knowledge of the road traffic rules, the decree on referral for testing of knowledge of the road traffic rules, the copy of which is issued to a person referred to pass the exam, shall be issued.

6. Upon referral of a owner and (or) user of civil and service weapons to pass the exam for testing knowledge of civil and service weapon safe handling rules, the decree on referral for testing of knowledge of the safe handling rules of civil and service weapons, shall be issued the copy of which shall be issued to a person referred to pass the exam.

6-1. Judgement based on Article 54 of this Code may establish special requirements for behavior of an offender.

7. Decree on termination of the proceeding on a case shall be issued in the cases of:

1) existence of circumstances excluding the proceeding on a case provided by Article 741 of this Code;

2) existence of circumstances that allow not to bring to administrative liability provided by Article 742 of this Code;

3) transfer of case materials to the relevant bodies for solution of the issue on bringing of a person to disciplinary liability in accordance with Article 32 of this Code.

8. Decree issued by the results of considering a case, complaint, protest shall be drawn up in written and shall be signed by a judge that issued the decree or electronic document certified by electronic digital signature of a judge that issued the decree.

Footnote. Article 829-14 as amended by the Law of the Republic of Kazakhstan No. 237-VI dated 18.03.2019 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 829-15. Repeal or change of a decree on a case on administrative infraction, complaint, protest, decree of superior body on complaint, protest or repeal of a prescription on necessity to pay a fine

Decision on repeal of a decree, prescription, a decree on complaint, a protest and termination of a case shall be adopted upon presence of circumstances provided by Articles 741 and 742 of this Code, and also upon unprovedness of circumstances, on the ground of which the decree was issued, the prescription is drawn up.

Repeal or change of decree on a case on administrative infraction, decree on a complaint, a protest or repeal of the prescription on necessity to pay a fine shall carrying out on the grounds provided by Articles, 840, 841, 842, 843, 844 and 845 of this Code.

Article 829-16. Announcement of a decree based on the results of consideration of a case on administrative infraction, on complaint, protest to decree on a case on administrative infraction, prescription on necessity to pay a fine, decree of superior body (civil servant) on complaint, protest

1. Decree of a judge based on the results of consideration of a case on administrative infraction, on complaint, protest to decree on a case on administrative infraction, prescription on necessity to pay a fine, decree of superior body (civil servant) on complaint, protest shall be announced immediately after its issuance.

2. Decree of a judge shall be issued or sent to the person in respect of whom the decree on a case, on a complaint, on protest was issued, to an injured party in case of filing of the complaint by him (her), on upon his (her) request, to a prosecutor that lodged a protest, within the term up to three days after its issuance.

In case of a decree on administrative arrest issuance, the decree shall be directed immediately to a prosecutor.

3. The decree of a judge with regard to complaint, protest to the decree on a case on administrative arrest shall be brought to the notice of a body (civil servant) executing the decree, as well as of a person in respect of whom it is issued – on a date of issuance of the decree.

4. On cases on administrative infractions, provided by Articles 436 and 484 of this Code, in respect of the person whom firearms and ammunition have been entrusted in connection with performance of official duties or given for temporary use by an enterprise, a copy of a decree shall be directed to the relevant enterprise.

5. The decree of a judge may be appealed, protested in the superior court in order provided by Chapter 45 of this Code.

Article 829-17. Determination on a case on administrative infraction issued by a judge

Determination on a case on administrative infraction shall contain details provided by a part one of Article 822 of this Code, with the exception of terms of voluntary payment of a fine or execution of other type of administrative sanction.

Article 829-18. Correction of slips, clerical mistakes and arithmetic errors by judge

1. The judge, that issued a decree on a case on administrative infraction, upon application of participants of the proceeding on a case, officer of justice, body (civil servant) executing the decree on a case on administrative infraction, or at own initiative, shall have the right to correct slips, clerical mistakes and arithmetic errors made in a decree without change of content of the decree.

2. Consideration of an application on correction of slips, clerical mistakes and arithmetic errors shall be carried out within three days from the date of receipt of the application.

3. Correction of a slip, clerical mistake or arithmetic error shall be carried out in the form of a ruling.

4. Copy of a ruling shall be directed to participants of a proceeding on a case, officer of justice, body (civil servant) executing decrees, as well as to body (civil servant) that drew up a protocol on administrative infraction within three days from the date of its issuance.

Article 829-19. Private decree

1. Upon detection of cases of violation of legality, as well as establishment of the reasons and conditions promoting commission of administrative infractions, the judge shall issue a private decree, shall make a submission to the relevant organization and civil servants on taking of measures on their elimination.

Private decree of court may be appealed, protested within ten days from the date of its receipt in a superior court, the decision of which is not subject to appeal, protest.

2. Heads of organizations and other civil servants shall be obliged to consider a private decree within a month from the date of its receipt and inform a judge that issued the private decree on taken measures.

Chapter 45. REVIEW OF DECREES OF JUDGES THAT DID NOT ENTER INTO LEGAL FORCE UNDER APPEAL PROCEDURE

Footnote. Title of Chapter 45 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 830. Right to appeal, bringing an appellate petition of a prosecutor to a decree of a judge

1. Decree of a judge of specialized district and equated administrative court and juvenile court on imposition of administrative sanction may be appealed by persons, provided by Articles 744, 745, 746, 747, 748 and 753 of this Code, in a superior court as well as reviewed on appellate petition of the prosecutor.

2. Decree on a case of the fact of contempt of judge issued by a judge in the procedure of part four of Article 829-10 of this Code a complaint, an appellate petition of the prosecutor can be filled in a court of superior instance.

Footnote. Article 830 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 831. Procedure for appeal, review on an appellate petition of a prosecutor to a decree of a judge

Footnote. Title of Article 831 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Complaint, appellate petition of the prosecutor to a decree of a judge shall be directed to a judge that issued the decree, that within three days from the date of receipt of the complaint, the appellate petition of the prosecutor shall be obliged to direct them with all case materials to superior body court.

2. In case of appeal, bringing an appellate petition of the prosecutor to a decree on a case of the fact of contempt of court in accordance with a part two of Article 830 of this Code, the court shall enclose the decree by an extract from the protocol of court session in a part of establishment of the fact.

3. Is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

4. The complaint, protest of a decree of a judge on imposition of sanction in the form of administrative arrest shall be subject to direction to a superior court on a date of receipt of the complaint, protest.

5. Is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 831 as amended by the laws of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 832. Term for appeal, bringing an appellate petition of a prosecutor to a decree of a judge

1. Complaint, appellate petition of the prosecutor to a decree of a judge may be filed within ten days from the date of delivery of decree, and in case if the persons mentioned in Articles 744, 745, 746, 747, 748 and 753 of this Code did not participate in consideration of the case – from the date of its receipt.

2. Omission of the term for filing of a complaint, an appellate petition of the prosecutor shall not be the ground for refusal in acceptance of its consideration. Terms and its value for the right resolution of a case shall be clarified by court regardless of the content of the complaint, appellate petition of the prosecutor.

3. The complaint, appellate petition of the prosecutor may be filed, to the side aggravating position of a person brought to administrative liability, or a person in respect of whom the administrative proceeding is terminated, shall be admitted within a year from the date of entering of decree on a case of administrative infraction, the prescription on necessity to pay a fine, decree of superior body (civil servant) on the complaint, protest into legal force.

Footnote. Article 832 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 833. Content of a complaint, an appellate petition of a prosecutor

1. The complaint shall be filed, the appellate petition of a prosecutor shall be brought in written form or electronic document, certified with electronic digital signature and it shall contain:

1) name of a court, superior body to which the complaint is filed, the appellate petition of a prosecutor is brought;

2) last name, first name and patronymic (when available) (precise name of a legal entity), place of permanent residence or location (mail address) of an applicant of complaint, prosecutor that issued appellate petition;

3) name of a court to a decree of whom the complaint is filed, the appellate petition is brought;

4) content of appealed or reviewed the decree on appellate petition of a prosecutor, as well as the reasons by which the applicant of complaint, prosecutor that issued appellate petition, considers the decree of court violating his (her) rights and freedoms;

5) clearly worded petition of an applicant of complaint, claim of a person, prosecutor that issued appellate petition.

2. The complaint, the appellate petition shall be signed by persons mentioned in Articles 744, 745, 746, 747 and 748 of this Code as well as by prosecutor. The complaint being filed in behalf of a legal entity shall be signed by his (her) representative or other authorized person

3. If the complaint is filed, the appellate petition of a prosecutor is brought in behalf of another person, the first name and last name, place of permanent residence or location (mail address) of a person in behalf of whom the complaint or protest is filed, shall be stated in there. The complaint shall be accompanied by a document certifying the powers.

4. The complaint shall be filed, the appellate petition of a prosecutor shall be brought in two copies accompanied by copy of appealed or reviewed decree of court, as well as other documents for substantiation of the arguments raised in the complaint or the appellate petition of reasons.

5. In case, if delivered complaint or the appellate petition of a prosecutor do not conform to the requirements provided by a part one and two of this Article, they shall be considered as delivered, but shall be returned with specification of the term for completion. If within the specified term, the complaint, appellate petition of a prosecutor are not represented in court, after repeated lodging, they shall be considered unfiled.

Footnote. Article 833 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 834. Suspension of execution of a decree due to filing of a complaint or bringing an appellate petition of a prosecutor

Footnote. Title of Article 834 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Filing of a complaint within established term shall suspend the execution of a decree on imposition of administrative infraction until consideration of the complaint.

2. The prosecutor shall have the right to suspend the execution of a decree on imposition of administrative sanction for a period of monitoring of its legality, give written instructions to authorized civil servants and bodies (except for court) on proceeding of additional monitoring. Based on the results of monitoring, the prosecutor shall bring the appellate petition to the relevant body on repeal or change of the decree or cancel the suspension of execution of the decree.

3. Bringing of an appellate petition by a prosecutor shall suspend the execution of a decree until consideration of the appellate petition.

Footnote. Article 834 as amended by the laws of the Republic of Kazakhstan dated 11.07.2017 No. 91-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 835. Terms of consideration of a complain, an appellate petition of a prosecutor to a decree of a judge

Footnote. Title of Article 835 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. The complaint, appellate petition of a prosecutor to a decree shall be subject to consideration within ten days from the date of their receipt.

2. The complaint, appellate petition of a prosecutor to a decree on administrative arrest, if the person brought to liability serves administrative arrest, shall be subject to consideration within one day from the date of filing of the complaint or bringing of the appellate petition.

3. In case of receipt of petitions from participants of the proceeding on a case on administrative infraction or upon necessity of additional clarification of circumstances of the case, the term for consideration of a complaint, appellate petition of a prosecutor may be extended by a judge, considering the case, but no more than ten days. The court, body shall be

obliged to suspend the term for consideration of a complaint, an appellate petition of a prosecutor upon impossibility of its consideration until solution of another case considered in a civil, criminal or administrative judicial proceeding. Upon extension and (or) suspension of a term, the reasoned ruling shall be issued.

Footnote. Article 835 is in the wording of the Law of the Republic of Kazakhstan dated 11.07.2017 No. 91-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the laws of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 836. Sole consideration of a complaint, appellate petition of a prosecutor to a decree of a court by judge

1. The complaint, appellate petition of a prosecutor to a decree of a judge of specialized district and equated administrative court and juvenile court, shall be considered at sole discretion by a judge of superior court.

2. The complaint, appellate petition of a prosecutor to a decree of court on a case of the fact of contempt of court issued by a judge (court) in the manner provided by a part four of Article 829-10 of this Code, shall be considered at sole discretion by a judge of superior court

Footnote. Article 836 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 837. Preparation to consideration of a complaint, appellate petition of a prosecutor to a decree of a court

Upon preparation to consideration of a complaint, appellate petition of a prosecutor, the court shall: permit petitions, demand additional materials, summon persons the participation of which is recognized necessary for consideration of a complaint, appellate petition of a prosecutor; the judge shall assign examination in case of necessity.

Footnote. Article 837 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 838. Consideration of a complaint, appellate petition of a prosecutor to a decree of a court

1. The judge after beginning of considering a complaint, appellate petition of a prosecutor to a decree of a judge, shall:

1) announce, who considers a complaint, appellate petition; which complaint, appellate petition is subject to consideration; who filed the complaint, brought the appellate petition;

2) be ascertain in attendance of an individual or representative of legal entity in respect of whom the decree on a case is issued, as well as persons summoned for participation in consideration of a complaint, appellate petition;

3) verify the powers of participants of a proceeding and their legal representatives;

4) clarify the reasons of non-appearance of participants of the proceeding on a case and adopt decision on consideration of a complaint, appellate petition in their absence or on postponement of consideration of the complaint, appellate petition;

5) explain the rights and obligations to the persons participating in consideration of a complaint, appellate petition;

6) solve challenges and filed petitions;

7) read a complaint and petition to a decree, and other case materials in case of necessity.

2. Upon consideration of a complaint, appellate petition to a decree of a court, the legality and substantiation of the issued decree shall be verified according to available and additionally represented materials. The judge is not linked with arguments of a complaint, appellate petition of a prosecutor and shall verify the case in a full measure, by this, they shall have the right to establish new facts and examine new evidences.

3. The judge shall have the right to postpone consideration of a complaint, appellate petition of a prosecutor due to non-attendance of summoned persons, demand of additional case materials, assignment of examination and in other cases when it is necessary for full, comprehensive and objective consideration of the complaint, appellate petition.

Footnote. Article 838 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 839. Solution of a complaint, appellate petition of a prosecutor to a decree of a court

1. After consideration of a complain, appellate petition of a prosecutor to a decree of a court, the judge shall adopt one of the following decisions:

1) on leaving the decree unchanged, and the complaints, appellate petition – without satisfaction;

2) on change of the decree;

3) on repeal of the decree and termination of a case in existence of circumstances provided by Articles 741 and 742 of this Code, as well as in case of lack of evidentiary support of evidences on the basis of which the decree was issued;

4) on repeal of the decree and issuance of new decree on a case.

2. Following the results of consideration of a complaint, appellate petition of a prosecutor to a decree of a court, the decision shall be announced immediately after its adoption and shall be issued in the form of a decree on the complaint, appellate petition, drew up in accordance with Article 822 of this Code.

3. The decree of a judge issued in appellate procedure may be appealed, protested in the manner provided by chapter 46 of this Code.

Footnote. Article 839 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 840. Grounds for repeal or change of a decree of a court

Footnote. Title of Article 840 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

The grounds for repeal or change of a decree of a court and issuance of the decree are:

1) non-conformance of summaries of a judge, on actual circumstances of a case set out in a decree of a court, examined evidences during consideration of a complaint, appellate petition of a prosecutor;

2) incorrect application of the Law on administrative liability;

3) essential violation of the procedural rules of this Code;

4) non-conformance of administrative sanction imposed by the decree to a nature of committed infraction, identity of a guilty person or property status of a legal entity.

Footnote. Article 840 as amended by the laws of the Republic of Kazakhstan dated 11.07.2017 No. 91-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 841. Non-conformance of summaries of a judge on actual circumstances of a case set out in a decree of a court, examined evidences during consideration of a complaint, appellate petition of a prosecutor

1. After establishment that the summaries on actual circumstances of a case set out in a decree of a court do not conform to the evidences examined during consideration of a complaint, appellate petition of a prosecutor, the judge shall repeal this decree in full or in part and shall issue new decree in accordance with the results of consideration of the complaint, appellate petition.

2. During evaluation of the evidences examined during consideration of a complaint, appellate petition of a prosecutor, the judge, shall have the right to recognize the facts proved

that were not established by a decree of a court or were not taken into account by a judge, that issued the decree.

Footnote. Article 841 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 842. Incorrect application of the Law on administrative liability

1. Incorrect application of the Law on administrative liability is:

1) violation of the requirements of section 1 and the Common part of section 2 of this Code;

2) application of wrong Article or part of Article of the Special part of section 2 of this Code that were subject to application;

3) imposition of more severe administrative sanction than it is provided by a sanction of the relevant Article of the Special part of section 2 of this Code.

2. After recognition of a legal evaluation of illegal acts as incorrect in results of consideration of a complaint, appellate petition of a prosecutor, the judge shall have the right to change classification of an infraction to Article of the Law providing less severe administrative sanction.

3. Based on the results of consideration of a complaint, appellate petition of a prosecutor, the judge shall have the right to change classification of an infraction to Article of the Law providing more severe administrative sanction or impose more severe administrative sanction only in case when on these grounds the complaint was filed by an injured party or appellate petition of a prosecutor was brought.

Footnote. Article 842 as amended by the laws of the Republic of Kazakhstan dated 11.07.2017 No. 91-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 843. Substantial violation of procedural rules of this Code

1. Substantial violations of procedural rules of this Code are the violations of principles and other general provisions of this Code during proceeding on a case and its consideration by deprivation or impairment of the rights guaranteed by the Law of the persons participating in the case, non-compliance with the procedure for the administrative infraction proceeding or otherwise impeded comprehensive, full and objective examination of circumstances of a case, influenced or might influence on issuance of legal and reasonable decree.

2. The decree shall be subject to repeal when one-sidedness or incompleteness of the proceeding on a case are the result of wrong exclusion of available evidences from

examination or unreasonable refusal in examination of evidences that may have a significance for a case; failure to examine evidences subjected to compulsory examination.

3. The decree shall be subject to repeal at least if:

1) in existence of grounds provided by Articles 741 and 742 of this Code, the proceeding on a case was not terminated;

2) The decree issued by a judge, is not authorized to consider cases on administrative infractions;

3) the case is considered without participation of a defence attorney, when his (her) participation is compulsory in accordance with the Law, or the right of a person in respect of whom the proceeding on a case is conducted to have the defence attorney is violated by other means;

4) the right of a person in respect of whom the proceeding on a case is conducted to use native language or language that he (she) can speak, and services of an interpreter is violated;

5) the person in respect of whom the proceeding on a case is conducted is not provided by the right to five explanations on circumstances of a case;

6) the decree is not signed by any of the persons mentioned in a part four of Article 822 of this Code.

4. After establishment that upon consideration of a case on administrative infraction the violation of procedural rules mentioned in subparagraph 1) of part three of this Article is committed, the judge, shall repeal the decree and terminate the proceeding on a case.

5. If upon consideration of a case on administrative infraction, any other substantial violation of procedural rules was committed, the judge shall conduct consideration of the case taking into account the measures for elimination of committed violation, repeal decree respectively of a judge of the relevant specialized district and equated administrative court and juvenile court, interior body (civil servant) and shall issue new decree taking into consideration the results of considering the case.

Footnote. Article 843 as amended by the laws of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 844. Non-conformance of administrative sanction imposed by a decree to the character of committed infraction, identity of a guilty person or property financial status of a legal entity

1. After recognition of administrative sanction imposed by a decree as unfair due to its excessive severity that does not conform to the character of committed infraction, identity of a guilty person or property status of a legal entity, the judge shall mitigate the sanction being governed by general rules of imposition of the administrative sanction.

2. The judge may impose more severe sanction on a guilty person that was determined by the decree on a case on administrative infraction, but only in the cases when the appellate petition of a prosecutor was brought or when the complaint of an injured party was filed.

Footnote. Article 844 as amended by the laws of the Republic of Kazakhstan dated 11.07.2017 No. 91-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 № 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 845. Repeal or change of a decree on termination of a proceeding on case

1. The decree on termination of a proceeding on case may be repealed by a judge with issuance of the decree on imposition of administrative sanction not otherwise than according to the complaint of an injured party or according to the appellate petition of a prosecutor to inconsistency of termination of the proceeding on case.

2. The decree on termination of the proceeding on case may be changed in a part of the grounds for termination according to the complaint of a person in respect of whom the proceeding on case is terminated.

Footnote. Article 845 as amended by the laws of the Republic of Kazakhstan dated 11.07.2017 No. 91-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 846. Announcement of a decree on a complaint, appellate petition of a prosecutor to a decree of a court

1. The decree with regard to complaint, appellate petition of a prosecutor to a decree of a court shall be announced immediately after its issuance.

2. Copy of the decree with regard complaint, appellate petition of a prosecutor to a decree of a court shall be issued or sent to an individual or representative of legal entity in respect of which the decree on a case was issued, to an injured party in case of filing of the complaint by him (her), on upon his (her) request, to a prosecutor that brought an appellate petition, within the term up to three days after its issuance.

3. The decree with regard to complaint, appellate petition of a prosecutor to a decree of a court on arrest shall be brought to the notice of a body (civil servant) executing the decree, as well as of a person in respect of whom it is issued – on a date of issuance of the decree.

Footnote. Article 846 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 46. REVIEW OF DECREES ENTERED INTO LEGAL FORCE IN CASSATIONAL PROCEDURE

Footnote. Title of Chapter 46 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 847. Cassational procedure for review of decrees on cases on administrative infractions entered into legal force and decrees based on results of consideration of complaints, protests to them

Footnote. Article 847 is excluded by the Law of the Republic of Kazakhstan dated 31.10.2015 No. 378-V (shall be enforced from 01.01.2016).

Article 848. Procedure and arguments for evocation of cases and consideration of petitions on lodging of a protest to judicial acts entered into legal force

1. The case on administrative infraction may be evocated from the relevant court for verification in the cassational procedure by the Chairman, Chairman of the Specialized Judicial Collegium of the Supreme Court of the Republic of Kazakhstan, as well as General Prosecutor of the Republic of Kazakhstan, his (her) deputies, prosecutors of oblasts and equated prosecutors.

2. The arguments for evocation of cases are the petitions of persons mentioned in a part four of Article 851 of this Code, and equally the initiative of Chairman of the Supreme Court of the Republic of Kazakhstan, General Prosecutor of the Republic of Kazakhstan mentioned within their competence.

3. Request on evocation of a case shall be executed by a court no later than seven days from the date of its receipt in court. The request may be directed written form or electronic document

4. Cases on administrative infractions shall not be subject to review in cassational procedure, with exception cases provided by part five of Article 851 of this Code.

5. The decrees on case on administrative infraction entered into legal force may be reviewed by the Chairman, Chairman of the Specialized Judicial Collegium of the Supreme Court of the Republic of Kazakhstan, as well as General Prosecutor's protest of the Republic of Kazakhstan, or his (her) deputy in presence of the grounds, provided by part five of Article 851 of this Code.

6. Representation, protest with a case shall be directed to the Specialized Judicial Collegium of the Supreme Court of the Republic of Kazakhstan.

Copies of protest shall be directed to the persons, participating in a case, by prosecutor.

7. In case of evocation of a case, the petition on entering of representation or lodging of a cassational protest shall be subject to consideration within thirty business days from the date of receipt of the case.

8. The petition on entering of representation or lodging of a protest shall be filed in written form or electronic document, certified with electronic digital signature and shall contain:

1) name of a civil servant to whom the petition is addressed;

2) name of a person lodging the petition; his (her) place of residence or location and procedural position in a case;

3) indication to courts considering a case in the first, appeal and cassational instances, and content of decisions adopted by them;

4) indication on judicial act on which the petition is filed;

5) indication:

to what serious irreversible consequences for human life, health, or for the economy and security of the Republic of Kazakhstan, may entail execution of a decree;

what rights and legitimate interests of an indefinite circle of persons or other public interests violate the decree;

how the adopted decree violates uniformity in the interpretation and application by courts, authorized bodies (civil servants) of the law;

6) an indication of what the request of the person filing the petition is.

9. The petition shall be signed by a person filing the petition, or by his (her) representative . The petition signed by a representative shall be accompanied by power of attorney or another document certifying the powers of the representative.

10. The petition shall be subject to return to persons that filed them in case of its non-conformance to requirements of this Article.

11. The person filing the petition shall have the right withdraw it by applying to the court of cassational instance until consideration of a petition.

Footnote. Article 848 is in the wording of the Law of the Republic of Kazakhstan dated 11.07.2017 No. 91-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 849. Lodging of a protest, filing of complaint to decrees on cases on administrative infractions and decrees on results of consideration of the complaint, protest to them

Footnote. Article 849 is excluded by the Law of the Republic of Kazakhstan dated 31.10.2015 No. 378-V (shall be enforced from 01.01.2016).

Article 850. Suspension of execution of a decree on imposition of administrative sanction

Lodging of a protest to decrees entered into legal force shall suspend the execution of these decrees.

Footnote. Article 850 as amended by the laws of the Republic of Kazakhstan dated 31.10.2015 No. 378-V (shall be enforced from 01.01.2016).

Article 851. Cassational procedure for review of decrees on cases on administrative infractions entered into legal force

1. Supervisory judicial collegium of the Supreme Court of the Republic of Kazakhstan in collegial members of the court no less than three judges presided by the Chairman, Chairman of Supervisory judicial collegium of the Supreme Court of the Republic of Kazakhstan, as well as General Prosecutor's protest of the Republic of Kazakhstan, or his (her) deputies shall have the right to verify legality and substantiation of the decree of a court on administrative infraction that entered into legal force.

2. Representation, protest to the side aggravating position of a person brought to administrative liability, or a person in respect of whom the administrative proceeding is terminated, shall be admitted within a year from the date of entering of decree of court into legal force.

3. The protest to decrees on cases on administrative infractions, the decree of court with regard to complaint, protest to them shall conform to requirements mentioned in Article 833 of this Code.

4. A person brought to administrative responsibility, complainant, their legal representatives, defenders, representatives of legal persons, as well as authorized authorities (executive officers) administering proceedings through their central state, local executive authorities of regions, cities of republican status and the capital city have a right to file a request on introduction of a petition and lodging of prosecutor's appeal.

5. The grounds for the review in cassational procedure of decrees on cases on administrative infractions are cases when:

1) the execution of adopted decree may entail to serious irreversible consequences for human life, health, or for the economy and security of the Republic of Kazakhstan;

2) adopted decree violates the rights and legitimate interests of an indefinite circle of persons or other public interests;

3) adopted decree violates the uniformity in the interpretation and application by the courts, authorized bodies (civil servants) of the rules of law.

6. The prosecutor that issued the protest, shall has the right recalled it by filing an application to the court of cassational instance before consider the protest. The recall of the protest does not prevent its reapplying.

Footnote. Article 851 is in the wording of the Law of the Republic of Kazakhstan dated 11.07.2017 No. 91-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 47. REVIEW OF DECREES ON CASES ON ADMINISTRATIVE INFRACTIONS, PRESCRIPTION ON NECESSITY TO PAY A FINE THAT ENTERED INTO LEGAL FORCE AND DECREES BASED ON RESULTS OF CONSIDERATION OF COMPLAINTS, APPELLATE PETITION, PROTESTS OF PROSECUTOR TO THEM ON NEWLY DISCOVERED CURCUMSTANCES

Footnote. Title of Chapter 47 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 852. Grounds of review

1. The decrees on cases on administrative infractions, prescription on necessity to pay a fine and the decrees based on results of consideration of complaints, protests may be reviewed on newly discovered circumstances.

2. The grounds for review of decrees, prescriptions on newly discovered circumstances are:

1) circumstances essential for a case that were not and might not be known by an offender , injured party;

2) knowingly false evidences of a witness, knowingly false opinion of an expert, knowingly incorrect interpretation, forgery of a protocol on administrative infraction or prescription on necessity to pay a fine, of documents or material evidences that entailed issuance of illegal or unreasonable decree, established by the court verdict that entered into legal force;

3) criminal actions of participants of a proceeding on cases on administrative infractions, of other persons participating in a case, or their representatives or criminal actions of judges, authorized bodies (civil servant) committed during consideration of this case, established by the court verdict that entered into legal force;

4) revocation of a decision, verdict, ruling or decree of court or legal act of another state body (civil servant) that served as the ground for issuance of this decree;

5) recognition of the Law or another regulatory legal act as unconstitutional by the Constitutional Council of the Republic of Kazakhstan that was applied in this case on administrative infraction.

Footnote. Article 852 as amended by the laws of the Republic of Kazakhstan dated 11.07.2017 No. 91-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 853. Courts, authorized bodies (civil servants) reviewing decrees on cases on administrative infractions, prescription on necessity to pay a fine and decrees based on results of consideration of complaints, protests to them on newly discovered circumstances

The decree, prescription that entered into legal force shall be reviewed on newly discovered circumstances by a court, authorized body (civil servant) that issued this decision.

In case of review of the decree, prescription of a body (civil servant) by a court and leaving it unchanged, the review on newly discovered circumstances shall be carried out by the court that issued this decision.

Footnote. Article 853 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 854. Filing of application

1. The application on review of a decree, prescription on necessity to pay a fine on newly discovered circumstances shall be filed by a person brought to administrative liability, by an injured party or their legal representatives, or a prosecutor in court, body (civil servant) that issued the decree or drew up the prescription.

2. The persons mentioned in a part one of this Article may file an application on review of decree, prescription on newly discovered circumstances within three months from the date of establishment of circumstances serving as the ground for review.

Footnote. Article 854 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 855. Forma and content of application

1. The application on review of decree, prescription on necessity to pay a fine on newly discovered circumstances shall be filed in written form. The application shall be signed by a person filing the application, or by his (her) authorized representative.

2. The application on review on newly discovered circumstances shall contain:

1) name of a court, body (civil servant) to which the application is filed;

2) details on a person filing the application (for individuals – last name, first name, patronymic (when available), subscriber's number of phone, fax, cellular communications and (or) electronic mail (if available); for legal entities – name, location, number and date of state registration (re-registration) of a legal entity, subscriber's number of phone, fax, cellular communications and (or) electronic mail (if available);

3) name of a court, body (civil servant) that adopted the act on review of which the applicant files petition on newly discovered circumstances; date of adoption of this act;

4) requirement of a person filing the application; newly discovered circumstance provided by Article 852 of this Code and that in opinion of an applicant is the ground for raising a question on review of decree, prescription on necessity to pay a fine on newly discovered circumstances with a reference to the documents certifying opening or establishment of this circumstance;

5) list of attached documents.

3. The application shall be accompanied by:

1) copies of documents certifying newly discovered circumstances;

2) copy of a decree, prescription on necessity to pay a fine, on review of which the applicant files petitions;

3) a document certifying direction of absent copies of an application and documents to the other persons participating in a case;

4) credibility or another document certifying the powers of a person for signing an application.

Footnote. Article 855 as amended by the laws of the Republic of Kazakhstan dated 31.10.2015 No. 378-V (shall be enforced from 01.01.2016); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 856. Admission of an application for initiation of proceeding of a court, body (civil servant)

1. The application on review of a decree, prescription on necessity to pay a fine on newly discovered circumstances filed in compliance with requirements submitted for its form and content shall be admitted for initiation of a proceeding of the relevant court, body (civil servant).

2. Issue on admission of an application for initiation of proceeding shall be solved within three days from the date of its receipt.

3. Upon admission of an application for proceeding, the ruling containing date and place of holding of meeting on consideration of the application, shall be issued.

4. Copies of a ruling shall be directed to persons participating in a case.

Footnote. Article 856 as amended by the laws of the Republic of Kazakhstan dated 28.12.2017 No.127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 857. Return of an application on review of a decree, prescription on necessity to pay a fine on newly discovered circumstances

Footnote. Title of Article 857 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. The judge of the relevant court, civil servant of authorized body shall return an application to an applicant filed by him (her) on review of a decree, prescription on necessity to pay a fine on newly discovered circumstances, if during solving the issue on its admission for initiation of proceeding it is established that:

- 1) the application is filed with violation of rules established by Article 855 of this Code;
 - 2) the application is filed after expiration of established term and there is no petition on its restoration or restoration of omitted term for filing of application was refused;
 - 3) the requirements submitted to form and content of the application were not complied.
2. Upon return of an application, the ruling shall be issued.

Copy of the ruling shall be directed to an applicant together with an application and enclosed documents no later than the next day after the date of its issuance.

3. The ruling on return of application may be appealed, reviewed on petition or protest of a prosecutor.

Footnote. Article 857 as amended by the laws of the Republic of Kazakhstan dated 11.07.2017 No. 91-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 858. Calculation of term for filing of application

The term for filing of application shall be calculated:

- 1) in cases provided by subparagraph 1) of part two of Article 852 of this Code – from the date of discovery of circumstances having substantial significance for a case;
- 2) in cases provided by subparagraphs 2) and 3) of part two of Article 852 of this Code – from the date of entering of a court verdict into legal force;
- 3) cases provided by subparagraph 4) of part two of Article 852 of this Code – from the date of entering of a verdict, decision, ruling, decree of court or legal act of the other state body (civil servant) into legal force, on which the reviewed decree, prescription on necessity to pay a fine was based;

4) in cases provided by subparagraph 5) of part two of Article 852 of this Code – from the date of adoption of a decree of the Constitutional Council of the Republic of Kazakhstan on recognition of the Law or the other regulatory legal act unconstitutional that was applied in this case on administrative infraction.

Footnote. Article 858 as amended by the laws of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 859. Consideration of an application

The application on review of a decree, prescription on necessity to pay a fine on newly discovered circumstances shall be considered at session by a court, body (civil servant). The applicant and persons participating in a case shall be notified on time and place of session, however their non-appearance is not an obstacle for consideration of the application.

Footnote. Article 859 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 860. Decree of court, authorized body (civil servant) on review of a case

1. After consideration of an application on review of a decree, prescription on necessity to pay a fine on newly discovered circumstances, the court, body (civil servant) shall certify the application and repeal the decree, prescription or refuse in review.

2. Decisions of courts, bodies (civil servant) on repeal of a decree, prescription on newly discovered circumstances and on refusal in satisfaction of an application on review of the decree, prescription on newly discovered circumstances may be appealed and protested in established manner.

3. In case of repeal of a decree, prescription, the case shall be considered by a court, body (civil servant) according to the rules established by this Code.

Footnote. Article 860 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 48. REHABILITATION, COMPENSATIO FOR DAMAGE INFLICTED BY ILLEGAL ACTIONS OF A BODY (CIVIL SERVANT) AUTHORIZED TO CONSIDER CASES ON ADMINISTRATIVE INFRACTIONS

Article 861. Rehabilitation by recognition of faultlessness of a person brought to administrative liability

1. The person in respect of whom the decree of court, body (civil servant) authorized to consider cases on administrative infractions, on termination of a case on the grounds provided by subparagraphs 1) – 7) and 11) of part one of Article 741 of this Code is issued, shall be considered faultless and may not be subjected to any restrictions in rights and freedoms guaranteed by the Constitution and Laws of the Republic of Kazakhstan.

2. The judge, body (civil servant) authorized to consider cases on administrative infractions shall be obliged to take all the measures provided by the Law on recognition of a person mentioned in a part one of this Article as faultless and on restoration of personal non-property and property rights violated in a result of illegal actions of a judge, body (civil servant) authorized to consider cases on administrative infractions.

Article 862. Persons having the right to compensation of damage inflicted in a result of illegal actions of a court, body (civil servant) authorized to consider cases on administrative infractions

1. Damage inflicted to a person in a result of illegal application of the measures of ensuring the proceeding on case shall be compensated from republican budget in a full measure independently from guilt of a judge, body (civil servant) authorized to consider cases on administrative infractions.

2. The following persons shall have the right to compensation of damage inflicted in a result of illegal actions, body (civil servant) authorized to consider cases on administrative infractions:

1) persons mentioned in a part one of Article 745 of this Code;

2) persons in respect of whom the proceeding on case should not be initiated, and the initiated proceeding was subject to termination on the grounds provided by subparagraphs 1) – 7) and 11) of part one of Article 741 of this Code, if the proceeding on case was initiated in spite of existence of the circumstances excluding the administrative infraction proceeding, or was not terminated from the date of their detection.

3. In case of death of an individual, the right of compensation of damage in established manner shall be transferred to his (her) legal successors.

4. Damage shall not be subject to compensation to a person if it is proved that during the proceeding on case by voluntary self-accusation, he (she) barred establishment of truth and so promoted occurrence of the consequences mentioned in a part one of this Article.

5. In the absence of circumstances mentioned in subparagraph 2 (of part two of this Article), the rules of this Article shall not apply to the cases when the administrative sanctions imposed on a person and other measures of legal administrative effect are cancelled or changed due to expiration of the terms of limitation, adoption of the Law eliminating administrative liability or mitigating administrative sanction.

Article 863. Damage subjected to compensation

The persons mentioned in Article 862 of this Code shall have the right to compensation of property damage in a full measure, elimination of consequences of moral damage and restoration in all lost or impaired rights.

Article 864. Recognition of the right to compensation of damage

After adoption of a decision on full or partial rehabilitation of a person, the judge or body (civil servant) authorized to consider cases on administrative infractions shall be obliged to recognize his (her) right to compensation of damage. Copy of decree on termination of a case, on repeal or change of other illegal decisions shall be delivered or sent to an interested person by mail. At the same time, the notification with explanation of the procedure for compensation of damage shall be directed to him (her). In the absence of details on place of residence of successors, relatives or dependents of deceased person having the right to compensation of damage, the notification shall be directed to them no later than five days from the date of their apply to the body (civil servant) authorized to consider cases on administrative infractions.

Article 865. Compensation of property damage

1. Property damage inflicted to persons mentioned in Article 862 of this Code shall include the compensation of:

- 1) salary, pension, benefits, other funds and incomes that they are deprived;
- 2) property illegally confiscated on the basis of court decree. Upon impossibility to return the property, its cost shall be returned;
- 3) fines recovered in execution of illegal decree of a body (civil servant) authorized to solve a case; procedural expenditures and other sums paid by a person due to illegal actions;
- 4) sums paid by a person for rendering of legal assistance;
- 5) other expenses incurred in a result of illegal bringing to administrative liability.

2. The sums paid for maintenance of persons mentioned in a part one of Article 603 of this Code at the places of execution of administrative arrest, the procedural expenditures linked with a proceeding on case, and equally earnings for performing any works by these persons during execution of the administrative arrest may not be deducted from the sums subjected to payment as a recompense of damage inflicted in a result of illegal actions of a body (civil servant) authorized to consider cases on administrative infractions.

3. Upon receipt of a copy of documents mentioned in Article 823 of this Code with notification on procedure for compensation of damage, the persons mentioned in parts two and three of Article 862 of this Code shall have the right to refer to the body (civil servant) that issued the decree on termination of a case, revocation or change of other illegal decisions

with a demand for compensation of property damage. If the case is terminated by a superior body (civil servant) or a court, the demand for compensation of damage shall be directed to a body (civil servant) that issued illegal decree. If the case being considered by a judge is terminated by a superior court, the demand for compensation of damage shall be directed to the judge that issued illegal decree. In case of rehabilitation of a minor person, the demand for compensation of damage may be applied by his (her) legal representative.

4. No later than one month from the date of receipt of the application, the body (civil servant) mentioned in a part two of this Article shall determine the extent of damage after requesting estimation in necessary cases from financial bodies and bodies of social protection after what shall issue a decree on making payments as a recompense of this damage adjusted for inflation. If the case is terminated by a court, the mentioned actions shall be made by a judge that considered the case.

5. Copy of a decree certified by the common seal shall be delivered or sent to a person for representation in bodies that are obliged to make payment. Procedure for paying shall be determined by the legislation.

Article 866. Elimination of consequences of moral damage

1. The body (civil servant) that adopted decision on rehabilitation of a person, shall be obliged to submit apologies to him (her) in written form for inflicted damage.

2. Claims for compensation for inflicted moral damage in pecuniary terms shall be made in the manner of civil legal proceeding.

3. If the person was illegally brought to administrative liability, and details on this were published in the press, distributed via radio, television or other means of mass media, upon request of this person, and in case of his (her) death – upon request of his (her) relatives or a prosecutor, the relevant mass media shall be obliged to make necessary statement on this within one month.

4. Upon request of the persons mentioned in Article 862 of this Code, the body (civil servant) authorized to consider cases on administrative infractions shall be obliged to direct written statement on revocation of own illegal decisions at the place of their work, education, residence within ten days.

Article 867. Terms for submission of requirements

1. Requirements on making monetary payments as a recompense of property damage may be submitted within one year from the date of receipt of a decree on making such payments by persons mentioned in Article 862.

2. Requirements on restoration of such rights may be submitted within six months from the date of receipt of a notification explaining the procedure for restoration of the rights.

3. In case of omission of these terms by reasonable excuse, they shall be subject to restoration upon application of interested persons by a body (civil servant) authorized to consider cases on administrative infractions.

Article 868. Compensation of damage to legal entities

The damage inflicted to legal entities by illegal actions of a body (civil servant) authorized to consider cases on administrative infractions shall be subject to restoration by the state in a full measure and terms established by this chapter.

Article 869. Restoration of rights in court actions

If the requirement on rehabilitation or compensation of damage is not satisfied or the person is not agreed with adopted decision, he (she) shall have the right to refer in court in the manner of civil legal proceeding.

Chapter 49. SPECIAL ASPECTS OF A PROCEEDING ON CASES OF PERSONS HAVING PRIVILEGES AND IMMUNITY FROM ADMINISTRATIVE LIABILITY

Article 870. Conditions and procedure for the administrative infraction proceeding in respect of a deputy of the Parliament of the Republic of Kazakhstan

1. The deputy of the Parliament of the Republic of Kazakhstan may not be subject to bringing, measures of administrative sanction imposed in a judicial proceeding within the term of own powers without the consent of the relevant Chamber of the Parliament of the Republic of Kazakhstan.

2. For obtainment of the consent to bringing of a deputy to administrative liability entailing imposition of the administrative sanction in a judicial proceeding, bringing, the General Prosecutor of the Republic of Kazakhstan shall submit proposal to the relevant Chamber of the Parliament of the Republic of Kazakhstan the deputy of which is the person that committed administrative infraction. The proposal shall be submitted before direction of a case on administrative infraction in court, as well as before solution of the issue on necessity of compulsory conveying of a deputy in court, body (civil servant) authorized to consider cases on administrative infractions.

3. Decision of the relevant Chamber of the Parliament of the Republic of Kazakhstan for proposal submitted by the General Prosecutor of the Republic of Kazakhstan shall be issued in terms established by the Constitutional Law of the Republic of Kazakhstan “On Parliament of the Republic of Kazakhstan and status of its deputies”.

4. If the relevant Chamber of the Parliament of the Republic of Kazakhstan gives a consent to bringing of a deputy to administrative liability entailing imposition of administrative sanction in a judicial proceeding, the further proceeding on case shall be conducted in the manner established by this Code considering the special aspects provided by this Article.

5. If the relevant Chamber of the Parliament of the Republic of Kazakhstan gives a consent to bringing, the question of application of this measure of ensuring the administrative infraction proceeding shall be solved in the manner established by this Code.

6. In case if the relevant Chamber of the Parliament of the Republic of Kazakhstan did not give a consent to bringing of a deputy to administrative liability entailing imposition of administrative sanction in a judicial proceeding, the proceeding on case shall be subject to termination on this ground.

7. In case if the relevant Chamber of the Parliament of the Republic of Kazakhstan did not give a consent to bringing, the other measures of ensuring the administrative infraction proceeding shall be applied to a deputy in the manner established by this Code.

8. Supervision of legality of considering a case on administrative infraction in a judicial proceeding in respect of a deputy of the Parliament of the Republic of Kazakhstan shall be carried out by the General Prosecutor of the Republic of Kazakhstan.

Article 871. Conditions and procedure for the administrative infraction proceeding in respect of a candidate for President of the Republic of Kazakhstan, candidate for deputy of the Parliament of the Republic of Kazakhstan

1. Candidates for President of the Republic of Kazakhstan, for deputies of the Parliament of the Republic of Kazakhstan from the date of their registration and until publication of election returns, as well as until their registration as the President, deputy of the Parliament may not be subject to bringing, measures of administrative sanction imposed in a judicial proceeding without the consent of the Central Elective Commission of the Republic of Kazakhstan.

2. Proposal on bringing of a candidate for President of the Republic of Kazakhstan, for deputies of the Parliament of the Republic of Kazakhstan to administrative liability shall be submitted to the Central Elective Commission by the General Prosecutor of the Republic of Kazakhstan before direction of a case on administrative infraction in court.

3. Substantiated decision of the Central Elective Commission of the Republic of Kazakhstan to proposal submitted by the General Prosecutor of the Republic of Kazakhstan shall be issued within ten days from the date of its receipt.

4. After receipt of the decision of the Central Elective Commission by the General Prosecutor of the Republic of Kazakhstan, the further proceeding on case shall be conducted in the manner established by Article 813 of this Code.

Article 872. Conditions and procedure for the administrative infraction proceeding in respect of the Chairman or member of the Constitutional Council of the Republic of Kazakhstan

1. The Chairman or members of the Constitutional Council of the Republic of Kazakhstan may not be subjected to bringing, measures of administrative sanction imposed in a judicial proceeding within the entire term of own powers without the consent of the Parliament of the Republic of Kazakhstan.

2. For obtainment of the consent to bringing of the Chairman or members of the Constitutional Council of the Republic of Kazakhstan to administrative liability entailing imposition of administrative sanction in a judicial proceeding, bringing, the General Prosecutor of the Republic of Kazakhstan shall submit a proposal to the Parliament of the Republic of Kazakhstan. The proposal shall be submitted before direction of a case on administrative infraction in court, before solution of the issue on necessity of compulsory conveying of the Chairman or member of the Constitutional Council of the Republic of Kazakhstan in court, body (civil servant) authorized to consider cases on administrative infractions.

3. After receipt of the decision of the Parliament of the Republic of Kazakhstan by the General Prosecutor of the Republic of Kazakhstan, the further proceeding on case shall be conducted in the manner established by Article 813 of this Code.

4. *Is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).*

Footnote. Article 872 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

Article 873. Conditions and procedure for the administrative infraction proceeding in respect of a judge

1. The judge may not be arrested, subjected to bringing, measures of administrative sanction imposed in a judicial proceeding without the consent of the President of the Republic of Kazakhstan based on conclusion of the Supreme Judicial Council of the Republic, or in case established by subparagraph 3) of Article 55 of the Constitution of the Republic of Kazakhstan without the consent of the Senate of the Parliament of the Republic of Kazakhstan.

2. For obtainment of the consent for bringing of a judge to administrative liability entailing imposition of administrative sanction in a judicial proceeding, bringing, the General Prosecutor of the Republic of Kazakhstan shall submit a proposal to the President of the Republic of Kazakhstan, and in case provided by subparagraph 3) of Article 55 of the Constitution – to the Senate of the Parliament of the Republic of Kazakhstan. The proposal

shall be submitted before direction of a case on administrative infraction in court, before solution of the issue on necessity of compulsory conveying of a judge in court, body (civil servant) authorized to consider cases on administrative infractions.

3. After receipt of the decision of the President of the Republic of Kazakhstan, the Senate of the Parliament of the Republic of Kazakhstan by the General Prosecutor of the Republic of Kazakhstan, the further proceeding on case shall be conducted in the manner established by Article 813 of this Code.

4. The case on administrative infraction settled by proceeding in respect of a judge shall be transferred by a body (civil servant) carrying out this proceeding in the manner established by this Code in court through the General Prosecutor of the Republic of Kazakhstan.

Article 874. Conditions and procedure for the administrative infraction proceeding in respect of the General Prosecutor of the Republic of Kazakhstan

1. The General Prosecutor of the Republic of Kazakhstan may not be subjected to bringing, measures of administrative sanction imposed in a judicial proceeding within the entire term of own powers without the consent of the Senate of the Parliament of the Republic of Kazakhstan.

2. For obtainment of the consent for bringing of the General Prosecutor of the Republic of Kazakhstan to administrative liability entailing imposition of administrative sanction in a judicial proceeding, bringing, the first deputy of the General Prosecutor of the Republic of Kazakhstan shall submit a proposal to the Senate of the Parliament of the Republic of Kazakhstan. The proposal shall be submitted before direction of a case on administrative infraction in court, before solution of the issue on necessity of compulsory conveying of the General Prosecutor in court, body (civil servant) authorized to consider cases on administrative infractions.

3. After receipt of the decision of the Senate of the Republic of Kazakhstan by the first deputy of the General Prosecutor of the Republic of Kazakhstan, the further proceeding on case shall be conducted in the manner established by Article 819 of this Code.

4. *Is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).*

5. Supervision of legality of considering a case on administrative infraction in a judicial proceeding in respect of a deputy of the General Prosecutor of the Republic of Kazakhstan shall be carried out by his (her) first deputy.

6. *Is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).*

Footnote. Article 874 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015).

Article 875. Consideration of a case on administrative infraction by a judge in respect of a deputy of the Parliament of the Republic of Kazakhstan, the Chairman or members of the Constitutional Council of the Republic of Kazakhstan, judge, General Prosecutor of the Republic of Kazakhstan

1. Consideration of a case shall be carried out in general with special aspects of the proceeding on cases of the persons having privileges and immunity from administrative liability.

2. The judge shall have the right to apply bringing in respect of a deputy of the Parliament of the Republic of Kazakhstan, the Chairman or members of the Constitutional Council of the Republic of Kazakhstan, judge, General Prosecutor of the Republic of Kazakhstan as a measure of ensuring the administrative infraction proceeding after referral with submission on giving a consent to this in the manner provided respectively by a part two of Article 870 of this Code, if before consideration of the case the judge refused in giving a consent to bringing by the state bodies mentioned in paragraph 4 of Article 52, paragraph 5 of Article 71, paragraph 2 of Article 70, paragraph 3 of Article 83 of the Constitution of the Republic of Kazakhstan or such consent was not demanded.

Article 876. Persons having diplomatic immunity from administrative liability

1. In accordance with the legislation of the Republic of Kazakhstan and international treaties ratified by the Republic of Kazakhstan, the following persons shall enjoy immunity from administrative liability in a judicial proceeding in the Republic of Kazakhstan:

1) the heads of diplomatic representatives of foreign states, the members of diplomatic personnel of these representatives and their family members, if they reside jointly with them and are not citizens of the Republic of Kazakhstan;

2) on the basis of mutuality, the employees of service personnel of diplomatic representatives and their family members residing jointly with them, if these employees and their family members are not citizens of the Republic of Kazakhstan or do not reside on a permanent basis in Kazakhstan, heads of consular agencies and other consular civil servant in respect of the acts committed by them upon execution of employment duties, unless otherwise provided by the international treaty of the Republic of Kazakhstan;

3) on the basis of mutuality, the employees of administrative and technical personnel of diplomatic representatives and their family members residing jointly with them, if these employees and their family members are not citizens of the Republic of Kazakhstan or do not reside on a permanent basis in Kazakhstan;

4) the diplomatic couriers;

5) the heads and representatives of foreign states, members of parliamentary and governmental delegations, and on the basis of mutuality – the employees of delegations of

foreign states arriving to Kazakhstan for participation in international negotiations, international conferences and meetings or with other official instructions, or travelling through the territory of the Republic of Kazakhstan for the same purposes and family members of the mentioned persons that accompany them, if these family members are not citizens of the Republic of Kazakhstan;

6) the heads, members and personnel of the representatives of foreign states in international organizations, the civil servants of these organizations located in a territory of the Republic of Kazakhstan on the basis of international treaties or generally accepted international customs;

7) the heads of diplomatic representative, members of diplomatic personnel of representatives of foreign states in a third country travelling through the territory of the Republic of Kazakhstan, and their family members that accompany the mentioned persons or that travel separately for joining them or for the purpose of returning to own country;

8) other persons in accordance with an international treaty of the Republic of Kazakhstan.

2. The persons mentioned in subparagraphs 1), 4) – 7) of part one of this Article, as well as the persons in accordance with an international treaty of the Republic of Kazakhstan may be brought to administrative liability only in the case if the foreign state represents formal waiver of immunity from administrative liability. The issue on such waiver shall be solved upon presentation of the General Prosecutor of the Republic of Kazakhstan through the Ministry of foreign Affairs of the Republic of Kazakhstan by diplomatic means. In the absence of waiver of the relevant foreign state of immunity of the mentioned persons, the administrative proceeding in respect of them may not be initiated, and the initiated proceeding – shall be subject to termination.

3. The rules of part two of this Article shall not apply to the persons mentioned in subparagraphs 2) and 3) of part one of this Article, with the exception of cases when the infraction committed by these persons is linked with execution of own employment duties and is not directed against the interests of the Republic of Kazakhstan, unless otherwise provided by the international treaty of the Republic of Kazakhstan.

Article 877. Search, administrative detention and bringing of persons enjoying diplomatic immunity

1. The persons listed in subparagraphs 1), 4) – 7) of part one of Article 876 of this Code, as well as other persons in accordance with international treaties of the Republic of Kazakhstan shall enjoy personal inviolability. In existence of documents being in their possession confirming their status of persons enjoying diplomatic immunity, they may not be subject to personal inspection, detained or subjected to bringing for commission of an administrative infraction. Search of the things being in their possession also may not be carried out.

2. If the foreign state represents formal waiver of immunity from administrative liability of the persons mentioned in subparagraphs 1), 4) – 7) of part one of Article 876, the proceeding on case shall be carried out according to the standard procedure.

Article 878. Diplomatic immunity from testimony

1. The persons listed in subparagraphs 1), 3) – 6) of part one of Article 876 of this Code, as well as other persons in accordance with the international treaty of the Republic of Kazakhstan may not give testimony as a witness, injured party, and when approved to give such testimony – are not obliged to appear to a judge, body (civil servant) considering a case on administrative infraction. Call for interrogation delivered to mentioned persons shall not contain notifications on a possibility of applying compulsory measures for their non-appearance.

2. In case if these persons gave testimony as injured parties, witnesses in the course of administrative proceeding, and did not appear during consideration of a case, the judge, body (civil servant) considering the case on administrative infraction shall announce their testimony.

3. The persons mentioned in subparagraph 2) of part one of Article 876 of this Code may not refuse from giving testimony as witnesses and injured parties, except for the testimony on the issues linked with execution of their employment duties. In case of refusal of consular civil servants to give witness statements, the measures of ensuring a case on administrative infraction may not be applied to them.

4. The persons enjoying diplomatic immunity shall not be obliged to represent correspondence and other documents related to execution of employment duties by them to a judge, body (civil servant) considering a case on administrative infraction.

Article 879. Diplomatic immunity of premises and documents

1. Residency of a head of diplomatic representative, premise, occupied by diplomatic representatives, living quarters of members of diplomatic personnel and their family members, the property in their possession and means of transportation are inviolable. Access to these premises, their survey, as well as search of means of transportation may be carried out only in the consent of a head of diplomatic representative or a person substituting him (her).

2. On the basis of mutuality, the immunity provided by a part one of this Article shall apply to living quarters occupied by employees of service personnel of a diplomatic representative and their family members that reside jointly with them, if these employees and their family members are not the citizens of the Republic of Kazakhstan.

3. The premise occupied by a consular agency and residency of a head of consular agency shall enjoy inviolability on the basis of mutuality. Access to these premises, their survey may

take place only upon request or with the consent of a head of consular agency or diplomatic representative of the relevant foreign state.

4. Archives, official correspondence and other documents of diplomatic representatives and consular agencies are inviolable. They may not be subjected to survey and withdrawal without the consent of a head of diplomatic representative, consular agency. Diplomatic mail shall not be subject to printing and detention.

5. Consent of a head of diplomatic representative or consular agency to access to the premises mentioned by parts one, two and three of this Article, performance of survey, as well as to survey and seizure of documents mentioned in a part four of this Article shall be requested by a prosecutor through the Ministry of Foreign Affairs of the Republic of Kazakhstan.

6. In case of receipt of request or consent of a head of diplomatic representative or consular agency to access to premises, performance of survey, as well as survey and seizure of documents mentioned in a part four of this Article shall be carried out in the presence of a prosecutor and representative of the Ministry of Foreign Affairs of the Republic of Kazakhstan.

Chapter 50. INTERACTION OF BODIES CARRYING OUT THE ADMINISTRATIVE INFRACTION PROCEEDING, WITH COMPETENT INSTITUTIONS AND CIVIL SERVANTS OF FOREIGN STATES ON CASES ON ADMINISTRATIVE INFRACTIONS

Article 880. General conditions of rendering of legal assistance on cases on administrative infractions

1. In accordance with rendering of legal assistance to courts, bodies (civil servants) of foreign states with which the Republic of Kazakhstan concluded the international treaty on legal assistance, or on the basis of interaction, the actions provided by this Code, as well as the other actions provided by other Laws and international treaties of the Republic of Kazakhstan may be conducted.

2. In case if the provisions of international treaty ratified by the Republic of Kazakhstan contradict this Code, the provisions of the international treaty shall be applied.

3. The costs linked with rendering of legal assistance shall be incurred by requested institution in a territory of own state, unless otherwise provided by the international treaty of the Republic of Kazakhstan.

Article 881. Direction of requests on provision of information and documents and instructions on conduct of separate procedural actions

1. Requests on provision of information and documents, instruction on conduct of separate procedural actions may be directed between courts, bodies (civil servants) in cases provided by international treaties ratified by the Republic of Kazakhstan.

2. In cases when it is impossible to determine to which court, body it is necessary to direct a request on provision of information and documents, instruction on conduct of separate procedural actions, they shall be directed to the central body of Requested Party.

3. Request on provision of information and documents, instruction on conduct of separate procedural actions shall be drawn up in written in a form of a body and shall contain:

1) name of requested body of the relevant Party;
2) name of requesting body of the relevant Party;
3) detailed description of an infraction and other facts related to it, data on costs of goods, on extent of damage, legal qualification of the act in accordance with the legislation of Requesting Party accompanied by a text of applied Law;

4) names, patronymics (when available) and last names of persons in respect of whom the administrative infraction proceeding is conducted, witnesses, their place of residence or place of stay, citizenship, occupation, place and date of birth, for legal entities – their full name and location (if there is information on listed details);

5) instruction on delivery of a document shall contain exact address of a recipient and name of delivered document;

6) list of details and actions subjected to representation or execution (for interrogation it is necessary to state which circumstances should be investigated and clarified, as well as a sequence and wording of the questions that shall be raised to a respondent).

4. Request on provision of information and documents, instruction on conduct of separate procedural actions may also contain:

1) specification of a term for execution of required measures;
2) petition on conduct of the measures mentioned in the request in a certain manner;
3) petition on a provision of possibility to representatives of bodies of Requesting Party to attend during performance of the measures mentioned in the request, as well as to participate in their performance if it is not inconsistent with the legislation of Parties;
4) other petitions linked with performance of a request, instruction.

5. The request on provision of information and documents, instruction on conduct of separate procedural actions shall be signed by a head of requesting body or his (her) deputy. The request, instruction shall be accompanied by available copies of documents to which there are references in a text of the request, instruction, copies of the other documents required for their proper execution.

6. Bodies of the Parties may send procedural documents by mail directly to participants of the administrative infraction proceeding being in a territory of the other Party.

7. Direction of repeated request on provision of information and documents, instruction on conduct of separate procedural actions on cases on administrative infractions shall be

allowed upon necessity of receiving additional details, clarification of information received within the execution of previous request or instruction.

Article 882. Procedure for execution of requests on provision of information and documents and instructions on conduct of separate procedural actions

1. The court, body (civil servant) shall execute instructions of the relevant institutions and civil servants of foreign states transferred to them in established manner on the proceeding of procedural actions as a general rule of this Code.

2. Upon execution of an instruction, the procedural rules of foreign state may be applied if it is provided by the international treaty of the Republic of Kazakhstan with this state.

3. In cases provided by the international treaty, the representative of a competent institution of the other state may attend upon execution of an instruction.

4. If the request (instruction) may not be executed, the received documents shall be returned to the foreign institution from which the instruction was originated specifying reasons that obstructed its execution. The instruction shall be returned, if its execution may cause damage to sovereignty or security or contradicts the legislation of the Republic of Kazakhstan.

SECTION 5. EXECUTION OF DECREES ON IMPOSITION OF ADMINISTRATIVE SANCTIONS

Chapter 51. GENERAL PROVISIONS

Article 883. Entering of a decree on case on administrative infraction, prescription on necessity to pay a fine into legal force

The decree on a case on administrative infraction, prescription on necessity to pay a fine shall enter into legal force:

1) upon expiration of the term established for appealing the decree on case on administrative infraction, prescription on necessity to pay a fine, if it was not appealed or protested;

2) without delay after issuance of a decree on a complaint, protest, as well as issuance of the decree in case provided by article 339 of this Code;

3) without delay in case provided by paragraph one, part two of article 811 of this Code;

3-1) immediately upon a written request from a person, in relation to whom proceedings are administered, and from complainant, stipulated by Articles 744 and 745 of this Code;

4) after announcement of the decree on expulsion of a foreigner or stateless person beyond the Republic of Kazakhstan.

Footnote. Article 883 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first

official publication); as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 884. Obligatoriness of decree on imposition of administrative sanction, prescription on necessity to pay a fine

Footnote. Title of Article 884 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. The decree on imposition of administrative sanction, prescription on necessity to pay a fine shall be compulsory for execution by all the state bodies, bodies of local self-government, civil servants, individuals and their associations, legal entities.

2. The decree on imposition of administrative sanction, prescription on necessity to pay a fine shall be subject to execution from the date of its entering into legal force.

3. The decree on imposition of administrative sanction in the form of deprivation of a special right and administrative arrest shall be subject to execution from the date of issuance.

Footnote. Article 884 as amended by the laws of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 885. Recourse of decree on imposition of administrative sanction, prescription on necessity to pay a fine to execution

Recourse of decree on imposition of administrative sanction, prescription on necessity to pay a fine to execution shall be assigned on a judge, body (civil servant) that issued the decree, or body that drew up the prescription. The decree shall be directed to a body (civil servant) authorized to carry it into execution within a day from the date of its entering into legal force. The decree on imposition of administrative infraction in the form of deprivation of the special right shall be directed to bodies authorized to carry it into execution immediately after its issuance.

Footnote. Article 885 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 886. Carrying a decree on imposition of administrative sanction, prescription on necessity to pay a fine into execution

Footnote. Title of Article 886 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. The decree on imposition of administrative sanction, prescription on necessity to pay a fine shall be carried into execution by authorized bodies in the manner established by this Code.

2. In case of issuance of several decrees on imposition of administrative sanctions, prescriptions on necessity to pay a fine in respect of one person, each decree, prescription shall be carried into execution on an independent basis.

3. Avoidance of a person from administrative sanction shall entail execution of this sanction in a compulsory manner in accordance with the legislation.

Footnote. Article 886 as amended by the laws of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 887. Solution of issues linked with execution of a decree on imposition of administrative sanction, prescription on necessity to pay a fine

Footnote. Title of Article 887 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. The body (civil servant) that issued a decree on imposition of administrative sanction, or body, that drew up a prescription on necessity to pay a fine shall be assigned to solve the issues linked with execution of this decree, prescription and control of its execution.

2. The issues on deferral, installment, suspension or termination of executing a decree on imposition of administrative infraction, prescription on necessity to pay a fine as well as on recover of a fine imposed on a minor person from his (her) parents or persons substituting them, shall be considered by a judge, body (civil servant) that issued the decree, drew up the prescription, within three days term from the date of occurrence of the ground for solution of the relevant issue.

3. The persons interested in solution of the issues mentioned in a part two of this Article shall be notified on place and time of their consideration. By this, non-appearance of interested persons without reasonable excuses is not an impediment for solution of the relevant issues. Upon consideration of the issue on avoidance from serving administrative arrest, the appearance of the person subjected to administrative arrest shall be compulsory.

4. Solution on the issues mentioned in a part two of this Article shall be adopted in the form of decree.

5. Copy of a decree shall be delivered immediately to an individual or representative of legal entity in respect of whom it is issued, as well as to an injured person upon his (her)

request against receipt. In case of absence of mentioned persons, the copy of a decree shall be sent within three days from the date of its issuance, whereat the relevant record shall be made in a case.

Footnote. Article 887 as amended by the laws of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 888. Deferral and installment of execution of a decree on imposition of administrative sanction, prescription on necessity to pay a fine

Where there are circumstances making enforcement of an order to pay penalty, judgement on imposition of administrative penalty in the form of administrative arrest, deprivation of a special right, or a penalty impossible within the terms established by the law, a judge, authority (executive officer) who has passed judgement, or a authority that executed order may, upon application from a person in relation to whom judgement is passed, order executed , defer execution of the judgement, order for a term up to one month. In consideration of the financial standing of a person brought to administrative responsibility, payment of a penalty may be deferred by a judge, authority (executive officer) who passed judgement, or a authority that executed order, for a term up to three months.

Footnote. Article 888 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 889. Release from execution of administrative sanction

The judge, body (civil servant) that issued a decree on imposition of administrative sanction, or body that drew up the prescription on necessity to pay a fine shall terminate execution of the decree, the prescription and release from administrative sanction in cases of:

- 1) repeal of the Law or its separate provisions establishing administrative liability;
- 2) provided by a part two of Article 8 of this Code;
- 3) death of a person brought to administrative liability or declaring him (her) decedent in the manner established by the Law;
- 4) expiration of the term of limitation of execution of a decree on imposition of administrative sanction, a prescription on necessity to pay a fine established by Article 890 of this Code;
- 5) provided by the legislative act of the Republic of Kazakhstan on coming of the Code of the Republic of Kazakhstan “On taxes and other compulsory payments to budget” (Tax Code) into effect.

Footnote. Article 889 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 890. Limitation of execution of a decree on imposition of administrative sanction, prescription on necessity to pay a fine

Footnote. Title of Article 890 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. The decree on imposition of administrative sanction, the prescription on necessity to pay a fine shall not be subject to execution, if it was not carried into execution within a year from the date of entering into legal force, and for infractions in the field of tax assessment and antimonopoly legislation of the Republic of Kazakhstan within five years from the date of its entering into legal force.

2. In case of suspension of the execution of a decree in accordance with Article 834 of this Code, the running of period of limitation shall be suspended until consideration of a complaint, an appellate petition, protest of a prosecutor.

3. Running of the term of limitation provided in a part one of this Article, shall be revived if the person brought to administrative liability avoids its execution. Calculation of the term of limitation in this case shall be restored from the date of detection of this person.

4. In case of deferral of execution of a decree in accordance with Article 888 of this Code, running of the term of limitation shall be suspended until expiration of the term for deferral, and upon execution of the decree by installments, running of the term of limitation shall be extended for the term of deferral.

Footnote. Article 890 as amended by the laws of the Republic of Kazakhstan dated 29.10.2015 No. 376-V (shall be enforced from 01.01.2016); dated 11.07.2017 № 91-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 891. Completion of the proceeding on execution of a decree on imposition of administrative sanction

1. The decree on imposition of administrative sanction according to which the sanction is collected in full, shall be returned by a body executing the decree to a judge (body) that issued the decree with a note on collected sanction.

2. The decree on imposition of administrative sanction according to which the execution was not carried out or the execution is carried not in full, shall be returned to a body (civil servant) that issued the decree, drew up a protocol on administrative infraction, in cases and

in the manner provided by the Law of the Republic of Kazakhstan “On execution proceeding and status of officers of justice”.

Chapter 52. PROCEDURE FOR EXECUTION OF SEPARATE TYPES OF ADMINISTRATIVE INFRACTIONS

Article 892. Execution of a decree on imposition of administrative sanction in form of notification

Footnote. Title of Article 892 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

The decree on imposition of administrative sanction in the form of a notification shall be executed by a judge, body (civil servant) that issued the decree by delivering or sending copies of the decree in accordance with Article 823 of this Code.

Footnote. Article 892 as amended by the laws of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 893. Voluntary execution of a decree on imposition of fine, prescription on necessity to pay a fine

1. Fine shall be subject to payment by a person brought to administrative liability no later than thirty days from the date of entering of the decree on imposition of fine, the prescription on necessity of payment a fine into legal force.

In case of deferral provided by Article 888 of this Code, the fine shall be subject to payment by a person brought to administrative liability from the date of expiration of the term for deferral.

2. A penalty imposed for commitment of administrative infraction shall be paid by an individual or be transferred by a legal entity to the state budget in accordance with the procedures established by the laws of the Republic of Kazakhstan.

Footnote. Article 893 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 894. Compulsory execution of a decree on imposition of a fine on an individual, individual entrepreneur, private notary officer, private court bailiff and advocate, prescription on necessity to pay the fine

Footnote. Title of Article 894 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. The decree on imposition of a fine or prescription on necessity to pay the fine shall be directed by a court, authorized body (civil servant) to administration of the organization when the person brought to liability works or receives remuneration, pension, scholarship for deduction of the fine amount in compulsory manner from his (her) salary or other incomes. Deduction of the fine shall be carried out within the term not exceeding six months. The priority of recovery of the fine shall be carried out in the manner provided by the Civil Code of the Republic of Kazakhstan.

2. In cases of dismissal of a person brought to administrative liability from work or impossibility to recover a fine from his (her) salary or other incomes, the administration of an organization shall return the decree on imposition of a fine, prescription on necessity to pay the fine to a court, body (civil servant) that issued the decree, within the term of ten days from the date of dismissal or occurrence of the event entailing impossibility of recovery, with specification of new place of work of the person brought to liability (if available), the reasons of impossibility of recovery, as well as with a note on performed deductions (if such were performed).

3. If the individual subjected to fine is not employed or recovery of the fine from salary or other incomes is impossible by other reasons, the decree on imposition of the fine, prescription on necessity to pay the fine shall be directed by a court, authorized body that issued the decree to an officer of justice for compulsory execution in the manner provided by the legislation of the Republic of Kazakhstan.

4. The decree on imposition of a fine on administrative infractions considered by the state revenues bodies, as well as on other administrative infractions in the field of tax assessment in respect of individual entrepreneurs, private notary officers, judicial enforcement agent and advocates shall be executed by the state revenues bodies in the manner established by the tax legislation of the Republic of Kazakhstan.

Footnote. Article 894 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 895. Compulsory execution of a decree on imposition of a fine on a legal entity

1. The decree on imposition of a fine shall be directed by a court, authorized body (civil servant) to an officer of justice for withdrawal of money from banking account of a legal

entity without its consent in the manner established by the civil legislation of the Republic of Kazakhstan, legislation of the Republic of Kazakhstan on payment and money transfers on execution proceeding and status of officers of justice.

The decree on imposition of a fine on administrative infractions considered by the state revenues bodies, as well as on other administrative infractions in the field of tax assessment shall be executed by the state revenues bodies in the manner established by the tax legislation of the Republic of Kazakhstan.

2. The bank or organization carrying out other types of banking operations shall be obliged to transfer fine amount to the budget in established manner.

3. In case of absence of money on accounts of a legal entity, the officer of justice shall levy execution upon other property belonging to a debtor in accordance with the Laws of the Republic of Kazakhstan.

Footnote. Article 895 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 26.07.2016 No. 12-VI (shall be enforced upon expiry of thirty calendar days after its first official publication).

Article 896. Procedure for direction of a decree on imposition of a fine, prescription on necessity to pay the fine for compulsory execution

Footnote. Title of Article 896 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. The decree on imposition of a fine or prescription on necessity to pay the fine shall be directed to officers of justice, regional chambers of private court bailiffs in manner established by the Law of the Republic of Kazakhstan "On execution proceeding and officers of justice status", within ten days after expiration of the term for voluntary execution of the decree on imposition of the fine or prescription on necessity to pay the fine.

The decree on imposition of a fine or prescription on necessity to pay the fine may be directed for compulsory execution in electronic document which is certifies with electronic digital signature of a judge, civil servant of authorized body.

Upon direction of a decree on imposition of a fine or prescription on necessity to pay the fine to an officer of justice and regional chambers of private court bailiff, it shall be accompanied by details on non-receipt of the fine amount to the state revenues.

2. The decree on imposition of a fine, prescription on necessity to pay the fine directed for compulsory execution with violation of the requirements of this Code shall be subject to return to the state body that imposed administrative sanction.

3. Return of a decree on imposition of a fine, prescription on necessity to pay the fine to a body that imposed administrative sanction is not an impediment for their repeated direction for compulsory execution with the eliminated shortcomings.

Footnote. Article 896 as amended by the laws of the Republic of Kazakhstan dated 29.10.2015 No. 376-V (shall be enforced from 01.01.2016); dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 897. Procedure for execution of separate types of administrative sanctions

1. A person who admitted the fact of commitment of an infraction and agreed with payment of a penalty on the basis of notification and (or) notice of appearance at a state revenue authority sent (delivered) by a state revenue authority in accordance with the laws of the Republic of Kazakhstan received, shall pay penalty within ten days after the day following the day of receipt (delivery) of notification or notice at the amount of fifty per cent of the amount of penalty specified in sanction of article of Special Part of this Code.

1-1. Provision of the first part of this Article in relation to reduction of the amount of administrative penalty shall not apply to administrative infractions stipulated by Articles 91 (part six, seven and eight), 92 (part two, three and four), 92-1, 266, 275 (part one, two and five), 278 (part two and three), 279 (part one), 280, 282 (part five), 537, 551 of this Code.

2. The documents mentioned in a part one of this Article shall also contain details on date of issuance, position, last name, initials of a civil servant that imposed the sanction, details on a person brought to administrative liability, Article of this Code providing the liability for this infraction, time and place of commission of the administrative infraction, amount of administrative fine, requisite elements for paying the fine.

3. In case of non-performance of the requirement established by a part one of this Article, the administrative infraction proceeding shall be carried out in the manner provided by this Code.

Footnote. Article 897 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 898. Completion of proceeding on execution of a decree on imposition of a fine

The decree on imposition of a fine on which recovery of fine is carried out in full, shall be returned to a body (civil servant) that issued the decree with a note on execution.

Article 899. Execution of a decree on confiscation of a subject that is a tool or subject for commission of administrative infraction, and equally of property received due to commission of administrative infraction

1. The decree of a judge on confiscation of a subject that is a tool or subject for commission of administrative infraction, as well as property including incomes (dividends), money and securities received due to commission of administrative infraction, shall be executed in the manner provided by the legislation by an officer of justice, and on confiscation of weapons, ammunition, special technical means for conduct of special operational investigative measures and encryption-based means of information protection and narcotic drugs – by the internal affairs body.

2. Selling or further use of confiscated subject that is a tool or subject of commission of administrative infraction shall be carried out in the manner established by the Government of the Republic of Kazakhstan.

Article 900. Bodies executing a decree on deprivation of the special right

1. The decree of judge on deprivation of the right of operating transport vehicles, with the exception of tractors, self-propelled vehicles and other types of technology shall be executed by civil servants of the internal affairs bodies.

2. The decree of judge on deprivation of the right of operating tractors, self-propelled vehicle or other types of technology shall be executed by civil servants of the bodies carrying out state supervision of technical condition of the self-propelled vehicles and other types of technology.

3. The decree of judge on deprivation of the right of operating vessels, including small size vessels shall be executed by civil servants of the bodies carrying out the state supervision of compliance with the rules of using vessels, including small size vessels.

4. **Is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

5. The decree of judge on deprivation of the right of hunting shall be executed by civil servants of the bodies carrying out the state supervision of compliance with the hunting regulations.

6. The decree of judge on deprivation of the right of bearing and keeping weapons shall be executed by civil servants of the internal affairs bodies.

Footnote. Article 900 as amended by the laws of the Republic of Kazakhstan dated 28.12.2017 No. 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 901. Procedure for execution of a decree on deprivation of the special right

1. Execution of a decree on deprivation of the right of operating transport vehicles, vessels or other types of technology shall be carried out by withdrawal of driving license respectively for the right to operate vessels, including small size vessels, or certificate of a tractor driver (tractor operator), if the driver, navigator or tractor driver (tractor operator) are deprived of the

right of operation of all the types of transport vehicles, vessels (including small size vessels) and other technology.

2. If the driver, navigator or tractor driver (tractor operator) are deprived of the right of operating not all the types of transport vehicles, vessels, including small size vessels, or another technology, it shall be stated in a driving license, certificate for the right of operation of small size vessel or in a certificate of a tractor driver (tractor operator) by which types of transport vehicles, small size vehicles, self-propelled devices they are deprived of the right to operate.

3. Procedure for withdrawal of a certificate for the right of operation of transport vehicles or vessel shall be established by the authorized body.

4. In case of avoidance of a driver (navigator) or a tractor driver (tractor operator) deprived of the right of operation of transport vehicles, vessel or right of operation of a tractor or other self-propelled vehicle from delivery of the driving license, certificate for the right of operating a vessel or certificate of a tractor driver (tractor operator), the internal affairs bodies, bodies carrying out state supervision of compliance with the rules of using the vessels, including small size vessels, as well as bodies carrying out state supervision of technical condition of self-propelled machines and other types of technology shall carry out withdrawal of the driving license, certificate for the right of operating a vessel or certificate of a tractor driver (tractor operator) in established manner.

5. Upon expiration of the term of deprivation of the special right, the withdrawn documents shall be returned to a person subjected to this type of administrative sanction in established manner.

Article 902. Procedure for execution of a decree on deprivation of the right of hunting

1. Execution of a decree on deprivation of the right of hunting shall be carried out by withdrawal of hunting permit.

2. In case of avoidance of a person deprived of the right of hunting from delivery of hunting permit, the withdrawal of the hunting permit shall be carried out by the bodies carrying out state supervision of compliance with the hunting regulations in established manner.

Article 903. Procedure for execution of a decree on deprivation of the right of operating radio electronic means or high frequency devices

Footnote. Article 903 is excluded by the Law of the Republic of Kazakhstan dated 28.12.2017 No. 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 904. Procedure for execution of a decree on deprivation of the right of bearing and keeping weapons

Execution of a decree on deprivation of the right of bearing and keeping weapons shall be carried out by withdrawal of the relevant certificate and weapons by internal affairs bodies in the manner provided by the legislation.

Article 905. Execution of a decree on deprivation of a permit or suspension of its validity

The decree on deprivation of a permit of an individual, individual entrepreneur or legal entity or suspension of its validity shall be enforced in the manner established by this Code and legislation on permissions and notifications.

Article 906. Bodies executing a decree on deprivation of a permit or suspension of its validity

The decree on deprivation of a permit of an individual, individual entrepreneur or legal entity or suspension of its validity shall be enforced by civil servants of the bodies that issued the permit.

Article 907. Procedure for execution of a decree on deprivation of a permit or suspension of its validity

1. Execution of a decree on deprivation of a permit of an individual, individual entrepreneur or legal entity shall be carried out by withdrawal of the permit and (or) exclusion of the permit from the state electronic register of permissions and notifications.

2. In case of avoidance of an individual, individual entrepreneur or legal entity from delivery of the permit, the body that issued the permit shall take measures provided by the legislation for withdrawal of the permit and exclusion of the permit from the state electronic register of permissions and notifications.

Article 908. Calculation of terms of deprivation of a permit or suspension of its validity

1. The term of deprivation of a permit or suspension of its validity shall be calculated from the date of entering of a decree on deprivation (suspension of validity) of the permit into legal force.

2. Upon expiry of the term of deprivation of a permit for particular type of activity, the person subjected to this measure of administrative sanction shall obtain a license in the manner established by the legislation.

Upon expiry of the term of validity of a permit, the withdrawn permit shall be returned to a person subjected to this measure of administrative sanction in established manner.

3. The validity of a permit shall be suspended from the date stated in a decree on imposition of administrative sanction and for the term stated there.

Article 909. Execution of a decree on suspension or prohibition of activity

1. Judgement on imposition of administrative punishment in the form of suspension or prohibition of activities of a legal entity or an individual entrepreneur shall be passed by a judge, authority (executive officer) authorized to consider cases on administrative infractions, and shall be subject to execution by the legal entity or the individual entrepreneur immediately after the judgement comes into legal force.

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It is provided to amend Paragraph 2 by the Law of the Republic of Kazakhstan dated 02.08.2015 No. 342-V (shall be enforced from 01.01.2023).

2. During the period of suspension of activity of a legal entity and individual entrepreneur, their right to use money being on banking accounts shall be suspended, with the exception of payments of compensation for harm inflicted to life and health, recovery of alimonies, on labour payment and compensation to persons working under the labour contract, social expenditures, compulsory pension contributions, compulsory professional pension contributions, tax payments and other compulsory payments to budget, payment of fines. During the period of suspension of activity of a public association, it shall be prohibited to use mass media, to carry on agitation and propaganda, to hold rallies, demonstrations and other mass events, to take participation in elections. If within established term of suspension of activity, the public association eliminated the violation, then upon expiry of the term stated in a decree, the public association shall restore own activity.

3. In case of failure to execute voluntarily an administrative punishment in the form of suspension or prohibition of activities, imposed by a judge, authority (executive officer) authorized to consider cases on administrative offense, by the founder (executive board, executives) of a legal entity or by the individual entrepreneur, the judgement shall be enforced according to the procedures of enforcement proceeding by an authorized authority.

Footnote. Article 909 as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 910. Procedure for execution of a decree on suspension or prohibition of activity

1. Authorized civil servant shall suspend work of organizations, separate enterprises, shall prohibit operation of buildings, constructions, separate premises, warehouses, electric networks, heating devices in part or in full.

2. After receipt of a decision on prohibition of activity (liquidation) of a legal entity, the body carrying out registration of legal entities shall check compliance with the procedure for prohibition of activity (liquidation) provided by the legislation and within ten days shall register termination of activity of the legal entity, whereat the authorized body in the field of state statistics shall be notified.

Article 910-1. Termination of a decree on suspension of validity of a permit (of separate subspecies), also decree on suspension of activity or its separate types

1. Execution of a judgement on suspension of a permit of (its separate subtype), as well as of a judgement on suspension of activities or their separate types, stipulated by Articles 187 (part two and four), 191 (part one), 281 (part three), 282 (part five and twelve), 333 (part two), 427 (part one), 445 (parts one, two, three, four, five, six, seven, eight, nine and ten), 445-1 (part one, two, three and four), 462 (part three), 464 (part one), 485-1 (part one), 489-1 (part two) of this code may be early terminated by a judge, authorized authority (executive officer) who imposed such administrative punishment, on the basis of a request from a person brought to administrative responsibility or its representative (legal representative) in case of identification of elimination of circumstances which served as a basis for imposition of punishment.

2. The court, the body (civil servant) that imposed an administrative sanction in the form of on suspension of validity of a permit (separate subspecies), as well as suspension of activity or its separate types on the day of receipt of the petition, within two days shall direct a request to draw up a protocol on an administrative infraction, on giving an opinion on the elimination of violations to a civil servant authorized in accordance with Article 804 of this Code.

3. Upon receiving of a relevant request for the purpose of preparing a conclusion, the civil servant shall verify the elimination of the circumstances that served as the ground for imposition an administrative sanction provided by part one of this Article.

The conclusion shall be submitted in written form within five days from receipt of a request.

Specified conclusion is not mandatory for a court, body (civil servant), but disagreement with the conclusion must be motivated.

4. The petition shall be considered by a court, body (civil servant), that appointed an administrative sanction provided for by part one of this Article, within ten days from the date of receipt of a petition in the procedure provided by Chapter 44 of this Code. Herewith, a person shall be summoned, that is brought to administrative liability or his representative (legal representative), who shall have the right to give explanations and submit documents for participation in considering of a petition.

5. After examination of the submitted documents, the court, body (civil servant) a decree on satisfying or on refusal from their satisfaction shall be issued.

6. The decree on pre-term termination of execution an administrative sanction in the form of suspension of validity of a permit (separate subspecies), as well as suspension of activity or its separate types shall included details provided by Article 822 of this Code, as well as the date of renewal of validity of a permit (separate subspecies) or renewal of previously suspended activity.

7. The decision on the refusal in satisfaction of the petition on early termination of execution an administrative sanction in the form of suspension of validity of a permit (separate subspecies), as well as suspension of activity or its separate types, shall not be subject to appeal.

Footnote. Chapter 52 as amended by Article 910-1 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 911. Execution of a decree on compulsory demolition of a building

1. The court decree on compulsory demolition of illegally constructing or constructed building shall be enforced by a person in respect of whom this administrative sanction is issued.

2. In case of failure to execute administrative sanction imposed by a court in the form of compulsory demolition of illegally constructing or constructed building on a voluntary basis, the decree shall be enforced in the manner of execution proceeding by the authorized body.

Article 912. Costs for execution of a decree on compulsory demolition of a building

Compulsory demolition of illegally constructed or constructing building shall be carried out on account of an offender.

Article 913. Execution of a decree on administrative arrest

1. The court decree on administrative arrest shall be enforced by internal affairs bodies and bodies of military police in the manner established by the legislation of the Republic of Kazakhstan.

2. Persons subjected to administrative arrest shall be detained under custody at the places determined by internal affairs bodies. Upon execution of a decree on administrative arrest, the arrested persons shall be subject to personal inspection.

Military servants shall serve administrative arrest in detention quarters.

3. Service of administrative arrest shall be carried out in accordance with the rules established by the legislation of the Republic of Kazakhstan.

Article 914. Consequences of avoidance from serving administrative arrest

If the person subjected to administrative arrest willfully leaves the place of his (her) service until expiration of the term of administrative arrest, the served sentence may be disregarded in term of administrative arrest in full or in part by a judge's decree. By this, the judge shall establish beginning of new term for serving administrative arrest.

Article 915. Execution of a decree in a part of compensation of property damage

The decree on a case on administrative infraction in a part of compensation of property damage subjected to recovery in accordance with Article 59 of this Code shall be enforced in the manner established by the legislation.

Article 916. Execution of a decree on administrative expulsion of foreign persons and stateless persons from the Republic of Kazakhstan

1. Execution of a decree on administrative expulsion of foreign persons and stateless persons from the Republic of Kazakhstan shall be carried out by controlled independent departure of expelled person from the Republic of Kazakhstan.

Costs for expulsion shall be incurred by expelled illegal immigrants, individuals or legal entities that invited the immigrant to the Republic of Kazakhstan. In cases of absence or insufficiency of funds of mentioned persons for covering the costs for expulsion, the financing of the relevant events shall be performed on account of budget funds.

In accordance with international treaties ratified by the Republic of Kazakhstan, the organization responsible for transportation of persons from the territory of the Republic of Kazakhstan that entered without the right of entry is the transport organization that brought these persons.

2. The persons that did not execute a court decision on expulsion and that did not leave the territory of the Republic of Kazakhstan within the term stated in the decision, shall be subject to expulsion in compulsory manner under the court decision.

3. If the transfer of expelled person to a representative of foreign state is not provided by the treaty of the Republic of Kazakhstan with mentioned state, the expulsion shall be carried out at the place determined by the Frontier Service of the National Security Committee of the Republic of Kazakhstan.

4. Upon expulsion of foreign persons or stateless persons from the check point through the State Border of the Republic of Kazakhstan, the authorities of a foreign state to (through) the territory of which the mentioned person is expelled shall be notified, if the expulsion is provided by a treaty of the Republic of Kazakhstan with mentioned state.

5. Execution of a decree on administrative expulsion shall be drawn up in the form of bilateral or unilateral act.

Footnote. Article 916 as amended by the laws of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 917. Bodies, carrying execution of a decree on administrative expulsion of foreign persons or stateless persons from the Republic of Kazakhstan

The decree on administrative expulsion of foreign persons or stateless persons from the Republic of Kazakhstan shall be executed:

1) by the Border Service of the National Security Committee of the Republic of Kazakhstan upon commission of infractions provided by Articles 510 (part four), 513 (part two), 514 (part two), 516 (part two), 517 (parts two, four, six, seven) of this Code;

2) by internal affairs bodies upon commission of infractions provided by Articles 109, 449 (part three), 490 (parts three, seven), 495 (part two), 510 (part four), 517 (parts two, four, five) of this Code.

Footnote. Article 917 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2017 No. 127-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 918. Execution of a decree on testing of knowledge of road traffic rules

The decree on testing of knowledge of road traffic rules shall be enforced by internal affair bodies in the manner established by the legislation.

Article 918-1. Execution of Decree on testing of knowledge of save handling rules for civil and service weapon

Footnote. Heading of Article 918-1 as amended by the Law of the Republic of Kazakhstan No. 237-VI dated 18.03.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).

The Decree on testing of knowledge of safe handling rules for civil and service weapon rules shall be enforced by the Internal Affair Agencies in the manner established by the legislation of the Republic of Kazakhstan.

Footnote. The Code as amended by Article 918-1 in accordance with the laws of the Republic of Kazakhstan dated 22.12.2016 No. 28-VI (shall be enforced upon expiry of ten calendar days after its first official publication); No. 237-VI dated 18.03.2019 (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 53. FINAL PROVISIONS

Article 919. Procedure for application of this Code

1. The decrees on a case on administrative infraction of a court, body (civil servants) authorized to consider cases on administrative infractions issued and not executed before entering of this Code into force for the purpose of their bringing in compliance with Article 5 of this Code establishing retroactive effect of the Law on administrative infractions in the case when the Law mitigates or aggravates the liability for an administrative infraction or otherwise improves the position of a person that committed the administrative infraction, shall be subject to review. Review of previously issued decrees shall be carried out by a judge of the court, civil servant of the body, that issued the decree upon application of a person in respect of whom it was issued.

2. Judicial acts, which issued before 1 January 2016, may be appealed, protested in manner, established by this Code.

Footnote. Article 919 is in the wording of the Law of the Republic of Kazakhstan dated 31.10.2015 No. 378-V (shall be enforced from 01.01.2016).

Article 919-1. Suspension of validity of Article of this Code

Validity of Article 329 of this Code is suspended till 1 January 2018.

Footnote. Chapter 53 as amended by Article 919-1 in accordance with the laws of the Republic of Kazakhstan dated 08.04.2016 No. 491-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 920. Order of entering of this Code into force

1. From the date of entering of this Code into force, it shall be deemed to have lost force: Code of the Republic of Kazakhstan on administrative infractions dated 30 January 2001 (The bulletin of the Parliament of the Republic of Kazakhstan, 2001, No. 5-6, Article 24; No. 17-18, Article 241; No. 21-22, Article 281; 2002, No. 4, Article 33; No. 17, Article 155; 2003, No. 1-2, Article 3; No. 4, Article 25; No. 5, Article 30; No. 11, Article 56, 64, 68; No. 14,

Article 109; No. 15, Article 122, 139; No. 18, Article 142; No. 21-22, Article 160; No. 23, Article 171; 2004, No. 6, Article 42; No. 10, Article 55; No. 15, Article 86; No. 17, Article 97 ; No. 23, Article 139, 140; No. 24, Article 153; 2005, No. 5, Article 5; No. 7-8, Article 19; No . 9, Article 26; No. 13, Article 53; No. 14, Article 58; No. 17-18, Article 72; No. 21-22, Article 86, 87; No. 23, Article 104; 2006, No. 1, Article 5; No. 2, Article 19, 20; No. 3, Article 22; No. 5-6, Article 31; No. 8, Article 45; No. 10, Article 52; No. 11, Article 55; No. 12, Article 72, 77; No. 13, Article 85, 86; No. 15, Article 92, 95; No. 16, Article 98, 102; No. 23, Article 141; 2007, No. 1, Article 4; No. 2, Article 16, 18; No. 3, Article 20, 23; No. 4, Article 28, 33; No. 5-6, Article 40; No. 9, Article 67; No. 10, Article 69; No. 12, Article 88; No. 13, Article 99; No. 15, Article 106; No. 16, Article 131; No. 17, Article 136, 139, 140; No. 18, Article 143, 144; No. 19, Article 146, 147; No. 20, Article 152; No. 24, Article 180; 2008, No. 6-7, Article 27; No. 12, Article 48, 51; No. 13-14, Article 54, 57, 58; No. 15-16, Article 62; No. 20, Article 88; No. 21, Article 97; No. 23, Article 114; No. 24, Article 126, 128, 129; 2009, No. 2-3, Article 7, 21; No. 9-10, Article 47, 48; No. 13-14, Article 62, 63; No . 15-16, Article 70, 72, 73, 74, 75, 76; No. 17, Article 79, 80, 82; No. 18, Article 84, 86; No. 19, Article 88; No. 23, Article 97, 115, 117; No. 24, Article 121, 122, 125, 129, 130, 133, 134 ; 2010, No. 1-2, Article 1, 4, 5; No. 5, Article 23; No. 7, Article 28, 32; No. 8, Article 41; No. 9, Article 44; No. 11, Article 58; No. 13, Article 67; No. 15, Article 71; No. 17-18, Article 112, 114; No. 20-21, Article 119; No. 22, Article 128, 130; No. 24, Article 146, 149; 2011, No. 1, Article 2, 3, 7, 9; No. 2, Article 19, 25, 26, 28; No. 3, Article 32; No. 6, Article 50; No. 8, Article 64; No. 11, Article 102; No. 12, Article 111; No. 13, Article 115, 116; No. 14, Article 117; No. 16, Article 128, 129; No. 17, Article 136; No. 19, Article 145; No. 21, Article 161; No. 24, Article 196; 2012, No. 1, Article 5; No. 2, Article 9, 11, 13, 14, 16; No. 3 , Article 21, 22, 25, 26, 27; No. 4, Article 32; No. 5, Article 35, 36; No. 8, Article 64; No. 10, Article 77; No. 12, Article 84, 85; No. 13, Article 91; No. 14, Article 92, 93, 94; No. 15, Article 97; No. 20, Article 121; No. 23-24, Article 125; 2013, No. 1, Article 2, 3; No. 2, Article 10, 11, 13; No. 4, Article 21; No. 7, Article 36; No. 8, Article 50; No. 9, Article 51; No. 10-11, Article 54, 56; No. 13, Article 62, 63, 64; No. 14, Article 72, 74, 75; No. 15, Article 77, 78, 79, 81, 82; No. 16, Article 83; No. 23-24, Article 116; 2014, No. 1, Article 6, 9 ; No. 2, Article 10, 11; No. 3, Article 21; No. 4-5, Article 24; No. 7, Article 37; No. 8, Article 44, 46, 49; the Law of the Republic of Kazakhstan dated 10 June 2014 “On amendments and supplements in several legislative acts of the Republic of Kazakhstan on the issues of counteractions of legitimization (laundering) of incomes received by illegal means, and financing of terrorism” published in newspapers “Yegemen Kazakhstan” and “Kazakhstanskaya pravda” on 14 June 2014.

2. This Code shall be enforced from 1 January 2015, with exception:

1) Part 2-1 Article 1, which shall be enforced on July 1, 2020;

1-1) subparagraphs 4) and 8) part five Article 281, which shall be enforced:

for producers of oil products since January 1, 2017;

for wholesale suppliers of oil products, importers, retail sellers of oil products, oil suppliers:

since January 1, 2019 – for fuel filling station located within the capital city, cities of republican, regional and district status;

since January 1, 2021– for fuel filling stations not indicated in sub-paragraph four of this subparagraph;

2) subparagraph 6) part three of Article 282, which shall be enforced from 1 January 2016

Footnote. Article 920 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 272-V (shall be enforced from 01.01.2015); dated 09.04.2016 No. 500-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2017 No. 126-VI (shall be enforced from 01.01.2018); dated 30.12.2019 No. 300-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

The President
of the Republic of Kazakhstan

N.NAZARBAYEV