

## **Administrative Offences Code**

### ***Invalidated Unofficial translation***

The Code of the Republic of Kazakhstan dated January 30, 2001 № 155. Expired by the Code of the Republic of Kazakhstan dated July 5, 2014 № 235 (effective from 01.01.2015)

### **Unofficial translation**

Footnote. It became invalid by the Code of the Republic of Kazakhstan dated 05.07.2014 № 235 (effective from 01.01.2015).

Footnote. Throughout the text, the words "the military service", "of the military service", "to the military service" are replaced by the words "the military service", "of the military service", "to the military service", the words "military commission", "of the military commissariat" are replaced by the words "the local military bodies", "of the local military bodies" in accordance with the Law of the Republic of Kazakhstan dated 22.05.2007 № 255 (shall be enforced from the day of its official publication).

## **Section 1. General provisions**

### **Chapter 1. Administrative Offences**

#### **Article 1. Legislation of the Republic of Kazakhstan on administrative offences**

1. Legislation of the Republic of Kazakhstan on Administrative Offences consists of this Code of the Republic of Kazakhstan on Administrative Offences. Other laws to administrative liability shall apply only after their inclusion in this Code.

2. This Code is based on the Constitution of the Republic of Kazakhstan, the universally recognized principles and norms of international law.

3. International treaty and other obligations of the Republic of Kazakhstan, as well as regulations of the Constitutional Council and the Supreme Court of the Republic of Kazakhstan regulating administrative tort relationship are an integral part of the law on administrative offences.

4. International treaties ratified by the Republic of Kazakhstan shall have priority over this Code and apply directly, unless the international treaty that its application requires the promulgation of a law. If an international treaty ratified by the Republic of Kazakhstan stipulates other rules which provided by the legislation of the Republic of Kazakhstan on Administrative Offences, in that case the rules of the international treaty will be applied.

#### **Article 2. Basis of administrative responsibility**

The basis of administrative responsibility is an act that contains all the elements of the offence provided for in the Special Part of this Code.

**Article 3. Authority of local representative bodies to establish rules, violation of which provides for administrative liability**

1. In order to ensure public order and safety in the event of natural and man-made disasters local representative regional, cities and the capital, towns and districts may, within its competence to establish rules, violation of which a person may be held administratively liable under articles 362 and 363 of this Code.

2. Local representative bodies of regions, cities and the capital may also establish rules, violation of which administrative liability provided in Article 281-1, 300, 310, 311, 387 of this Code.

**Footnote. Article 3 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 No. 180-IV; dated 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days and its first official publication).**

**Article 4. The laws of the Republic of Kazakhstan on the responsibility for administrative offences in the space**

1. A person who commits an administrative offence in the territory of the Republic of Kazakhstan shall be liable under this Code.

2. Administrative offence committed in the territory of the Republic of Kazakhstan, is an act that is initiated or continued, or was completed in the territory of the Republic of Kazakhstan. This Code shall also apply to administrative offences committed on the continental shelf and the exclusive economic zone of the Republic of Kazakhstan.

3. A person who commits an administrative offence on a vessel registered in a port of the Republic of Kazakhstan, located in open water or airspace outside of the Republic of Kazakhstan, is subject to administrative proceedings under this Code, if not provided by an international agreement of the Republic of Kazakhstan. The person who has committed an administrative offence on a warship or military aircraft of the Republic of Kazakhstan has administrative responsibility, regardless of its location, according to this code.

4. Issue of administrative liability of diplomatic representatives of foreign states and other foreigners, who enjoy immunity in the case of these persons offence in the Republic of Kazakhstan is resolved in accordance with international law.

**Article 5. Validity of the legislation regarding liability for administrative offences in time**

1. A person who commits an administrative offence shall be liable under the law in force at the time of commission of the offence.

2. Time of committing an administrative offence will be the time of the offence under the special part of this Code, regardless of the time of the consequences.

**Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

## **Article 6. Retroactivity of the law on administrative offences**

1. Laws removing or mitigating the responsibility for the administrative offence will be retroactive, that is, apply to offences committed prior to the introduction of the law in action.

2. The law establishing or increasing penalties for administrative offences or otherwise worsening the situation of the perpetrator, not retroactive.

**Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

## **Chapter 2. The objectives and principles of the law on administrative offences**

### **Article 7. Objectives of the legislation of the Republic of Kazakhstan on administrative offences**

1. Administrative Offences has the task of protecting the rights, freedoms and legitimate interests of human and citizen, health, sanitary and epidemiological welfare of the population, the environment, public morality, property, public order and the security of the established order of the government, legally protected rights and interests of organizations of administrative offences, as well as preventing the execution.

2. To fulfill this task the legislation on administrative offences establishes the basis and principles of administrative responsibility to determine which acts are administrative offences and of penalties imposed for their commission, and which administrative penalty, by what state body (official) and the order can be imposed on the person who committed the administrative offence.

### **Article 8. The principles of legislation on administrative offences**

The meaning of the principles of legislation on administrative offences is that their violation, depending on its nature and materiality implies recognition of the proceedings held invalid, acquitted in such a proceeding or recognition solutions assembled with materials that do not have the strength of evidence.

### **Article 9. Legitimacy**

1. Administrative offences and administrative measures and legal impact imposed for committing them, are determined only by this Code. No one will be subjected to

administrative punishment, administrative and legal measures or measures of the impact on the case on an administrative offence except on the grounds and in the manner prescribed by this Code.

2. The court, the bodies (officials) authorized to consider cases on administrative offences, during the proceedings on administrative offences must strictly follow the requirements of the Constitution of the Republic of Kazakhstan, of this Code and other regulatory legal acts referred to in Article 1 of this Code. The Constitution of the Republic of Kazakhstan shall have supreme legal force and direct effect on the entire territory of the Republic of Kazakhstan. In case of conflict between the rules established by the law and the Constitution of the Republic of Kazakhstan, the provisions of the Constitution shall be applied.

3. The courts are not entitled to apply laws and other regulatory legal acts which infringing on the rights and freedoms of man and citizen. If the court finds that a law or other legal act subject to application infringes the rights and freedoms of the man and citizen, it shall suspend the proceedings and request the Constitutional Council of the Republic of Kazakhstan with the proposal to declare that law to be unconstitutional. Upon receipt of the court decision of the Constitutional Council of the proceedings resumed.

Court decisions and bodies (officials) authorized to consider cases on administrative offences, based on law or other normative legal act declared unconstitutional shall not be enforceable.

4. Violation of the law by the court, agencies (officials) authorized to consider cases on administrative offences, during the proceedings on administrative offences prohibited and entail liability under the law, for annulment of acts and their abolition.

**Footnote. Article 9 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 10.07.2012 No. 32-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 10. Exclusive competence of the court**

1. Court jurisdiction, the limits of its jurisdiction, the order of their proceedings on administrative offences, determined by law and cannot be arbitrarily changed. The establishment of emergency or special courts under any kind of name is not allowed. Decisions of emergency courts and other courts established illegally have no legal force and are not subject to be fulfilled. Acquiring of powers of the court by any person will be liable under the law.

2. The court decision, which carried out in the proceedings on administrative offences outside of its, jurisdiction, exceeded its authority or otherwise provided herein violated the principles of legislation on administrative offences are illegal and must be rescinded.

3. Court decisions on administrative offences can be tested and reviewed only by the competent courts in the manner provided in this Code.

#### **Article 11. Equality before the law**

Persons who have committed administrative offences are equal before the law and are subject to administrative liability, regardless of origin, social, property status, race, nationality, creed, sex, language, religion, and occupation, place of residence, membership of public associations as well as any other circumstances.

**Footnote. Article 11 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 12. Presumption of innocence**

1. individual against whom the administrative proceedings will be presumed innocent until his guilt is proven in a manner prescribed by this Code and has entered into legal force of the decision of the judge, body (official), who considered the case within their powers.

2. No one is required to prove his innocence.

3. Any doubts about the guilt will be interpreted in favor of the person against whom the administrative proceedings. In his own good and doubts should be resolved in the application of the law on administrative offences.

#### **Article 13. The principle of guilt<sup>0</sup>**

1. A individual is subject to administrative liability only for those offences, in respect of which his fault. Objective imputation, that is, the administrative responsibility for innocent causing physical harm to a person, is not permitted.

2. Guilty of an administrative offence will be a individual who committed the offence intentionally or negligently.

#### **Article 14. Inadmissibility of repeated imposition of administrative sanctions**

No one can be prosecuted twice for the administrative responsibility for the same offence.

**Footnote. Article 14 as amended by the Law of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008).**

#### **Article 15. The principle of humanity**

1. Legislation of the Republic of Kazakhstan on Administrative Offences provides human security.

2. Administrative penalty to apply to the person who committed the offence, cannot be intended to cause physical suffering or humiliation of human dignity.

#### **Article 16. Personal immunity**

1. No one shall be subject to administrative detention, delivered to the authority of the Interior (police) or other government agencies, personal search and examination are represented by physical things except on the grounds and in the manner prescribed by this Code.

2. Arrest as a measure of an administrative penalty may be imposed only by the decision of the judge in the cases and in the manner prescribed by this Code.

3. Every detainee, delivered to the authority of the Interior (police) or any other government agency, immediately communicated on the grounds for detention, bringing , and legal description of the administrative offence, the commission of which he is charged.

4. Public body (official) must immediately release the illegally detained, delivered under arrest over the period provided for the decision of the judge.

5. No one involved in the case of an administrative offence persons may not be subject to violence, cruel or degrading treatment.

6. Commission in the course of the proceedings of an administrative offence against the will of the person or his representative actions violating habeas corpus, is possible only in cases and in the manner expressly provided in this Code.

7. Keeping a person in respect of whom a detention is taken as a measure of administrative punishment and the person subjected to administrative detention should be conducted in conditions that exclude a threat to his life or health.

8. The damage caused to an individual as a result of an unlawful arrest, detention in conditions that are dangerous to life and health, ill-treatment will be compensated in the manner provided by law.

**Footnote. Article 16 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 05.07.2012 No. 30-V ( shall be enforced upon expiry of ten calendar days and its first official publication).**

#### **Article 17. The dignity of the individual**

1. During the proceedings on administrative offences prohibited decisions and actions, humiliate or diminish the dignity of the person involved in the case, is not permitted to collect, use, and dissemination of information about the private life, as well as personal information that the person finds it necessary to keep secret, for purposes other than provided herein.



2. Moral damage caused to a person in the course of proceedings on administrative offences by illegal actions of the court, other state agencies and officials shall be compensated in accordance with the law.

### **Article 18. Privacy**

Private life, personal and family secrets are protected by law. Everyone has the right to confidentiality of personal deposits and savings, correspondence, telephone conversations, postal, telegraph and other messages. Restrictions on these rights in the course of proceedings of an administrative offence will be allowed only in cases and in the manner expressly provided by law.

**Footnote. Article 18 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

### **Article 19. Inviolability of property**

1. The property is protected by law. No one may be deprived of his property except by court order.

2. Seizure of property and documents; removal from driving, small boat, detention of the vehicle, recreational vessel, inspection of vehicles, small boats, survey the area, premises, vehicles, goods or other property, as well as the relevant documents may be made only in cases and in the manner provided by this Code.

### **Article 20. The independence of judges**

1. The judge in administration of justice is independent and subject only to the Constitution of the Republic of Kazakhstan and the law.

2. Judges and courts settle cases on administrative offences under conditions that exclude outside influence on them. Any interference in the activities of the courts of justice is prohibited and punishable by law. On specific cases, judges are not accountable.

3. Guarantees of independence of judges established by the Constitution of the Republic of Kazakhstan and the law.

### **Article 21. Language production**

1. Proceedings of administrative offences of the Republic of Kazakhstan are conducted in the official language, and if necessary in the production together with the State shall be used Russian or other languages.

2. The judge, the bodies (officials) authorized to consider cases on administrative offences, the decision on administrative offence of production determine the language of the case. Production of one and the same case in a language of production shall be

established by court order, a body (official) authorized to consider cases on administrative offences.

3. To involving persons in the case who do not know or not know the language in which the proceedings are conducted, shall be explained the right to make statements, give explanations and testimony, petitions, make complaints, to get acquainted with the case, to act when viewed in their native language or other language they speak, use free of an interpreter services.

4. Participating in proceedings in administrative cases individuals provide free translation into language of production they need under the law of the case as set out in another language.

5. Procedural documents to be delivered to the offender and the victim, must be translated into their native language or in a language they know.

6. Costs of translation and interpreter services are paid for by the state budget.

**Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 22. Exemption from the obligation to testify**

1. No one is obliged to give evidence against himself, wife (husband) and their close relatives the set of whom is determined in the law.

2. The clergy are not required to testify against those who confided in him in confession.

3. In cases provided for in parts one and two of this Article, the persons entitled to refuse to testify and cannot be subjected for it whatever was responsible.

#### **Article 23. Ensuring the right to qualified legal assistance**

1. Everyone has the right to receive in the course of administrative proceedings of qualified legal assistance in accordance with the law.

2. In cases provided by law, legal assistance is provided free of charge.

#### **Article 24. Publicity of proceedings on administrative offences**

1. The court, body the (officials) authorized to consider cases on administrative offences are engaged in the manufacture of these cases open.

2. In accordance with the law the close proceeding is conducted in respect of cases that contain information that is a state secret, as well as in meeting the court, body (official) authorized to consider cases on administrative offences, motions involved in the case of the person claiming the need to ensure the confidentiality of adoption,



preservation of personal, family, business or other secret protected by law, information about intimate aspects of the lives of individuals or to other circumstances that prevent public hearing.

3. Personal correspondence and private individuals telegraph messages may be read with an open production only with the consent of persons between whom there were conversations and telegraphic communications. Otherwise, personal correspondence and private telegraph messages of these individuals were read and analyzed in the closed proceedings. These rules are applied in the study of photography and film documents, audio and video recordings that contain personal information.

4. Persons involved in the case, and individuals present at the open proceedings, have the right to record in writing or using audio production course with the space used in the room where production takes place. Cinema and photography, video, live radio and TV broadcasts in the production are allowed by the Court, a body (official) authorized to consider cases on administrative offences, considering the opinion of those involved in the case. These actions should not interfere with the normal course of production and may be limited in time.

**Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 25. Security during production**

Proceedings on administrative offences occur in conditions that ensure the normal operation of vessels body (official) authorized to consider cases on administrative offences, and safety of production. In order to ensure the safety of the judge or official may order the inspection of persons wishing to attend the proceedings, including the verification of documents certifying their identity, personal search and search of the bringing things.

#### **Article 26. Freedom appeal proceedings and decisions**

1. Actions and decisions of the court, a body (official) authorized to consider cases on administrative offences may be appealed in the manner prescribed by this Code.

2. Person involved in the case, has the right to review decisions on cases of administrative offences in the manner prescribed by this Code.

3. Handling complaints is not allowed to harm to the complainant or to the detriment of the person on whose behalf it was filed.

#### **Article 27. Judicial protection of rights, freedoms and legitimate interests of the person**

1. Everyone has the right to legal protection of his/her rights and freedoms. The person concerned has the right to the procedure established by law, apply to the court for the protection of violated or disputed rights, freedoms or legitimate interests.

2. The prosecutor has the right to move the court with a claim (application) in order to implement its responsibilities for protecting the rights of individuals, organizations, public and state interests.

3. The jurisdiction to no one can be changed without his/her consent, as stipulated by law.

**Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

## **Section 2. Administrative offence and administrative responsibility**

### **General part**

### **Chapter 3. Administrative offences**

#### **Article 28. Administrative infraction**

1. Administrative offence is regarded as wrongful, culpable (intentional or negligent) act or inaction of an individual, or wrongful act or inaction of a legal entity for which this Code provides administrative liability.

2. Imposition of an administrative penalty on an individual is not exempt from liability for the offence is a legal entity, as well as to administrative liability of legal entity s does not exempt from liability for the offence is guilty of an individual.

3. Administrative responsibility for the offences under articles of this Code occurs when these offences by their nature do not entail in accordance with the laws the criminal responsibility.

#### **Article 29. Intentionally committing of an administrative offence**

Administrative offence will be deemed committed intentionally, if the individual who committed it, perceived the illegality of his/her actions (or inaction), foresaw its harmful effects and desired or consciously allowed these consequences or treated them indifferently.

#### **Article 30. Committing of an administrative offence by negligence**

An administrative offence regarded as committed by negligence, if the individual who committed it, foresaw the possibility of harmful consequences of his actions (inaction), but without sufficient reason lightly counted on to prevent them, or did not foresee such consequences, but with proper care and foresight should have and could have foreseen them.

## **Chapter 4. Administrative responsibility**

### **Article 31. Persons subject to administrative liability**

Administrative responsibility shall be liable to:

- 1) physical sane person who has reached the age established by this Code;
- 2) a legal entity.

### **Article 32. Age from for which the administrative responsibility of the individual will be**

Administrative responsibility is subject to an individual in the time of committing an administrative offence from the age of sixteen.

### **Article 33. Insanity**

Administrative liability is not subject to a person who at the time of the wrongful act provided for in this Code, was insane, that he/she could not understand the actual nature of the danger of his/her actions (inaction) or control due to chronic mental illness, temporary mental disorder, dementia or any other mental condition.

### **Article 34. Administrative responsibility of officials and other persons performing managerial responsibilities, individual entrepreneurs, private notaries, private bailiffs and lawyers**

**Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010).**

1. Official shall be subject to administrative liability, in connection with the failure or improper performance of his duties. In the absence of this circumstance officer guilty of an administrative offence will be liable on the same basis.

2. Individuals registered in the manner prescribed by law and exercising self-employed without a legal entity (hereinafter - the individual entrepreneur), private notary, private bailiff, a lawyer, as well as employees of individuals and legal entity s who perform management or administrative-economic functions as well as the legal entity shall be administratively liable as officials.

3. If the provisions of this Code does not specify whether they apply to individual who are officials, private entrepreneurs, private notaries, private bailiffs, lawyers, these rules apply to all individuals, except in cases where the content of these rules, they apply and can be applied only to individual who are officers, individual entrepreneurs, private notaries, private bailiffs, lawyers.

Note. Officials in the Code as persons permanently, temporarily or on special authority performing functions a government official or perform management or administrative functions in state bodies, bodies of local self-government and the Armed

Forces of the Republic of Kazakhstan, other troops and military formations Republic of Kazakhstan.

Footnote. Article 34 is in the wording of the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); as amended by the Law of the Republic of Kazakhstan dated 07.12.2009 No. 222-IV (the order of enforcement see Art. 2), dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010).

#### **Article 34-1. Features of administrative responsibility in fixing the offence by special technical means**

1. In the case of fixation of an administrative offence by customs certified measurers and instruments to administrative responsibility for administrative offences in the field of traffic proprietors (owners) of the vehicles are brought to.

2. Proprietor (owner) of the vehicle is released from liability for offences committed with the vehicle, if the audit on its submission or statement will be established person in whose possession it was in the time of the offence or commit it or it was dropped out of his possession as a result of wrongful acts of other persons.

Note.

Vehicle owners in the Articles of this Code are recognized as individuals who own the vehicle on the right to property, as well as individuals that vehicles belonging to individuals and legal entities are transferred to a temporary possession and use.

Certified special control measuring means and instruments in the Articles of this Code are the equipment and monitoring devices and fixing offences passed metrological verification, photo, video, documenting and time of the offence, the, grade, state registration number plate, the speed and direction of the vehicle.

Footnote. Chapter 4 is supplemented with Article 34-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).

#### **Article 35. Administrative responsibility of the military serviceman, prosecutor and other persons who are subject to disciplinary regulations or special provisions for committing administrative offences**

1. Military personnel and military training camp located on military service shall be responsible for administrative offences in disciplinary statutes, except as provided for in Articles 512-1 - 512-5 of this Code. Prosecutors, officers of law enforcement bodies, the financial police officers, special government agencies and customs bodies for administrative offences will be liable in accordance with the regulations governing the procedure for serving the relevant bodies.

2. For violation of the state border of the Republic of Kazakhstan, the regime checkpoints across the state border of the Republic of Kazakhstan and the customs border of the Customs Union, the laws of the Republic of Kazakhstan in the field of sanitary and epidemiological safety, fire safety, traffic, customs outside the duty station, the legislation of the Republic of Kazakhstan on accounting and financial reporting, budget and tax legislation of the Republic of Kazakhstan, the Republic of Kazakhstan legislation on public procurement, rules of hunting, fishing, and other rules and regulations of the rational use and protection of natural resources of the persons mentioned in the first part of this article, have administrative responsibility for general practice. The indicated persons may not be applied by administrative penalties of prohibiting the carrying and storage of firearms and bladed weapons and jail.

2-1. The administrative penalty in the form of administrative fines could not be applied to servicemen undergoing military service, and students of military and special schools.

3. Persons other than those specified in part one of this Article, are subject to the disciplinary regulations and special provisions of the service, in the cases expressly provided for by these acts are for administrative offences in office disciplinary action and, in other cases - administrative responsibility for general practice.

4. Bodies (officials) who have the right to impose administrative penalties may instead impose administrative penalties on the persons mentioned in the first part of this Article, to transfer the material to the appropriate bodies for violations address the issue of bringing the guilty persons to disciplinary action.

5. Employees of rail, sea and river transport and civil aviation, are subject to the regulations of the discipline, are in accordance with those statutes disciplinary sanctions for committing duty following administrative offences:

railway staff - infringements referred to in Articles 439, 440, 441, the first part of Article 477, Article 479 and 480 of this Code;

employees of sea transport - violations under articles 441, 448, 449, 450, the second part of Article 477, Article 479, 480 of this Code;

river transport workers - violations under articles 441, 450-453, 455, the second part of Article 477, Article 479, 480 of this Code;

civil aviation - violations under articles 443, 446, paragraph one of Article 447, the third part of Article 477, Article 479, 480 of this Code.

**Footnote. Article 35 as amended by the Laws of the Republic of Kazakhstan dated July 12, 2001 No. 240, dated July 3, 2003 No. 464, dated December 5, 2003 No. 506, dated March 26, 2007 No. 240 (the order of enforcement see Art. 2), dated December 19, 2007 No. 11-IV (the order of enforcement see Art. 2), dated 10.07.2009 No. 177 (the order of enforcement see Art. 2), dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten**

calendar days after its first official publication), dated 18.01.2012 No. 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 16.02.2012 No. 557-IV (shall be enforced upon expiry of ten calendar days after the first official publication).

### **Article 36. Administrative liability of legal entities**

1. A legal entity is subject to administrative responsibility for administrative offences in the cases provided for the special part of this section.

2. A legal entity is subject to administrative responsibility for administrative offences, if provided special part of this section of the act was committed, authorized, approved, authority or person acting as the management of legal entity.

3. If the provisions of this Code does not specify whether they apply to the individual or legal entity , these rules equally apply to one and the other person, except in cases where the meaning of these rules, they are and can only be applied to an individual.

3-1. If the provisions of this Code does not specify whether they apply to entities that are the subjects of small and medium businesses, large businesses, or other organizations, these rules equally apply to all legal entities, except where the content of these rules they belong and can be applied only to entities that are the subjects of small, medium business and large business.

3-2. Depending on the of activity undertaken, number of employees and average annual value of assets per year state-owned enterprise is subject to administrative liability in the manner provided for legal entities of small or medium or large business, except in cases where administrative penalties are equally effective for all legal entities

4. Structural units of a legal entity, a separate taxpayer and committed administrative offences in the field of taxation, have administrative responsibility as legal entities.

**Footnote.** Article 36 as amended by the Laws of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

### **Article 37. Administrative responsibility of foreigners and foreign legal entities and stateless persons**

1. Foreigners, foreign legal entities and stateless persons who have committed in the territory of the Republic of Kazakhstan administrative offences subject to administrative liability on the same grounds.



1-1. Structural subdivisions (branches and representative offices) of foreign and international non-governmental organizations have administrative responsibility for violation of the legislation of Kazakhstan on associations as legal entities.

2. Foreigners and foreign legal entity s, stateless persons for committing administrative offences, encroaching on the sovereign rights of the Republic of Kazakhstan on the continental shelf of the Republic of Kazakhstan will be administratively liable on the same basis.

3. The issue of administrative responsibility for administrative offences committed in the territory of the Republic of Kazakhstan by diplomatic representatives of foreign states and other foreigners, who enjoy immunity is resolved under international law.

**Footnote. Article 37 as amended by the Law of the Republic of Kazakhstan dated February 23, 2005 No. 33.**

## **Chapter 5. Circumstances precluding administrative responsibility**

### **Article 38. Necessary defense**

1. Not committing an administrative offence under this Code acts in self-defense, that is when protecting their persons, houses, property, land and other rights of defendant or other persons legally protected interests of society or the state of an unlawful attempt by an attacker to cause harm if that were not exceeded the limits of self defense.

2. The right to self-defense are equally all individuals, regardless of their professional or other special training and service provision. This right belongs to the person, regardless of ability to avoid an unlawful attempt or seek the assistance of other persons or public bodies.

3. Excessive force recognized apparent inconsistency protect nature and severity of attacks, resulting harms caused an excessive, do not cause harm to environment. Such excess entails administrative liability except in cases of intentional harm.

4. No person shall be subject to administrative liability, exceed the limits of self-defense as a result of fear, fear or confusion caused by unlawful acts.

### **Article 39. Detention of a person who has committed an infringement**

1. Not committing an administrative offence under this Code acts with detaining a person who has committed an unlawful assault, for delivering the person's state bodies and prevent them from committing new encroachments, if other means to detain such a person could not be identified and thus were not exceeded required for this measures.

2. Excess of the measures necessary to apprehend the perpetrator of abuse, recognize their apparent inconsistency nature and extent of danger of assault and detain a person detained circumstances where a person without having caused an excessive,

do not cause harm to environment. Such excess entails administrative liability except in cases of intentional harm.

3. Authority to detain a person who committed an attack, along with a specially authorized persons also have the victims and other individuals.

**Footnote. Article 39 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 40. Emergency**

1. Not an administrative offence to harm the interests protected by this Code in a state of emergency, that is to eliminate the imminent danger to life, health, rights and lawful interests of the person or others, the interests of society or the state, if the danger could not be eliminated by other means, and not exceeding the permitted limits of extreme necessity.

2. Exceeding the limits of extreme necessity is recognized harm, is clearly not appropriate to the nature and degree of danger and the environment in which the danger was eliminated, when the protected interests have been injured, equal to or greater than the prevention. This excess leads to liability only in cases of intentional harm.

#### **Article 41. Reasonable risk**

1. Not an administrative offence to harm the interests protected by this Code for a reasonable risk to achieve socially useful purpose.

2. The risk regarded as justified if the specified goal could not be achieved without the risk associated with the actions (or inaction) and the person who committed the risks taken sufficient measures to prevent harm to the interests protected by this Code.

3. The risk is not regarded as justified if it was deliberately endangered the life or health of people, environmental disaster, public calamity or other serious consequences

#### **Article 42. Physical or mental coercion**

1. Not an administrative offence committing an offence under this Code, as a result of physical or psychological coercion, if as a result of coercion person could not control his actions (or inaction).

2. Issue of administrative liability for damage the interests protected by this Code through psychological coercion, and as a result of physical coercion, because of which the person retaining the ability to control his actions, is solved subject to the provisions of Article 40 of this Code.

#### **Article 43. Execution of an order or regulation**

1. Not an administrative offence is committing an offence under this Code, the person acting pursuant to a compulsory order or regulation. Administrative responsibility for the commission of such an act is the person who gave the illegal order or regulation.

2. A person who commits an intentional administrative offence pursuant obviously illegal order or directive has administrative responsibility for general practice. Non-performance of obviously illegal order or directive excludes administrative responsibility.

## **Chapter 6. Administrative penalties and measures of administrative and legal exposure**

### **Article 44. The concept and purpose of administrative penalty**

1. Administrative penalty is a measure of state coercion applied by judge, bodies (officials) who are authorized by law for committing an administrative offence, and is provided by this Code deprivation or restriction of the rights and freedoms of the person who committed the offence.

2. Administrative penalty is applied in order to restore social justice and up-brining of the perpetrator, in the spirit of compliance and respect for the rule of law and to prevent the commission of further offences by the offender as well as others.

3. Administrative penalty is not intended to cause physical suffering to person who committed an administrative offence or humiliation of human dignity, and injury to business reputation of legal entity.

3-1. Administrative penalty is not a means of compensation of property damage. Administrative offence caused harm shall be compensated in accordance with the procedure provided for in Article 64 of this Code.

**Footnote. Article 44 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

### **Article 45.s of administrative penalties**

1. For administrative offences to the individual may include the following administrative penalties:

- 1) warning;
- 2) an administrative fine;
- 3) compensatory seized items which appeared instrument or subject of an administrative offence;
- 4) confiscation of the object, which appeared a tool or object of an administrative offence, as well as property obtained as a result of an administrative offence;
- 5) deprivation of a special right;

6) deprivation of license, special permit, qualification certificate (certificate) or a suspension of her (his) actions on a particular activity or perform certain actions, including exclusion from the register;

7) the prohibition of activities of an individual entrepreneur;

8) the forced demolition of illegally constructed or erected buildings;

9) administrative detention;

10) administrative deportation from the Republic of Kazakhstan, an alien or a stateless person.

2. Legal entities for administrative offences may apply administrative penalties listed in subparagraphs 1) to 6), 8) of the first part of this Article, as well as suspension or prohibition of activities or certain activities of the legal entity.

**Footnote. Article 45 as amended by the Laws of the Republic of Kazakhstan dated 09.12.2004 No. 10, dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006) , dated 27.07.2007 No. 314 (shall be enforced from January 1, 2008); dated 10.07.2009 No. 174-IV; dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).**

#### **Article 46. Basic and additional administrative penalties**

1. Warning, administrative fines and administrative detention can only be used as the main administrative penalties.

2. Deprivation of a special right, withdrawal or suspension of license (special permit, qualification certificate (certificate), suspension or prohibition of business or individual species as well as administrative deportation from the Republic of Kazakhstan, foreigners and stateless persons can be used as both primary and additional administrative penalties.

3. Paid seized items which appeared instrument or subject of an administrative offence, confiscation, forced demolition of constructed buildings can only be used as an additional administrative penalty.

**Footnote. Article 46 as amended by the Laws of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

#### **Article 47. Warning**

Warning is the making by the body (by official), who authorized to impose an administrative penalty, a negative evaluation of the offence and warning the person or entity on the inadmissibility of the wrongful conduct. Warning is issued in writing.

#### **Article 48. Administrative fine**

1. Administrative fine (hereinafter - the fine) is a monetary penalty imposed for an administrative offence and to the extent provided for in the article of this section, in an amount equal to a certain number of monthly index, determined in accordance with the law in force at the time of the imposition of administrative penalties .

In cases provided for in the Articles of this section, the amount of the fine is a percentage of:

- the amount of harm caused to the environment;
- the amount of default or improperly executed tax liability;
- the amounts of non-listed (late transfer) social security contributions;
- the amount of the price of excisable goods from illicit business;

the amounts not counted in accordance with the laws of the Republic of Kazakhstan on accounting and financial reporting or improperly accounted;

the amount of the transaction (operation), perfect (held) in violation of financial laws of the Republic of Kazakhstan;

income (revenue), derived from the implementation of monopolistic activity or violations of the laws of the Republic of Kazakhstan on electricity, natural monopolies and regulated markets, the legislation of the Republic of Kazakhstan, regulating the financial market and financial organizations;

the amount of energy used in excess of the approved standards in the period in which the offence occurred, but no more than one year;

the amount of unapplied domestic and foreign currency.

If in the provided Articles of the special part of this section, the fine is a percentage of the transaction amount, held in violation of the financial laws of the Republic of Kazakhstan, and this operation is carried out in a foreign currency, conversion of the penalty amount in tenge is the official rate of the National Bank of Kazakhstan on the day of the imposition of administrative penalties.

2. A fine imposed on an individual, except as described in the second indent of this part above shall not be less than one fifth of the monthly index.

A fine imposed on an official or an individual entrepreneur, private notary, private bailiff, lawyer and legal entity, except as provided in the third paragraph above shall not be less than five monthly calculation indices.

A fine imposed on a legal entity who is the subject of big business, can not be less than twenty monthly calculation indices.

3. A fine imposed on an individual, except as provided in paragraph two of this subsection shall not exceed five hundred monthly calculation indices.

A fine imposed on an official or an individual entrepreneur, private notary, private bailiff, lawyer and legal entity, except as provided in the third paragraph of this subsection shall not exceed one thousand monthly calculation indices.

A fine imposed on a legal entity who is the subject of the big business, cannot exceed two thousand monthly calculation indices.

4. Penalty calculated in accordance with the in the second indent of this part of this Article, may be set in excess of or less set the fines mentioned in this Article.

5. The fine shall be collected in the state budget in the order specified by legislation

6. The assignment of legal entities to small or medium-sized business, large business is carried out in the manner prescribed by the law.

Footnote. Article 48 is in the wording of the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 No. 174, dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 29.12.2008 No. 116-IV (shall be enforced from 01.01.2009), dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010), dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 13.01.2012 No. 542-IV (shall be enforced from 26.07. 2012), dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication)

#### **Article 49. Paid seized of item, which appeared to be an instrument or subject of an administrative offence**

1. Paid seized item which appeared instrument or subject of an administrative offence is compulsory withdrawal based on the judge's decision and subsequent implementation in the manner provided for the enforcement of judgments. The proceeds from the sale of an Article of the amount transferred to a bailiff to the owner, less the cost to implement it.

2. Paid exemption hunting weapons, ammunition and other hunting weapons cannot be applied to persons for whom hunting is the main legal source of income.

3. Paid exemption may only apply for an intentional offence in the cases stipulated by the relevant Article of this section, as an administrative penalty.

Footnote. Article 49 as amended by the Laws of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

#### **Article 50. The confiscation of the object, which appeared to be an instrument or subject of an administrative offence, as well as the property obtained as a result of an administrative offence**



1. The confiscation of the object, which appeared instrument or subject of an administrative offence, as well as property obtained as a result of an administrative offence, is compulsory gratuitous circulation of the ownership of the state in accordance with legislation.

Not an exception to the confiscation of illegal possession of a person who has committed an administrative offence, the item to be returned to its owner, or removed from service. Items taken out of circulation, subject to expropriation or destruction of the state.

2. Forfeiture shall be subject only, owned by the infringer, unless otherwise provided in the special part of this Code.

3. Confiscation of hunting weapons, ammunition to it and other permitted hunting and fishing cannot be applied to persons for whom hunting (fishing) are the main legal source of income.

4. Confiscation is applied by the judge and may be imposed in cases where it is provided by the corresponding article of this section as an administrative sanction.

**Footnote.** Article 50 is in the wording of the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006); as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 51. Deprivation of special rights**

1. Deprivation of a special right granted to a specific person applies for a gross or systematic violation of rules for the use of this right.

2. Deprivation of a special law right is applied by the judge.

3. Period of deprivation of a special law cannot be less than one month and more than two years, except for the right to drive vehicles.

3-1. Period of deprivation of the right to drive vehicles can be from six months to two years.

3-2. Period of disqualification for driving under alcohol, drugs and (or) for abuse of intoxication can be from two to ten years.

4. Disqualification from driving cannot be applied to individuals who use these facilities because of a disability, unless the control while intoxicated, evading the established order of examination for intoxication and leaving the said persons, in violation of the rules, scene of a traffic accident, in which they participate.

5. Denial of the right of hunting, fishing, storage and carrying hunting rifles, ammunition to them and fishing gear cannot be applied to persons for whom hunting (fishing) are the main legal source of income, except for the systematic violation of rules for the use of this right.

Footnote. Article 51 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006), dated 04.07.2008 No. 55 -IV (the order of enforcement see Art. 2).

**Article 52. Deprivation of the license, a special permit, qualification certificate (certificate) or the suspension of its action on a particular activity or perform certain actions, including exclusion from the register**

Footnote. Title of Article 52 as amended by the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

1. Depriving individuals, entrepreneurs, private lawyers, private bailiffs, lawyers and legal entities of the license, a special permit, qualification certificate (certificate) for a specific activity or perform certain actions imposed by the judge for an administrative offence committed in the implementation of the said persons or committing certain actions specified in the license, special permits, certificates (certificate).

2. Suspension of a license for a certain of activity or perform certain actions or suspension of a special permit, qualification certificate (certificate) is set for a period of up to six months.

3. *Is excluded by the law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006).*

4. Deprivation of the license to operate in the financial sector and the activities related to the concentration of financial resources, with the exception of credit bureau is made by the National Bank of the Republic of Kazakhstan on the grounds and in the manner established by the Laws of the Republic of Kazakhstan.

5. Exclusion from the register of the authorized body on customs issues is conducted on the grounds and in the manner established by the customs legislation of the Republic of Kazakhstan, and 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 in the field of road safety.

6. Exclusion from the register of microfinance institutions is made by the authorized body for the control and supervision of financial market and financial organizations on the grounds and in the manner prescribed by the legislation of the Republic of Kazakhstan on microfinance institutions.

Footnote. Article 52 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 12.01.2007 No. 222 (shall be enforced upon expiry of six months from the date of its publication), dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010), dated 30.06.2010 No. 297 -IV (shall be enforced from 12.07.2010), dated 24.01.2011 No. 399-IV (shall be enforced upon expiry of ten calendar days after the first official publication), dated

28.12.2011 No. 524-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 53. Suspension or prohibition of activities or certain activities of an individual entrepreneur or legal entity**

1. Suspension or prohibition of activities or certain activities of an individual entrepreneur or legal entity is provided only in court at the request of body (official) authorized to consider cases on administrative offences.

2. Petition (suit) for suspension or prohibition of certain activities or an individual entrepreneur or legal entity is sent to the court in the manner and on the grounds established by the legislative acts of the Republic of Kazakhstan. The suit is considered by the court within ten days.

3. The measure of an administrative penalty in the form of suspension of activities or certain activities of an individual entrepreneur or legal entity is used in cases where a violation is restored by removable carrying out the necessary actions (activities) within the time set by the court for their removal.

4. Suspension or prohibition of activities or certain activities of an individual entrepreneur or legal entity without judgment allowed in exceptional cases for a period of three days with a mandatory presentation in this period a claim in court. In this act to ban or suspend or certain activities before the delivery of the judgment.

5. *(Is excluded - dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006)).*

6. The suspension of the owner of the warehouse storage of their goods by an authorized body in the field of customs on the grounds and in the manner established by the customs legislation of the Republic of Kazakhstan.

**Footnote. Article 53 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).**

**Article 54. Forced demolition of illegally constructed buildings or the construction of buildings**

Forced demolition of illegally constructed or erected buildings is imposed by the judge in the cases provided by the Articles of the Special Part of this Section.

**Footnote. Article 54 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 55. Administrative detention**

1. Administrative detention is imposed by a judge, in exceptional cases, to the extent provided in the Articles of the special part of this section, up to forty-five days.

2. *Is excluded by the law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006).*

3. Administrative detention cannot be applied to pregnant women and women with children under the age of fourteen years, to persons under eighteen years of age, the disabled groups I and II, as well as to women over the age of fifty-eight years and men over sixty-three years.

4. Administrative detention period is included in the term of administrative arrest.

*Footnote. Article 55 as amended by the Laws of the Republic of Kazakhstan dated 25.09.2003 No. 484, dated 09.12.2004 No. 10, dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 29.06.2007 No. 270 (shall be enforced upon expiry of ten days from the date of its publication), dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).*

#### **Article 56. Administrative deportation from the Republic of Kazakhstan of foreigners and stateless persons**

1. Administrative deportation from the Republic of Kazakhstan, foreigners and persons without citizenship judge used as a measure of an administrative penalty in the manner and on the grounds set forth in the special part of this Code.

The provisions of this part shall not apply to cases of expulsion of foreigners and stateless persons, carried out in the manner prescribed by the civil procedural legislation of the Republic of Kazakhstan.

2. If, in the course of administrative proceedings, the person against whom the measure can be applied in the form of an administrative penalty of administrative expulsion from the Republic of Kazakhstan, will report on the committed against him the act, as defined in the Criminal Code of the Republic of Kazakhstan serious or especially serious crime, then review of an administrative case against the person is delayed until a decision on the application or post in accordance with Article 185 of the Criminal Procedure Code of the Republic of Kazakhstan.

*Footnote. Article 56 is in the wording of the Law of the Republic of Kazakhstan dated 02.03.2006 No. 131; as amended by the Law of the Republic of Kazakhstan dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication).*

#### **Article 57. Measures of administrative and legal impact**

1. Any person who has committed an administrative offence, along with the imposition of an administrative penalty to prevent the commission of new offences that person may apply the following measures of administrative and legal impact:

- 1) the test of knowledge of traffic rules;
- 2) compulsory medical measures;
- 3) establishment of special requirements for the behavior of the offender.

2. Administrative measures of legal influence indicated in subparagraphs 1) and 2) of this Article may be used, along with the imposition of an administrative penalty, and instead the liberation of a person who committed an administrative offence from liability on the grounds specified in Articles 67, 68 of this Code.

**Footnote. Article 57 as amended by the Law of the Republic of Kazakhstan dated 29.04.2010 No. 272-IV (the order of enforcement see Art. 2).**

#### **Article 58. Test the knowledge of traffic rules**

Vehicle drivers who commit offences under Articles 461 (part eight), 461-1 (second part), 462 (part four), 463 (part four), 463-1 (part three), 463-2 (part four) , 463-3 (part four), 463-4 (part four), 463-5 (part three), 463-6 (part two), 463-7 (part two), 463-8 (part two), 464 (part two) of this Code, are sent for the examination to test knowledge of the rules of the road.

Resolution on the direction of the test knowledge of traffic rules is imposed by the bodies (officials) authorized to consider cases on administrative offences provided for by these articles of this Code.

**Footnote. Article 58 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).**

#### **Article 59. Application of compulsory medical treatment to patients with alcoholism, drug addiction or substance abuse, the violation was committed**

1. If a person recognized suffering from chronic alcoholism, drug addiction or substance abuse and evading voluntary treatment, the administrative offence, violate the rights of other individuals or the public order, the court, along with an administrative fine may assign compulsory treatment in the institution of public health.

2. Term of compulsory treatment is determined with the advice of specialists in drug treatment, but cannot exceed two years.

3. Termination of compulsory treatment is medical institution in which the person is being treated.

**Footnote. Article 59 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 59-1. Special requirements to the behavior of the offender**

1. When considering an administrative case at the request of the participants of the case on administrative offence and (or) of the Interior by the court can be set specific requirements for a person to have committed an administrative offence under Articles 79-1, 79-5, 111-1, 112, 332, 355-1 of this Code for a period of three months to one year, providing a full ban or separately:

1) seek, pursue, attend victim, conduct oral, telephone and enter into contact with him in other ways;

2) to acquire, store, carry and use firearms and other weapons.

2. During the term of the special requirements for the behavior of the offender, the latter may be required to be in the internal affairs bodies of one to four times a month for preventive conversation.

**Footnote. Chapter 6 is supplemented with Article 59-1 in accordance with the Law of the Republic of Kazakhstan dated 29.04.2010 No. 272-IV (the order of enforcement see Art. 2).**

## **Chapter 7. Imposition of an administrative penalty**

### **Article 60. General rules for imposition of penalty for an administrative offence**

1. Administrative penalty for an administrative offence shall be imposed to the extent provided in the article of this section for this administrative offence, in strict accordance with the provisions of this Code.

2. Administrative penalty must be fair, appropriate to the nature of the offence, the circumstances of its commission, the offender.

3. When imposing penalty on an individual, the nature of the administrative offence, the identity of the offender, including his behavior before and after the crime, property, circumstances mitigating and aggravating.

4. In imposing an administrative penalty on a legal entity the nature of the administrative offence, property, mitigating and aggravating circumstances shall be taken into account

5. Imposition of an administrative sanction shall not exempt a person from the duties for failure which was imposed a specified penalty, elimination of the violations and reparation.

6. For an administrative offence may be imposed by one basic or primary and secondary (additional) administrative penalty.

### **Article 61. Circumstances mitigating the liability for an administrative offence**

1. Circumstances which mitigate the responsibility for the administrative offences, are:

1) repentance of guilty;



- 2) prevention by the person who committed an administrative offence, the harmful effects of the offence, voluntary compensation and removal of harm caused;
- 3) committing an administrative offence under the influence of strong emotion or at the confluence of difficult personal or family circumstances;
- 4) administrative offence by a minor;
- 5) administrative offence by a pregnant woman or a woman with a child under the age of three years;
- 6) administrative offence as a result of physical or psychological coercion;
- 7) committing an administrative offence in violation of the conditions of validity of self-defense, the detention of a person who committed an unlawful assault, execution order or instruction;
- 8) committing an administrative offence for the first time by negligence.

2. The judge, body (official), considering the case of administrative offence, may recognize mitigating circumstances not specified in part one of this article.

**Footnote. Article 61 as amended by the Law of the Republic of Kazakhstan dated 05.12.2003 No. 506, dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after the first official publication).**

## **Article 62. Aggravating circumstances for administrative offence**

Circumstances which aggravate the responsibility for the administrative offences, are:

- 1) continuation of the wrongful conduct, despite the clarification of the law by the prosecutor (or) the claim made by authorized persons to terminate it;
- 2) re-commit during one year of homogeneous administrative offence for which the person has been subjected to administrative penalties on which the period, provided for in Article 66 of this Code has not expired;
- 3) the involvement of minors in administrative offence;
- 4) involvement in the commission of an administrative offence persons known to be suffering from a severe mental disorder, or persons under the age from which the administrative responsibility comes;
- 5) committing an administrative offence by reason of national, racial or religious hatred or enmity, revenge for lawful actions of others, as well as to conceal another offence or facilitating its commission;
- 6) committing an administrative offence against a person or his relatives in connection with the performance of that person's official, professional or social duty;
- 7) administrative offence against a woman known to be in a state of pregnancy, and also against a minor, or other defenseless or helpless person, or a person who is dependent on the perpetrator;

- 8) committing an administrative offence by a group;
- 9) administrative offence in a natural disaster or other emergency;
- 10) committing an administrative offence of drink, drugs or for abuse of intoxication. The judge, body (official), to impose administrative sanctions, depending on the nature of the administrative offence cannot deny this fact aggravating.

**Footnote. Article 62 as amended by the Law of the Republic of Kazakhstan dated August 9, 2002 No. 346.**

### **Article 63. Imposition of administrative penalties for committing several administrative offences**

1. When one person commits two or more administrative offences administrative penalty is imposed for each offence separately.

2. If a person has committed a number of administrative offences, which are considered by the same judge, body (official), in case of imposing sanctions on the person of the same kind of the final amount of recovery may not exceed three times the maximum limit prescribed by this Code for the species foreclosure. The maximum term of administrative detention in such cases cannot exceed thirty days, and administrative detention imposed for violation of the state of emergency, - forty five days.

3. Where administrative penalties are expressed in percentage of the non-execution or executed improperly tax liability established by the legislative acts, upon application to the commission for a number of administrative offences, the penalty shall be collected for every administrative offence separately.

**Footnote. Article 63 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506.**

### **Article 64. Compensation for damage caused by an administrative offence**

1. The judge, in a case concerning an administrative offence which caused property damage, when deciding whether to impose administrative penalties simultaneously exacts such damage, if there is no dispute about its size.

Disputes about the amount of property damage caused by an administrative offence shall be considered a civil action.

2. Compensation for property damage in cases of administrative offences considered by other authorized bodies (officials), in the event of refusal by a guilty person from his voluntary compensation shall be made in civil proceedings.

3. Requirements for protection of business reputation or moral damage caused by an administrative offence shall be considered on the grounds provided by the Civil Code of the Republic of Kazakhstan.

Footnote. Article 64 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 65. Calculation of terms of an administrative penalty**

Period of administrative detention is calculated in days, and deprivation of the special rights granted to an individual or legal entity, as well as the withdrawal of the license (special permit, qualification certificate (certificate) or its suspension for a certain of activity or perform certain actions - for years, months or calendar days.

#### **Article 66. The period during which a person is subject to administrative penalty**

The person upon whom the administrative penalty for an administrative offence is subjected to this penalty within one year from the closing date of execution of the decision to impose an administrative penalty.

### **Chapter 8. Exemption from liability and administrative penalties**

#### **Article 67. Exemption from liability in connection with the active remorse**

A person who has committed an administrative offence for the first time may be discharged by the judge, body (official) authorized to consider cases on administrative offences, from liability if the person of the offence voluntarily to make amends, or otherwise make amends for the harm offence.

#### **Article 68. Exemption from liability for minor offence**

When harm of administrative offence is insignificant, the judge, body (official) authorized to consider cases on administrative offences, may release a person who has committed an administrative offence from liability, limiting the oral warning.

Note. Insignificance of the administrative offence - it happens when, along with other circumstances taken into account the fact that the authorization provided for in the article of this section exceeds the amount of harm caused by an administrative offence.

#### **Article 69. Exemption from liability in connection with the expiration of the statute of limitations**

1. A person shall not be subject to administrative responsibility within two months from the date of the administrative offence, and for administrative offence in the field of environmental protection - at the end of one year from the date of the commission, except as provided herein by this Code.

2. An individual is not subject to administrative responsibility for administrative corruption offence and offence in the area of ??taxation, the Kazakhstan legislation on pensions, compulsory social security, on energy conservation and energy efficiency, natural monopolies and antitrust legislation after one year from the date of its commission and the legal entity (including individual entrepreneur) is not subject to administrative responsibility for administrative corruption offence and violations in Kazakhstan legislation on energy saving and energy efficiency at the end of three years after its commission, and the offence in taxation, the Kazakhstan legislation on pensions, compulsory social security, natural monopolies and antitrust law - five years after the date of its execution.

3. At last an administrative offence, as well as an administrative offence in fiscal relations, encroaching on protected interests of society and the state, the publication and use of illegal and legal act for violation of state registration of legal acts the person is not subject to be brought to administrative responsibility at the end of two months after the discovery of an administrative offence.

When an administrative offence in finance person is subject to be brought to administrative responsibility within five years from the date of an administrative offence, but cannot be brought to administrative responsibility within two months after the discovery of an administrative offence.

4. The provisions of the first and third parts of this Article shall not apply to cases where an administrative offence contributed to the commission of the crime and it was announced during the investigation or trial of criminal cases. The court may in the manner provided by part one of Article 387 of the Criminal Procedure Code of the Republic of Kazakhstan, to impose on the person who is guilty of such an offence, an administrative penalty if after committing an administrative offence there was not a period more than one year.

4-1. During the period of administrative penalties for administrative offences shall be suspended from the time the case was referred to the court or an official state body authorized to consider cases on administrative offences.

Calculation of these periods resumed in cases of return business entity authorized to bring cases on administrative offences, to address shortcomings.

5. In the event of a criminal investigation or the termination of a criminal case if the actions of the offender signs of administrative offence person may be brought to administrative responsibility within three months from the date of the decision not to initiate a criminal case or to end it.

6. The period of imposition of penalty for an administrative offence is interrupted, if before the expiration date specified in the first and third paragraphs of this article, a person commits a new administrative offence. The term of these cases start with the discovery of new administrative offences.

7. The decision of judge or the authorized body to terminate the administrative proceedings, regardless of the period provided for in the first part of this Article may be revised by the prosecutor during the year from the date of its entry into force.

Note. Continuing offence is an offence, which is characterized by continuous implementation of the single specific offence under Article of the special part of this section and has not been completed by the time of its discovery.

Footnote. Article 69 as amended by the Laws of the Republic of Kazakhstan dated 09.08.2002 No. 346, dated 25.09.2003 No. 484, dated 05.12.2003 No. 506, dated 09.12.2004 No. 10, dated 13.12.2004 No. 11 (shall be enforced from 01.01.2005 ), dated 07.07.2006 No. 174, dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009), dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication) , dated 13.01.2012 No. 542-IV (shall be enforced from 26.07.2012), dated 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication), dated 05.07.2012 No. 30-V ( shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 70. Exemption from liability and administrative penalties through amnesty**

1. A person who commits an administrative offence may be released from liability or the imposition of an administrative penalty on the basis of the amnesty, if it eliminates the use of administrative penalties.

2. An act of amnesty issued by the Parliament of Kazakhstan for individually undetermined number of persons.

Footnote. Article 70 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 71. Exemption from liability in connection with the change of conditions, disease**

A person who commits an act that contains elements of an administrative offence may be released from liability as a result of climate change, and disease, which prevents the execution of administrative punishment.

#### **Article 71-1. Exemption from liability in connection with the reconciliation of the parties**

1. Cases of administrative offences provided for in Chapter 1.9, and Articles 85-3, 131, 136-2, 158, 158-1, 158-2, 174 (part three) of this Code, shall be instituted only upon application by the victim and subject to termination of his reconciliation with the person who committed the administrative offence.

2. Reconciliation is based on a written agreement signed by the victim and the person who committed an administrative offence.

Footnote. Chapter 8 is supplemented by Article 71-1 in accordance with the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006) as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 9. Administrative responsibility of minors**

### **Article 72. Administrative responsibility of minors**

1. Minors who are subject to this chapter shall be persons who at the time of committing an administrative offence was sixteen, but under eighteen years of age.

2. The minor has committed an administrative offence may be imposed an administrative penalty imposition of compulsory education measures.

Footnote. Article 72 as amended by the Law of the Republic of Kazakhstan dated 29.04.2010 No. 272-IV (the order of enforcement see Art. 2).

### **Article 73. Features of the application of administrative penalties for minors**

1. The amount of administrative fine imposed on a minor, cannot be less than one fifth of the monthly index, and cannot exceed ten monthly calculation indices regardless of the size of a fine under article of this Code.

The penalty shall be paid by the existing property of a minor. In the absence of the minor's property sufficient to pay the fine, the fine imposed on the parents or guardians

2. Deprivation of a special right can be imposed on minors for a period not exceeding one year.

3. Others of administrative penalties (except for administrative detention), as well as measures of administrative and legal effects set out in Articles 45 and 57 of this Code shall apply to juveniles guilty of an administrative offence, on the same basis.

Footnote. Article 73 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

### **Article 74. Imposition of an administrative penalty on juvenile**

1. In imposing an administrative penalty for a minor, except for the circumstances provided for in Articles 61 and 62 of this Code shall be taken into account the conditions of his/her life and education, the level of mental development and other personal characteristics, and the impact on it of elder persons.

2. Minor age as a mitigating factor is taken into account together with other mitigating and aggravating circumstances.



## **Article 75. Release of minors from liability and administrative penalties**

A juvenile who has committed an administrative offence for the first time may be released by the court body (official) authorized to consider cases on administrative offences, from liability or from the execution of that administrative penalty using to him education measures required by law.

**Footnote. Article 75 as amended by the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

## **Article 76. Education measures**

1. Minors can be assigned the following educational measures:
  - 1) clarification of the law;
  - 2) transfer of the supervision of parents or persons in loco parents, or a specialized state body;
  - 3) the obligation to make amends for harm caused;
  - 4) restriction of leisure and special requirements to the behavior of the minor.
2. A minor may be assigned multiple educational measures.
3. Period for applying the education measures by clause 4) of this Article shall be established for up to three months.
4. In the case of systematic failure to minors educational measures provided for in subparagraph 4) of this Section, a specialized state agency submits material to the court to decide on the abolition of the measure and to attract a minor administrative proceedings, unless the expiration of limitation established by part 1 of Article 703 of this Code.

**Footnote. Article 76 is in the wording of the Law of the Republic of Kazakhstan dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 77. The content of education measures**

1. Clarification of the law is to clarify to a minor on the injury caused by his act, and the legal consequences of a return to the offences specified in this Code.
2. Transfer of supervision is to entrust the parents or persons in loco parentis, or a specialized state agency responsibilities for educating a minor and control over his behavior.
3. The obligation to make amends for the damage rests with the property of a minor and possession of appropriate labor skills.
4. Restriction of leisure and special requirements to the behavior of the minor may include the prohibition to visit certain places, the use of certain forms of leisure activities, including those associated with driving, restrictions stay out after a certain

time of day, travel to other areas without permission of the Commission for the Protection of Minors' Rights. As a minor can be set specific requirements for the behavior of the offender under Article 59-1 of this Code, as well as required to complete the training or to find employment with the Commission on the Protection of Minors' Rights. This list is not exhaustive.

**Footnote.** Article 77 as amended by the Law of the Republic of Kazakhstan dated 29.04.2010 No. 272-IV (the order of enforcement see Art. 2).

#### **Article 78. Periods of limitation**

The periods of limitation provided for in Article 69 of this Code, with the release of minors from liability or from the performance of the administrative penalty reduced by half.

#### **Article 79. The period during which the minor is under the administrative penalties**

Minor, which is under the administrative penalty for an administrative offence is subject to this penalty within six months from the end of the execution of the order imposing penalty.

#### **Special Part**

#### **Chapter 79-1. Administrative offences, enroching upon the person and in the sphere of family-domestic relations**

**Footnote.** It is supplemented by Chapter 9-1 by the Law of Republic of Kazakhstan dated December 9, 2004 No. 10. The Title is amended by the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

#### **Article 79-1. Bodily blows**

Bodily blows or the commission of other coercive actions, which caused a physical pain, that did not result in the consequences, which are specified by Article 105 of the Criminal Code of the Republic of Kazakhstan, - entails a fine ranging from twenty to one hundred monthly calculation indices or the detention up to fifteen days.

#### **Article 79-2. Infliction of harm to the health in affective state**

(Is excluded by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006))

#### **Article 79-3. Infliction of harm to the health**

1. Negligent infliction of medium gravity harm to the health, if this act does not have evidence of criminally punishable act, - entails a fine ranging from fifty to one

hundred and fifty monthly calculation indices or administrative detention up to fifteen days.

2. Intentional infliction of light harm to the health that resulted in short impairment of the health or insignificant persistent loss of general capacity to work, - entails a fine ranging from fifty to three hundred monthly calculation indices or administrative detention up to forty five days.

**Footnote.** Article 79-3 is in the wording of the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days upon its first official publication).

#### **Article 79-4. Infection with the venereal disease**

Infection of another person with the venereal disease by a person, knowing that he had the disease, if this act does not have evidence of criminally punishable act,- entails a fine ranging from fifty to two hundred monthly calculation indices or the detention up to fifteen days.

#### **Article 79-5. Illegal acts in the sphere of family-domestic relations**

1. Swear words, offensive harassment, humiliation, damage of the household articles and other acts, that express disrespect towards the citizens, who are in the family-domestic relationship with the delinquent, which caused a disturbance of their peace, that are committed within limits of free-standing residential building or the apartment, if these acts do not have evidence of criminally punishable act, - entails a fine ranging from one to three monthly calculation indices or the administrative detention for a period up to ten days.

2. The Acts are specified by the first part of this article, that are committed repeatedly within a year after the imposition of an administrative penalty, - entails a fine ranging from three to five monthly calculation indices or the administrative detention for a period from ten to fifteen days.

Explanatory note: The Family-domestic relations are regarded as the following relations between the persons who:

- live or lived together;
- are married ;
- are former spouses;
- are close relatives.

**Footnote.** Chapter 9-1 is supplemented by Article 79-5 in accordance with the Law of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008).

#### **Article 79-6. Malicious evasion of alimentation of incapable of work marital partner**

Malicious evasion for more than three months by an employable person of payment of finances under the court decision for alimentation of incapable of work and who is in need of financial assistance of marital partner entails a fine ranging from one hundred to three hundred monthly calculation indices or the administrative detention up to thirty days.

Footnote. Chapter 9-1 is supplemented by Article 79-6 in accordance with the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days upon its first official publication).

## **Chapter 10. Administrative offences, encroaching upon the rights of a person**

### **Article 80. Obstruction of receiving citizenship of the Republic of Kazakhstan**

Commission of illegal acts by an official that impede to receive the citizenship of Kazakhstan by a person who permanently lives in the territory of the Republic of Kazakhstan, - entails a fine ranging from ten to thirty monthly calculation indices.

### **Article 81. Liability for the violation of the legislation on languages**

Refusal of an official to accept the documents, application or a complaint, as well as non-consideration of them in merits, which is motivated by the ignorance of the language, - entails a fine ranging from ten to twenty monthly calculation indices.

### **Article 82. Restriction of the rights of individuals in choosing the language**

Restriction of the rights of individuals in choosing the language, discrimination owing to the language characteristics, - entails a fine on the officials ranging from five to twenty monthly calculation indices.

Footnote. Article 82 is supplemented by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

### **Article 83. Restriction of the rights of free movement and choice of abiding place**

Action or an act of omission of the officials, that restricts the right of individuals on the freedom of movement and the choice of abiding place (except for the frontier zones, prohibited areas along with the arsenals, entrepots and storages of the Armed forces of the Republic of Kazakhstan, other forces and military formations of the Republic of Kazakhstan and prohibited areas along with the arsenals, entrepots and storages of the Armed Forces of the Republic of Kazakhstan, other forces and military formations of the Republic of Kazakhstan and distinct regions, where the restrictions may be

imposed by the Government of the Republic of Kazakhstan), if it is not connected with the accusation of committing a crime, - entails a fine ranging from five to ten monthly calculation indices.

Footnote. Article 83 as supplemented by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); dated 18.04.2011 No. 429-IV (shall be enforced upon expiry of ten calendar days upon its first official publication).

#### **Article 83-1. Obstruction of the activity of public associations**

Obstruction of the legal activity of public associations by an official with the appropriation of his corporate opportunities, and equally interference with the legal activity of these associations, which is committed by an official with the appropriation of his corporate opportunities, that resulted in a considerable infringement of their rights and legitimate interests, - entails a fine ranging from two hundred to five hundred monthly calculation indices or the administrative detention up to forty five days.

Footnote. The Code is supplemented by Article 83-1 in accordance with Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days upon its first official publication).

#### **Article 84. Refusal of granting information to a individual and equally restriction of a right to access for the information resources**

1. Unjustifiable refusal of granting of assembled in the established procedure documents, information, directly involving the rights and liberties of a individual, or granting of incomplete or knowingly false information, and equally unjustifiable attribution of publicly available information to the information with limited access, that do not have evidence of criminally punishable act, - entails a fine on the officials ranging from five to ten monthly calculation indices.

2. Illegal restriction of a right access for the information resources, - entails a fine on the individuals ranging from five to ten, on the officials, individual proprietors, juridical persons, who are the subjects of small or medium-sized entrepreneurship ranging from ten to fifty, on the juridical persons, who are the subjects of major entrepreneurship ranging from twenty to one hundred monthly calculation indices.

3. Commission of acts by an official, that are specified by the first and second parts of this Article, if these acts caused a harm to the rights and legitimate interests of individuals, - entails a fine ranging from twenty to one hundred monthly calculation indices.

Footnote. Article 84 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 85. Nonobservance of the procedure, standards and defective administering of medical aid**

1. Nonobservance or improper performance of professional duties by a medical worker as a result of negligent or unconscientious attitude to it, if it is resulted or could have resulted in an infliction of light harm to the health, -entails a fine on the individuals in the amount of ten, on the officials in the amount of twenty monthly calculation indices.

2. Nonobservance of the procedure of administering a medical aid, if it resulted or could have resulted in an infliction of the light harm to the health, -entails a fine on the individuals in the amount of five, on the officials in the amount of ten, on the juridical persons in the amount of fifty monthly calculation indices.

3. Nonobservance of the standards of administering a medical aid, which is approved by the authorized agency in the field of the health care service, if it resulted or could have resulted in an infliction of the light harm to the health, -entails a fine on the individuals in the amount of five, on the officials in the amount of ten, on the juridical persons in the amount of fifty monthly calculation indices.

4. The same act which is committed repeatedly during a year after the imposition of an administrative penalty, that is specified by the first, second and third parts of this Article, - entails a fine on the individuals in the amount of twenty monthly calculation indices with the suspension of validity of a license and deprivation of professional certificate, on the officials in the amount of forty monthly calculation indices with the suspension of validity of a license, on juridical persons in the amount of one hundred monthly calculation indices with the suspension of validity of a license or with the suspension or the deprivation of accreditation certificate.

5. Commission of an act which is specified by the second and third parts of this Article, if it could be resulted in an infliction of medium gravity or serious harm to the health and if this act does not have evidence of criminally punishable act, - entails a fine on the individuals in the amount of twenty monthly calculation indices with the deprivation of license and professional certificate, on the officials in the amount of fifty monthly calculation indices with the deprivation of license, on the juridical persons in the amount of one hundred monthly calculation indices with the deprivation of license.

Footnote. Article 85 is in the wording of the Law of the Republic of Kazakhstan dated July 7, 2006 No.171 (the order of enforcement see Art. 2); as amended by the Law of the Republic of Kazakhstan dated 16.07.2009 No. 186-IV.



**Article 85-1. Violation of the rules of issue of the list or the certificate of temporary incapacity for work by a medical worker**

1. Violation of the rules of issue of the list or the certificate of temporary incapacity for work, if this act does not have evidence of criminally punishable act, - entails a fine on the individuals ranging from five to ten monthly calculation indices, on the officials ranging from ten to twenty monthly calculation indices.

2. The same act, which is committed repeatedly during a year after the imposition of an administrative penalty, - entails a fine on the individuals ranging from ten to twenty monthly calculation indices with the deprivation of professional certificate, on the officials ranging from twenty to fifty monthly calculation indices.

Footnote. The Chapter is supplemented by Article 85-1 in accordance with the Law of the Republic of Kazakhstan dated July 7, 2006 No. 171 (the order of enforcement see Art. 2); as amended by the Law of the Republic of Kazakhstan dated 16.07.2009 No. 186-IV.

**Article 85-2. Violation of the rules of writing out the prescriptions and implementation of pharmaceutical products by a medical worker**

1. Violation of rules of writing out the prescriptions and implementation of pharmaceutical products by a medical worker, - entails a fine on the individuals in the amount up to five monthly calculation indices, on the officials - ranging from five to ten monthly calculation indices.

2. The same acts which are committed repeatedly during a year after the imposition of an administrative penalty, - entails a fine on the individuals ranging from five to ten monthly calculation indices with the deprivation of professional certificate, on the officials ranging from ten to twenty monthly calculation indices.

Footnote. The Chapter is supplemented by Article 85-2 in accordance with the Law of the Republic of Kazakhstan dated July 7, 2006 No. 171 (the order of enforcement see Art. 2); as amended by the Law of the Republic of Kazakhstan dated 16.07.2009 No. 186-IV.

**Article 85-3. Divulgence of the medical secret**

Divulgence of information by a medical worker without professional or official necessity about the disease or the results of medical certification of a patient entails a fine ranging from two hundred to five hundred monthly calculation indices or the administrative detention up to thirty days.

Footnote. The Code is supplemented by Article 85-3 in accordance with the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days upon its first official publication).

## **Article 86. Dissemination of the information of guiltiness in committing a crime**

Public dissemination of the information of guiltiness of a person in committing a crime to the consideration of case by the court or upon the availability of acquitting judgment, -

entails a fine on the legal entities ranging from three to ten, on officials, individual entrepreneurs, legal entities who are the subjects of small or medium-sized entrepreneurship, - entails a fine on the individuals ranging from three to ten, on the officials, individual entrepreneurs, legal entities, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations ranging from ten to thirty, on the juridical persons, who are the subjects of major entrepreneurship, ranging from fifty to one hundred monthly calculation indices.

**Footnote. Article 86 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

### **Article 86-1. Divulgence of the information of a person's private life, who has suffered from domestic violence**

Illegal accumulation and (or) dissemination of information of a person's private life, who has suffered from domestic violence, composing his private or family secrecy, without his consent, if these acts do not have evidence of criminally punishable act, - entails a fine in the amount of ten monthly calculation indices.

**Footnote. The Code is supplemented by Article 86-1 in accordance with the Law of the Republic of Kazakhstan dated 04.12.2009 No. 215-IV (the order of enforcement see Art. 2).**

## **Article 87. Violation of labor legislation of the Republic of Kazakhstan**

1. Violation of labor legislation of the Republic of Kazakhstan by an employer or an officials, except for the acts, which are specified by the third part of this article, - entails a fine on the officials, individual entrepreneurs, legal entities, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations, ranging from five to ten, on the legal entities, who are the subjects of large entrepreneurship ranging from twenty to twenty five monthly calculation indices.

2. Act (act of omission), that is specified by the first part of this article, which is committed repeatedly during a year after the imposition of an administrative penalty, - entails a fine on the official, individual proprietors, legal entities, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations ranging from twenty five to thirty monthly calculation indices.

3. Non-payment of salary by an employer in full scale and within the time limits, which are established by the labor legislation of the Republic of Kazakhstan, and

equally non-accrual and non-payment of forfeit for the period of delay in payment, - entails a fine ranging from twenty to fifty monthly calculation indices.

4. Acts (inaction), that are specified by the third part of this article, and which are committed repeatedly during a year after the imposition of an administrative penalty, - entail a fine ranging from one hundred to two hundred monthly calculation indices.

Explanatory notes.

1. An employer is admitted as a legal entity in this Code, who is represented by its director (administration), or a individual, with whom an employee is in labor relationship.

2. The officials, above noted in the first and second parts of this Article, are regarded as the directors of executive bodies and other organizations, if the organizations which are headed by them delayed in issue (transfer) of funds in the payment of a salary.

**Footnote.** Article 87 is in the wording of the Law of the Republic of Kazakhstan dated May 15, 2007 No. 253; as amended by the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

#### **Article 87-1. Violation of the legislation on the invalid social protection**

Violation of the legislation concerning the social protection of the invalids by the officials and legal entities, except for the cases, that are specified by the Chapter 18 of this Code, - entails a fine on the official ranging from twenty to forty, on the legal entity, who is the subject of small or medium-sized entrepreneurship ranging from seventy to two hundred, on the legal entity, who is the subject of major entrepreneurship ranging from two hundred to four hundred monthly calculation indices.

**Footnote.** Supplemented by Article 87-1 by the Law of the Republic of Kazakhstan dated April 13, 2005 No. 40 (shall be enforced from January 1, 2005); as amended dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 87-2. Violation of the legislation of the Republic of Kazakhstan on special social services**

1. Violation of the legislation of the Republic of Kazakhstan of special social services, that is committed in the form of:

violation of the established terms of the conduct of assessment and evaluation of the necessity in granting of special social services, rendering of the decision of granting the guaranteed extent of special social services;

non-fulfillment of the decision of granting the guaranteed extent of special social services, - entails a fine on the officials, individual entrepreneurs in the amount of

twenty, on the legal entities, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations in the amount of forty, on the legal entities, who are the subjects of major entrepreneurship in the amount of sixty monthly calculation indices

2. The Acts are specified by the first part of this article, which are committed repeatedly during a year after the imposition of an administrative penalty, - entail a fine on the officials, individual proprietors in the amount of thirty, on the legal entities, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations in the amount of fifty, on the legal entities, who are the subjects of major entrepreneurship in the amount of eighty monthly calculation indices.

3. The same acts, which are committed repeatedly during a year after the expiry of the period of an administrative penalty, that is specified by the second part of this article - entail a fine on the officials, individual entrepreneurs in the amount of fifty, on the legal entities, who are the subjects of small or medium-sized entrepreneurship or non-commercial organizations in the amount of eighty, on the legal entities, who are the subjects of major entrepreneurship in the amount of one hundred and twenty monthly calculation indices.

**Footnote.** Chapter 10 is supplemented by Article 87-2 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2008 No. 115-IV (shall be enforced from 01.01.2009); as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No. 461-IV (shall be enforced upon expiry of ten calendar days upon its first official publication).

#### **Article 87-3. Impeding to the legal activity of representatives of employers**

Impeding to the legal activity of the representatives of the employers by an officials with the appropriation of his corporate opportunities, and equally the interference with their legal activity, which is committed by an officials with the appropriation of his corporate opportunities, that resulted in a considerable infringement of their rights and legitimate interests - entails a fine ranging from two hundred to five hundred monthly calculation indices or the administrative detention up to thirty days.

**Footnote.** The Code is supplemented by Article 87-3 in accordance with the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days upon its first official publication).

#### **Article 87-4. Violation of labor protection rules**

Violation of safety rules, industrial hygiene or other labor protection rules, which is committed by a person, who had organization responsibilities or these rules enforcement that negligently resulted in infliction of medium gravity harm to the health

, - entails a fine ranging from three hundred to five hundred monthly calculation indices or the administrative detention up to forty five days.

Footnote. The Code is supplemented by Article 87-4 in accordance with the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days upon its first official publication).

**Article 87-5. Divulgence of the information by the participants of mediation that became known in the course of conducting the mediation**

Divulgence of the information by the participants of the mediation that became known in the course of conducting the mediation, without the consent of the party that has provided this information, if this act does not have evidence of criminally punishable act, entails a fine in the amount of twenty monthly calculation indices.

Footnote. The Code is supplemented by Article 87-5 in accordance with the Law of the Republic of Kazakhstan dated 28.01.2011 No. 402-IV (shall be enforced from 05.08.2011).

**Article 88. Violation of the legislation of the Republic of Kazakhstan on pension provision**

1. Violation of the order of agreements conclusion of pension provisions, periods of the implementation of pension payments, remittance and withdrawal by the Pension Savings Fund which are established by the legislation of the Republic of Kazakhstan of pension provision, entails a fine on the officials in the amount of two hundred, on the juridical persons in the amount of four hundred monthly calculation indices.

1-1. Failure to present, untimely presentation of the information by the Pension Savings Funds to the Center of pensions payment of the concluded and terminated contracts with the depositors of pension provision on account of compulsory pension contributions, and equally granting of inaccurate information of concluded and terminated contracts with the depositors of pension provision on account of compulsory pension contributions, - entails a fine on the officials in the amount of fifty monthly calculation indices, on the legal entities in the amount of one hundred monthly calculation indices.

1-2. The Acts are specified by the part 1-1 of this article, which are committed repeatedly during a year after the imposition of an administrative penalty, - entails a fine on the officials in the amount of one hundred monthly calculation indices, on the legal entities in the amount of two hundred monthly calculation indices.

2. Non-fulfillment of duties that are specified by the legislation of the Republic of Kazakhstan of pension provision, on the payment of pensions in full scale and in the established periods by the officials of the Center on payment of pensions, - entails a fine in the amount up to twenty monthly calculation indices.

3. Non-fulfillment or the improper fulfillment of duties by a individual, individual entrepreneur, private notary, private officer of justice, attorney, legal entity or his official, that are specified by the legislation of the Republic of Kazakhstan of pension provision, that is committed in the form of:

- non-presentation to the tax agency lists of the depositors of Pension Savings Funds, in favor of whom debt is vindicated on compulsory pension contributions;

- non-presentation to the tax agencies of calculations on calculated, retained (accrued) and enumerated sums of compulsory pension contributions within the periods, which are established by the legislation of the Republic of Kazakhstan of pension provision;

- non-maintaining of the primary records of calculated, retained (accrued) and enumerated compulsory pension contributions individually to every employer in accordance with the procedure, that is established by the legislation of the Republic of Kazakhstan;

- non-presentation of the information to the depositors of calculated, retained (accrued) and enumerated compulsory pension contributions within the periods which are established by the legislation of the Republic of Kazakhstan of pension provision;

- untimely and (or) incomplete calculation, retention (accrual) and (or) payment (transfer) of compulsory pension contributions to the pension savings funds,

- non suspension of all debit operations on the payment office on the instruction of the tax agencies in cases, that are specified by the legislation of the Republic of Kazakhstan of pension provision, -

- entails a fine on the individuals in the amount of fifteen, on the officials, individual entrepreneurs, private notaries, private officers of justice, attorneys in the amount of thirty, on the legal entities, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations in the amount of seventy-five, on legal entities, who are the subjects of major entrepreneurship in the amount of one hundred and fifty monthly calculation indices.

4. The acts are specified by the third part of this Article, which are committed repeatedly during a year after the imposition of the administrative penalty, - entails a fine on the individuals in the amount of thirty, on the officials, individual entrepreneurs, private notaries, private officers of justice, attorneys in the amount of sixty, on legal entities, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations, in the amount of two hundred, on the legal entities, who are the subjects of major entrepreneurship in the amount of three hundred monthly calculation indices.

5. Non-fulfillment of the duties by the banks and organizations, which carry out separate kinds of bank operations that are established by the legislation of the Republic of Kazakhstan of pension provision, which is committed in the form of:



non-suspension of all debit operations on the bank accounts of agents- juridical persons or individual entrepreneurs, private notaries, private officers of justice and attorneys owing to the instruction of tax agencies in cases, that are specified by the legislation of the Republic of Kazakhstan of pension provision;

non-transfer (non-deposits), untimely transfer (later the day of the commission of operations on debiting of money from the bank accounts or the next day deposition of money in cash to the bank or to the organization, that carries out particular kinds of bank operations) or the commission of errors during the filling of the requisites of the payment document due to the fault of the bank or the organization, that carries out particular kinds of bank operations, during the remittance of an amount of compulsory pension contributions and penalties to the Center of pension payment;

non-fulfillment of the collection orders of tax agencies on the levy of sums of compulsory pension contributions and penalties in accordance with the procedure, that is established by the legislation of the Republic of Kazakhstan, - entails a fine on the officials in the amount of thirty monthly calculation indices, on the legal entities in the amount of five percent from the sum of committed debit operations on bank accounts of agents for the period of non-fulfillment of duties, that are established by the legislation of the Republic of Kazakhstan of pension provision.

6. Announcement or the publication by the pension savings fund in mass media of the advertisement that does not correspond to the actuality on the day of publication, - entails a fine in the amount of two hundred monthly calculation indices.

7. Nonconformity of investment policy statement of pension savings fund to the requirements that are specified by the legislation of the Republic of Kazakhstan of pension provision, to its content, - entails a fine on the officials in the amount of fifty, on the legal entities in the amount of one hundred monthly calculation indices.

Footnote. Article 88 is in the wording of the Law of the Republic of Kazakhstan dated 13.12.2004 No. 11 (shall be enforced from 01.01.2005); as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); dated 11.12.2006 No. 201 (shall be enforced from January 1, 2007); dated 20.11.2008 No. 88-IV (the order of enforcement see Art. 2); dated 10.12.2008 No. 101 -IV (shall be enforced from 01.01.2009); dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010); dated 28.12.2011 No. 524-IV (shall be enforced upon expiry of ten calendar days upon its first official publication); dated 05.07.2012 No. 30 -V (shall be enforced upon expiry of ten calendar days upon its first official publication ).

**Article 88-1. Violation of the legislation of the Republic of Kazakhstan on compulsory social insurance**

1. Nonpayment of the social payments due to the fault of the officials of the State fund of the social insurance and the Center on the payment of pensions within the periods, that are established by the legislation of the Republic of Kazakhstan of compulsory social insurance, - entails a fine on the officials in the amount up to twenty monthly calculation indices.

2. Non-fulfillment or improper fulfillment by the individual entrepreneur, private notary, private officer of justice, attorney, legal entity or his officials of duties that are specified by the legislation of the Republic of Kazakhstan of compulsory social insurance that is committed in the form of:

failure to present to the tax agency the list of participants of the system of the compulsory social insurance, for whom the social expenditures are carried out;

untimely and (or) partial payment (transfer) of social expenditures and penalties;

non-suspension of all debit operations on the payment office on the instruction of the tax agencies in cases, that are specified by the legislation of the Republic of Kazakhstan of compulsory social insurance, -

entails a fine on the officials, individual entrepreneurs, private notaries, private officers of justice, attorneys in the amount of thirty monthly calculation indices, on the legal entities, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations, in the amount of thirty, on the legal entities, who are the subjects of major entrepreneurship, in the amount of fifty percent from the sum of non-enumerated (untimely enumerated) social expenditures.

3. Non-fulfillment of duties which are established by the legislation of the Republic of Kazakhstan of compulsory social insurance by the banks and organizations, which carry out particular kinds of bank operations, that is committed in the form of:

non suspension of all debit operations on bank accounts of payers- juridical persons or individual entrepreneurs, private notaries, private officers of justice and attorneys on the instruction of the tax agencies in cases, that are specified by the legislation of the Republic of Kazakhstan of compulsory social insurance;

non-transfer (non-deposits), untimely transfer (later the day of the commission of operations on debiting of money from the bank accounts or the next day deposition of money in cash to the bank or to the organization, that carries out particular kinds of bank operations) or the commission of errors during the filling of the requisites of the payment document due to the fault of a bank or the organization, that carries out particular kinds of bank operations, during the remittance of an amount of social expenditures and penalties to the Center of pension payment;

non-fulfillment of the collection orders of the tax agencies on the levy of amounts of social expenditures and penalties in accordance with the procedure, which is established by the legislation of the Republic of Kazakhstan, - entails a fine on the officials in the amount of thirty monthly calculation indices, on the juridical persons in

the amount of five percent from the sum of committed debit operations on bank accounts of payers for the period of non-fulfillment of duties, that are established by the legislation of the Republic of Kazakhstan of compulsory social insurance.

Footnote. The Code is supplemented by Article 88-1 in accordance with the Law of the Republic of Kazakhstan dated 08.04.2004 No. 542 (shall be enforced from 01.01.2005); as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); dated 11.12.2006 No. 201 (shall be enforced from 01.01.2007); dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009); dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010).

#### **Article 89. Violation of the safety ensuring rules and labor protection**

1. Violation of the labor legislation of the Republic of Kazakhstan by an employer or an officials, that did not result in the infelicitous occasion, -

entails a fine on the officials, individual entrepreneurs, legal entities, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations, ranging from twenty to forty, on the legal entities, who are the subjects of major entrepreneurship ranging from fifty to one hundred monthly calculation indices.

2. The acts are specified by the first part of this Article, which are committed repeatedly during a year after the imposition of an administrative penalty, - entails a fine on the officials, individual entrepreneurs, legal entities, who are the subjects of small or medium-sized entrepreneurship or non-commercial organizations, ranging from forty to sixty, on the legal entities, who are the subjects of major entrepreneurship ranging from one hundred to one hundred and fifty monthly calculation indices.

3. Failure to perform duties by an officials on the control and the supervision of the compliance of the labor legislation of the Republic of Kazakhstan, if it resulted in infelicitous occasion with an infliction of light harm to the health of an employee or knowingly created the danger for his life and the health, - entails a fine ranging from twenty to fifty monthly calculation indices.

Footnote. Article 89 is in the wording of the Law of the Republic of Kazakhstan of January 20, 2006 No. 123 (shall be enforced from January 1, 2006). The Article is supplemented by the Law of the Republic of Kazakhstan dated May 15, 2007 No. 253.

#### **Article 90. Evasion of the participation in the negotiations under the collective contract, agreement**

Evasion of the participation in the negotiations under the conclusion, change or the supplement of the collective contract, agreement or non-observation of the time of the conduct of within-named negotiations, non-provision of the work of the appropriate commission in the determined by the parties time, - entails a fine on the persons, who

are empowered to conduct the negotiations, ranging from two hundred to five hundred monthly calculation indices.

**Footnote. Article 90 as amended by the Law of the Republic of Kazakhstan dated May 15, 2007 No. 253.**

#### **Article 91. Unjustified refusal from the conclusion of the collective contract, agreement**

Unjustified refusal from the conclusion of the collective contract, agreement, - entails a fine on the persons, who are empowered to conclude the collective contract, agreement, ranging from two hundred to five hundred monthly calculation indices.

**Footnote. Article 91 as amended by the Law of the Republic of Kazakhstan dated May 15, 2007 No. 253.**

#### **Article 92. Non-fulfillment or the breach of the collective contract, agreement**

Non-fulfillment or the breach of obligation under the collective contract, agreement, - entails a fine on the persons, who are guilty of the non-fulfillment of obligations under the collective contract, agreement, ranging from two hundred to five hundred monthly calculation indices.

**Footnote. Article 92 as amended by the Law of the Republic of Kazakhstan dated May 15, 2007 No. 253.**

#### **Article 93. Failure to provide the information that is necessary for the conduct of the collective negotiations and the implementation of the control for the fulfillment of the collective contracts, agreements**

Failure to provide the information that is necessary for the conduct of the collective negotiations and the implementation of the control for the fulfillment of the collective contracts, agreements, - entails a fine on the persons, who are guilty of the non-presentation of the information, ranging from fifty to one hundred monthly calculation indices.

**Footnote. Article 93 as amended by the Law of the Republic of Kazakhstan dated May 15, 2007 No. 253.**

#### **Article 94. Violation of the legislation of the employment of population**

1. Violation of the legislative and other normative legal acts of the employment of the population by the individuals or legal entities, - entails a fine ranging from eight to ten monthly calculation indices.

2. Acts (inaction), that are specified by the first part of this Article, which are committed repeatedly during a year after the imposition of an administrative penalty, - entails a fine ranging from ten to twenty monthly calculation indices.

Footnote. Article 94 as amended by the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

**Article 95. Impeding to the exercise of the equal right on the access to the state service**

Demanding of the requirements to the candidate on the post of a public officer, that are not specified by the legislation, and qualification requirements that are not affirmed in the established procedure, - entails a fine on the officials ranging from five to ten monthly calculation indices.

**Article 96. Handling of lodged complaint in prejudice of an individual or a legal entity**

Footnote. Article 96 as amended by the Law of the Republic of Kazakhstan dated 10.02.2011 No. 406-IV (shall be enforced upon expiry of ten calendar days upon its first official publication).

Handling of a complaint in prejudice of the individual or legal entity, who has lodged a justified complaint, or on behalf of whom it was lodged, - entails a fine on the officials ranging from five to ten monthly calculation indices.

Footnote. Article 96 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); dated 10.02.2011 No. 406-IV (shall be enforced upon expiry of ten calendar days upon its first official publication).

**Article 97. Enforcement to the participation or to the refusal from the participation in a strike**

Enforcement to the participation or to the refusal from the participation in a strike with the use of dependent state of an enforced person, - entails a fine on the individuals ranging from five to ten, on the officials ranging from ten to twenty monthly calculation indices.

Footnote. Article 97 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Chapter 11. Administrative offences, encroaching upon the electoral rights of citizens**

**Article 98. Failure to provide the necessary information and materials by the officials to the election commission (referendum commission) or non-fulfillment of commission decisions**

Failure to provide information and materials to the election commission (referendum commission) by the officials that is necessary for its work or the non-fulfillment by them a commission decision, which was taken within its powers, - entails a fine ranging from ten to twenty monthly calculation indices.

**Article 99. Conduct of agitation at a prohibited time**

Conduct of agitation in connection with election (republican referendum) at a prohibited time by the legislation of the Republic of Kazakhstan, - entails a fine on the citizens ranging from ten to fifteen, on the legal entities ranging from twenty five to thirty five monthly calculation indices.

**Footnote. Article 99 as amended by the Law of the Republic of Kazakhstan dated July 9, 2004 No. 583.**

**Article 99-1. Impeding to a right to conduct pre-election campaign**

Impeding to the presidential candidates, candidates for deputies or for other elective posts, their authorized delegates, political parties in a process of an exercise by them a right to conduct pre-election campaigning. -

entails a fine on the citizens ranging from ten to fifteen, on the officials ranging from fifteen to twenty five, on the legal entities - ranging from twenty five to thirty five monthly calculation indices.

**Footnote. Supplemented by Article 99-1 by the Law of the Republic of Kazakhstan dated July 9, 2004 No. 583.**

**Article 100. Dissemination of knowingly false information on the candidates, political parties**

Dissemination of knowingly false information on the candidates, political parties or the commission of other acts, discrediting their honor and dignity, with a view of an influence on the electoral outcome, - entails a fine on the citizens ranging from fifteen to twenty five, on the officials ranging from twenty five to thirty five, on the legal entities - ranging from thirty five to fifty monthly calculation indices.

**Footnote. Article 100 as amended by the Law of the Republic of Kazakhstan dated July 9, 2004 No. 583.**

**Article 101. Violation of the rights of a member of election commission (referendum commission) of the authorized delegate and the observer**

Violation of the rights of a member of the electoral commission which are established by the Law (referendum commission), authorized delegates of the candidates, political parties and the observers at the elections, entails a fine ranging from fifteen to thirty five monthly calculation indices.

**Footnote. Article 101 as amended by the Law of the Republic of Kazakhstan dated July 9, 2004 No. 583.**

**Article 102. Violation of the right of citizens on the familiarization with the list of the electors**



Violation by a member of electoral commission (referendum commission) of citizens right on the familiarization with the list of the electors (electoral delegates, list of persons, that have a right to participate in the Republican Referendum) or non-consideration in the established by the legislation period of the application of inaccuracy in the list of electors, or the refusal to give a citizen a copy of the decision in written form with the exposure of motives of deviation of an application of making amendments in the list of electors (electoral delegates, list of persons, who have a right to participate in the republican referendum), or the non-fulfillment of the court decision of correcting a list of electors (electoral delegates, list of persons, who have a right to participate in the referendum), in the established period - entails a fine ranging from ten to twenty monthly calculation indices.

**Article 102-1. Presentation of inaccurate information of the electors, as well as the lists of the electors**

1. Presentation by the officials to the local executive agencies inaccurate information of the electors for the composing of the lists of the electors - entails a fine ranging from ten to twenty five monthly calculation indices.

2. Presentation of the inaccurate lists of the electors by the officials of the local executive agencies to the corresponding electoral commission - entails a fine from twenty five to thirty monthly calculation indices.

**Footnote. Supplemented by Article 102-1 by the Law of the Republic of Kazakhstan dated July 9, 2004 No. 583.**

**Article 102-2. Violation of a requirement of an equal electoral right**

Violation of a requirement of an equal electoral right by means of voting two or more times or for another elector, entails a fine ranging from ten to twenty five monthly calculation indices.

**Footnote. The Code is supplemented by Article 102-2 in accordance with the Law of the Republic of Kazakhstan dated July 8, 2005 No. 67 (the order of enforcement see Art.2).**

**Article 102-3. Implementation of an activity by the foreigners, stateless persons, foreign legal entities and international organizations that impedes and (or) assists to the nomination and election of candidates, political parties, that have nominated a party list, achievement of a certain result on the election**

Implementation of an activity by the foreigners, stateless persons foreign legal entities and international organizations that impedes and (or) assists to the nomination and election of candidates, political parties, that have promoted a party list,

achievement of a certain result on the election, - entails a fine on the individuals ranging from twenty to thirty monthly calculation indices with an administrative expulsion outwards the Republic of Kazakhstan or without it, on the juridical persons ranging from four hundred to one thousand monthly calculation indices.

Footnote. The Code is supplemented by Article 102-3 in accordance with the Law of the Republic of Kazakhstan dated July 8, 2005 No. 67 (the order of enforcement see Art. 2).

**Article 103. Delivery of the ballot-papers to the citizens (ballots for the voting) for the purposes of granting them an opportunity of voting for other persons**

Delivery of ballot-papers to the citizens by a member of electoral commission ( referendum commission) for the purposes of granting them an opportunity of voting for other persons - entails a fine ranging from fifteen to twenty five monthly calculation indices.

Footnote. Article 103 as amended by the Law of the Republic of Kazakhstan dated July 9, 2004 No. 583.

**Article 104. Refusal of an employer of granting leave for the participation in the election ( Republican referendum)**

Refusal of an employer of granting to the registered candidate for deputy or for another elective post or to the member of electoral commission that is specified by legislative acts leave for the participation in the preparation and conduct of election to the public bodies, administration and to the local government bodies (republican referendum) - entails a fine ranging from ten to twenty five monthly calculation indices

**Article 105. Violation of the conditions of conduct of pre-election campaigning through mass media**

Violation by an editor-in-chief, journalist, official of the editorial staff of mass media the violation of conduct of pre-election campaign, that are specified by the electoral legislation (legislation of republican referendum), - entails a fine on the citizens and on the officials ranging from twenty to thirty, on the legal entities ranging from thirty to sixty five monthly calculation indices.

Footnote. Article 105 as amended by the Law of the Republic of Kazakhstan dated July 9, 2004 No. 583.

**Article 106. Production or dissemination of anonymous campaign materials**

Production or dissemination in a period of preparation and conduct of elections to the public bodies and to the local government bodies (republican referendum) of agitation printed and electronic materials, not containing information of the organizations, place of the printing, circulation and of persons, who are responsible for its publication, - entails a fine ranging from ten to twenty five monthly calculation indices.

**Article 107. Intentional destruction, damage or campaign materials**

Intentional destruction, damage of campaign materials of candidates for deputies or for another elective post, that were posted with the consent of an owner or another proprietor on the buildings, constructions or other objects, -  
entails a fine ranging from ten to fifteen monthly calculation indices.

**Footnote. Article 107 as amended by the Law of the Republic of Kazakhstan dated July 9, 2004 No. 583.**

**Article 108. Failure to present or to publish reports of expenditures of finances for the preparation and conduct of the election (Republican referendum)**

Failure to present an information of an amount of incomes (donations) to the electoral funds and of the sources of creating electoral funds by a candidate, a person, who is elected to be a deputy or for another elective post, or by a political party as well as the report of the use of finances of electoral fund, - entails a fine on a candidate, a person, who is elected to be a deputy or for another elective post, in the amount up to fifteen, on the legal entity juridical person in the amount up to fifty five monthly calculation indices.

**Footnote. Article 108 as amended by the Law of the Republic of Kazakhstan dated July 9, 2004 No. 583.**

**Article 108-1. Financing of an electoral campaign or rendering of another material aid, apart from the electoral funds**

Rendering of financial or another material aid to the candidates, political parties that have promoted party lists, apart from their electoral funds, - entails a fine on the citizens ranging from fifteen to twenty five, on the legal entities - ranging from thirty to fifty monthly calculation indices.

**Footnote. Supplemented by Article 108-1 in accordance with the Law of the Republic of Kazakhstan dated July 9, 2004 No. 583.**

**Article 109. Acceptance of donations by a candidate for the elective state post or by a political party from foreign states, organizations, citizens and stateless persons**

Acceptance of donations in any form by a candidate for deputy or for another elective state post or by a political party from the foreign state, international organization or international public association, foreign state bodies, foreigners and legal entities, created in accordance with the legislation of another state, as well as the stateless persons, - entails a fine on the candidate for deputy or for another elective post ranging from twenty to fifty, on a legal entity ranging from fifty to one hundred monthly calculation indices with the confiscation of items of the donation.

**Footnote. Article 109 as amended by the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

**Article 109-1. Rendering of services by the individuals and legal entities to the candidates, political parties without their written consent**

Rendering of services by the individuals and legal entities to the candidates, political parties in connection with their pre-election activity without their written consent - entails a fine on the citizens ranging from ten to twenty, on the legal entities in the amount up to fifty monthly calculation indices.

**Footnote. Supplemented by Article 109-1 in accordance with the Law of the Republic of Kazakhstan dated July 9, 2004 No. 583.**

**Article 110. Failure to present or to publish the information on voting results or the election results**

1. Failure to present information of voting results by a chairman of precinct election commission for the familiarization to an authorized delegate of a candidate, a representative of mass media, an observer, that are compulsory for granting in accordance with the legislation of the Republic of Kazakhstan, - entails a fine ranging from five to ten monthly calculation indices.

2. The act is specified by the first part of this Article, which is committed by a chairman of constituency election commission, as well as his/her violation of the term of publication or partial publication of established by the electoral legislation (legislation of republican referendum) of voting results information (republican referendum) entails a fine ranging from fifteen to twenty monthly calculation indices.

3. The act specified by the first part of this Article, and which is committed by a chairman of territorial election commission, as well as his/her violation of the term of publication or partial publication of established by the electoral legislation (legislation of republican referendum) information of voting results on the election (republican referendum), - entails a fine ranging from ten to fifteen monthly calculation indices.

4. The acts specified by the first and third part of this Article, which are committed by a chairman of Central Election Commission of the Republic of Kazakhstan, entails a fine ranging from twenty to twenty five monthly calculation indices.

**Article 110-1. Violation of the conditions of conduct of inquiry of the public opinion, which is connected with the election**

1. Violation of publication procedure of the public opinion inquiry, prediction of voting results, other investigations, which are connected with the election of specified by the legislation of the Republic of Kazakhstan of election, - entails a fine on the citizens in the amount up to fifteen, on the legal entities ranging from twenty to thirty monthly calculation indices.

2. Conduct of inquiry of the public opinion in the day of election indoors or in the item for voting - entails a fine on the citizens ranging from five to ten, on the juridical persons ranging from twenty to twenty five monthly calculation indices.

**Footnote. Supplemented by Article 110-1 in accordance with the Law of the Republic of Kazakhstan dated July 9, 2004 No. 583.**

**Chapter 12. Administrative offences, encroaching upon the rights of the minors**

**Article 111. Non-fulfillment of duties by parents or other lawful representatives in the child-rearing responsibility**

**Footnote. The Title of Article 111 is amended by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 176-IV (the order of enforcement see Art.2).**

1. Non-fulfillment of child-rearing and education responsibility of children of the minority age without the justifiable reasons by parents or other lawful representatives, - entails a fine ranging from five to ten monthly calculation indices.

2. The Acts are specified in the first part of this Article, that resulted in the systematic use of alcoholic beverages, drugs, psychotropic substances by the minors or the engagement in vagrancy or mendicancy, and equally a commission of an act by them, that has evidence of a crime or an intentional administrative offence, - entails a fine on the parents or other lawful representatives in the amount of twenty monthly calculation indices.

**Footnote. Article 111 as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from January 1, 2008); dated 10.07.2009 No. 176-IV (the order of enforcement see Art.2); dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days upon its first official publication).**

**Article 111-1. Involvement of a minor in the perpetration of an administrative offence**

1. Involvement of a minor in the perpetration of an administrative offence, if this act does not have evidence of criminally punishable act, - entails a fine ranging from fifty to one hundred monthly calculation indices.

2. The Act is specified by the first part of this article which is committed repeatedly during a year after the imposition of an administrative penalty, - entails a fine ranging from one hundred to one hundred and fifty monthly calculation indices or an administrative arrest up to fifteen days.

**Footnote. The Chapter is supplemented by Article 111-1 in accordance with the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

### **Article 112. Bringing a minor to the state of drunkenness**

Bringing a minor to the state of drunkenness by parents or other persons,- entails a fine ranging from twenty to fifty monthly calculation indices.

### **Article 112-1. Allowance of the minors to be in the entertaining facilities at night time**

1. Allowance of the minors to be in the entertaining facilities at night time unaccompanied with the lawful representatives (from 22.00 to 6.00 a.m.) entails a fine on the officials of entertaining facilities in the amount of five, on the individual entrepreneurs, legal entities, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations in the amount of twenty five, on the legal entities, who are the subjects of major entrepreneurship in the amount of forty monthly calculation indices.

2. The Acts are specified by the first part of this article, which are committed repeatedly during a year after the imposition of an administrative penalty,- entails a fine on the officials of entertaining facilities in the amount of twenty, on the individual entrepreneurs, legal entities, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations in the amount of fifty, on the entrepreneurs, legal entities, who are the subjects of major entrepreneurship in the amount of one hundred monthly calculation indices with the suspension of the activity or other particulars of activity.

3. The same acts that are committed repeatedly during a year after the expiry of the time of an administrative penalty, that is specified by the second part of this article, entails a fine on the officials of entertaining facilities in the amount of thirty, on the individual entrepreneurs, legal entities, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations in the amount of sixty, on the legal



entities who are the subjects of major entrepreneurship, in the amount of one hundred and twenty monthly calculation indices with the suspension of the activity or particulars of activity.

Footnote. Chapter 12 is supplemented by Article 112-1 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2009 No. 176-IV (the order of enforcement see Art.2).

#### **Article 113. Sale of alcoholic beverages to the minors**

Footnote. Article 113 is excluded by the Law of the Republic of Kazakhstan dated 16.07.2009 No. 186-IV.

#### **Article 114. Sale of tobacco and tobacco products by the persons and to the persons who are under the age of eighteen**

1. Sale of tobacco and tobacco products to the persons and by persons who are under the age of eighteen years, - entails a fine on the individuals in the amount of five, on the officials, individual proprietors, legal entities who are the subjects of small or medium-sized entrepreneurship in the amount of fifteen on the legal entities who are the subjects of major entrepreneurship in the amount of forty five monthly calculation indices.

2. The act is specified by the first part of this article, which is committed repeatedly during a year after the imposition of an administrative penalty, -

entails a fine on the individual in the amount of ten, on the officials, individual entrepreneurs, legal entities who are the subjects of small or medium-sized entrepreneurship in the amount of thirty, on legal entities, who are the subjects of major entrepreneurship in the amount of ninety monthly calculation indices with the suspension of the activity or others of activity.

Footnote. Article 114 is in the wording of the Law of the Republic of Kazakhstan dated 16.07.2009 No. 186-IV.

#### **Article 115. Involvement of minors in the manufacture of products with erotic content**

1. Involvement of the minors in the manufacture of products with erotic content, as well as in the distribution, advertising and sale of products of erotic content, - entails a fine in the amount of fifty monthly calculation indices with the confiscation of specified production of erotic content.

2. The acts specified by the first part of this Article, which are committed repeatedly during a year after the imposition of an administrative penalty, - entails a fine ranging from fifty to one hundred monthly calculation indices with the confiscation of means of production job of erotic content.

Footnote. Article 115 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days upon its first official publication).

**Article 115-1. Sale of the objects and materials of erotic content to the minors**

1. Sale of printed publications, film or video materials, pictures or other things or materials of erotic content, - entails a fine on individuals in the amount of ten, individual proprietors, legal entities who are the subjects of small or medium-sized entrepreneurship in the amount of thirty, on legal entities, who are the subjects of major entrepreneurship, in the amount of fifty monthly calculation indices with the confiscation of things and materials of erotic content.

2. The act specified by the first part of this article, which is committed repeatedly during a year after the imposition of an administrative penalty, -

entails a fine on the individuals in the amount of twenty, individual entrepreneurs, legal entities, who are the subjects of small or medium-sized entrepreneurship, in the amount of fifty, on the legal entities who are the subjects of major entrepreneurship in the amount of one hundred monthly calculation indices with the confiscation of things and materials of erotic content.

Footnote. The Code is supplemented by Article 115-1 in accordance with the Law of the Republic of Kazakhstan dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days upon its first official publication).

**Article 116. Violation of the procedure and time of submission of information about the minors, who are in need of adoption under trusteeship (guardianship), on the child-rearing in a family of individuals**

Violation of the procedure or time of submission of information of the minors who are in need of adoption, under trusteeship (guardianship), on the child-rearing in a family of individuals or presentation of knowingly inaccurate information by the heads of organizations, where children, who have stayed without trusteeship of parents, as well as by the officials of executive agencies of the Republic of Kazakhstan, or other acts, that aimed at the concealment of children from the adoption, under trusteeship (guardianship), on the child-rearing in a family of a individual, - entails a fine ranging from twenty to twenty five monthly calculation indices.

Footnote. Article 116 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 117. Illegal activity on the adoption**

Illegal acts on the adoption of a child, on delivery under trusteeship (guardianship), to a fosterer, - entails a fine ranging from ten to twenty five monthly calculation indices.

### **Chapter 13. Administrative offences, Encroaching upon the property**

#### **Article 118. Violation of a right of governmental property on the land**

Illegal occupancy or exchange of state land plots or the commission of other transactions, in direct or indirect form violating the right of governmental property on the land, as well as the untimely return of temporarily occupied state lands, -entails a fine on the individuals ranging from fifty to seventy five, on the officials, individual entrepreneurs, legal entities, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations, ranging from one hundred to one hundred and fifty, on the legal entities, who are the subjects of major entrepreneurship ranging from five hundred to seven hundred monthly calculation indices.

Footnote. Article 118 is in the wording of the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008); dated 10.07.2009 No. 180-IV.

#### **Article 119. Unwarranted occupancy of the land plots or untimely return of temporarily occupied lands**

(It is excluded by the Law of the Republic of Kazakhstan dated January, 20 2006 No. 123 (shall be enforced from January 1, 2006)

#### **Article 120. Violation of the established approval procedure of land surveying documentation**

Violation of the established approval procedure of the land surveying documentation, and equally illegal making amendments there, - entails a fine on the individuals ranging from one to three, on the officials, individual entrepreneurs, ranging from five to ten, on the legal entities, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations, ranging from thirty to seventy, on the legal entities, who are the subjects of major entrepreneurship, ranging from fifty to one hundred monthly calculation indices.

Footnote. Article 120 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 121. Destruction of special signs**

1. Destruction of land marks of land plots boundaries - entails a fine on the individuals ranging from one to three, on the officials, individual entrepreneurs ranging from five to ten, on the legal entities, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations, ranging from ten to thirty, on the legal entities, who are the subjects of major entrepreneurship, ranging from twenty to fifty monthly calculation indices.

2. Destruction or damage of inspection and observation holes on the underground water, observation cross sections on the water objects, water protection or hydro economic signs, forest surveying or forestry-based signs in a forest area , surveying, geodesic and leveling points and signs, -entails a fine on the individuals ranging from three to five, on the officials, individual entrepreneurs ranging from five to ten, on the legal entities, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations ranging from thirty to seventy, on the juridical persons, who are the subjects of the major entrepreneurship ranging from fifty to one hundred monthly calculation indices.

**Footnote. Article 121 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 122. Violation of a right of Governmental property on the mineral resources**

Illegal use of mineral resources, the commission of transactions, in direct or concealed form, violating the right of governmental property on the mineral resources, if these acts do not have evidence of criminally punishable act,- entails a fine on the individuals ranging from twenty to fifty, on the officials, individual entrepreneurs ranging from fifty to one hundred, on the legal entities, who are the subjects of small or medium-sized entrepreneurship, ranging from one hundred to one hundred and fifty, on the legal entities, who are the subjects of major entrepreneurship, ranging from three hundred to five hundred monthly calculation indices.

**Footnote. Article 122 is in the wording of the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days upon its first official publication).**

#### **Article 123. Selective mining of the fields of natural occurrence**

1. Selective mining of the fields of natural occurrence, that resulted in the deterioration of quality of the left reserves, unjustified above the project and above permitted standards of natural resources losses, - entails a fine on the officials, individual entrepreneurs ranging from eighty to one hundred, on the legal entities, who are the subjects of small or medium-sized entrepreneurship, ranging from one hundred

and fifty to two hundred, on the legal entities who are the subjects of major entrepreneurship in the amount of seven hundred to one thousand monthly calculation indices.

2. Nonobservance of project decisions on the mining of the fields of natural occurrence, that resulted in an infliction of harm to the environment, - entails a fine on the officials, individual entrepreneurs ranging from eighty to one hundred, on the legal entities who are the subjects of small or medium-sized entrepreneurship, ranging from one hundred and fifty to two hundred, on the legal entities who are the subjects of major entrepreneurship ranging from seven hundred to one thousand monthly calculation indices.

**Footnote. Article 123 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 124. Violation of a right of Governmental property on water**

1. Illegal seizure of water objects, illegal water use, assignation of a right of water use, as well as the commission of other transactions, in direct or indirect form violating the right of governmental property on water, -

entails a fine on the individuals ranging from twenty to thirty, on the officials, individual entrepreneurs, legal entities, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations, ranging from forty to sixty, on the legal entities, who are the subjects of major entrepreneurship ranging from three hundred and fifty to four hundred monthly calculation indices.

2. Withdrawal of water, with the violation of limits, illegal production of hydraulic engineering works, thriftless use of underground and subsurface water, extracted or derived from water objects, - entails a fine on the individuals ranging from ten to fifteen, on the officials, individual entrepreneurs, legal entities who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations, ranging from twenty to thirty, on the legal entities, who are the subjects of major entrepreneurship ranging from two hundred and fifty to three hundred monthly calculation indices.

**Footnote. Article 124 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 125. Violation of a right of Governmental property on forest**

Buy-sale, granting, pledge, illegal occupancy and exchange of the fields of a forest area, as well as the illegal assignation of a right of the implementation of forest uses, violating the rights of governmental property on the forests, -

entails a fine on the individuals ranging from five to twenty, on the officials individual entrepreneurs, ranging from ten to twenty five, on the legal entities, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations, ranging from seventy to one hundred and fifty, on the legal entities, who are the subjects of major entrepreneurship, ranging from three hundred to five hundred monthly calculation indices.

**Footnote. Article 125 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 126. Violation of a right of Governmental property on the animal and plant world**

1. Illegal assignation of a right of use of the objects of the animal world, as well as the commission of other transactions, in direct or concealed form violating a right of state property on the animal world, and equally illegal use of the objects of the animal world in the natural reserves and in other natural territories with preferential protection, on use of which obtaining of permission is required, entails a fine on the individuals ranging from five to ten, on the officials, individual entrepreneurs, ranging from ten to twenty five, on the juridical persons, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations, ranging from seventy to one hundred and fifty, on the legal entities, who are the subjects of major entrepreneurship ranging from three hundred to five hundred monthly calculation indices.

2. Illegal assignation of a right to use the objects of the plant world, as well as the commission of other transactions, in direct or concealed form violating the right of governmental property on the plant world, and equally illegal use of the objects of the plant world, on use of which obtaining of permission is required, -

entails a fine on the individuals ranging from five to ten, on the officials, individual entrepreneurs, ranging from ten to twenty, on the legal entities who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations, ranging from fifty to one hundred, on the legal entities, who are the subjects of major entrepreneurship - ranging from one hundred and fifty to three hundred monthly calculation indices.

**Footnote. Article 126 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 127. Illegal connection, use of energy or water**

1. Illegal connection, use of electric and (or) heat energy with the mercenary motives, - entails a fine on the individuals in the amount of fifty, on the officials, individual entrepreneurs, in the amount of one hundred, on the entities, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations,



in the amount of two hundred, on the legal entities, who are the subjects of major entrepreneurship, in the amount of five hundred monthly calculation indices.

2. Illegal connection, use of water with the mercenary motives from water supplies network, and equally illegal connection with sewerage networks, - entails a fine on the individuals in the amount of thirty, on the officials, individual entrepreneurs, in the amount of sixty, on the legal entities, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations, in the amount of one hundred and fifty, on the legal entities, who are the subjects of major entrepreneurship, in the amount of three hundred monthly calculation indices.

**Footnote. Article 127 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2012 No. 25-V (shall be enforced upon expiry of ten calendar days upon its first official publication).**

**Article 128. Violation of rights on the inventions, utility models, industrial patterns, selection achievements, integrated circuit topologies**

1. Illegal use of the invention, utility model, industrial pattern, selection achievement, integrated circuit topologies divulgence without the consent of an author or an applicant party of an essence of invention, utility model, industrial pattern, selection achievement, integrated circuit topologies till the official publication of the information of them, and equally an appropriation of authorship or the coercion to the co-authorship, if these acts do not have evidence of criminally punishable act,- entails a fine on the individuals ranging from twenty to fifty, on the officials, ranging from fifty to one hundred, on the legal entities, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations, ranging from one hundred and fifty to two hundred, on the legal entities, who are the subjects of major entrepreneurship ranging from three hundred to four hundred monthly calculation indices.

2. The acts are specified by the first part of this article, which are committed repeatedly during a year after the imposition of an administrative penalty,- entails a fine on the individuals ranging from fifty to one hundred, on the officials, ranging from one hundred to one hundred and fifty, on the legal entities, who are the subjects of small or medium-sized entrepreneurship or noncommercial organizations, ranging from two hundred to two hundred and fifty, on the legal entities, who are the subjects of major entrepreneurship, ranging from six hundred to seven hundred monthly calculation indices.

**Footnote. Article 128 is in the wording of the Law of the Republic of Kazakhstan dated November 22, 2005 No. 90 (the order of enforcement see Art.2 of the Law). The Article is amended dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

## **Article 129. Violation of copyrights and (or) allied rights**

1. Illegal use of the objects of copyright law and (or) allied rights, and equally acquisition, storage, transportation or production of pirated copies of the objects of copyright law and (or) allied rights, except for the use in the Internet, with the view of sale, appropriation of authorship or the coercion to the co-authorship, if these acts do not have evidence of criminally punishable act, -

entail a fine on the individuals ranging from ten to fifteen, on the officials ranging from twenty to thirty, on the legal entities ranging from one hundred to one hundred and fifty monthly calculation indices with the confiscation of copies of the objects of copyright law and (or) allied rights, as well as the items, which appeared to be the tools of committing of violations.

2. The Acts are specified by the first part of this article, which are committed repeatedly during a year after the imposition of an administrative penalty, entail a fine on the individuals ranging from fifteen to twenty, on the officials ranging from thirty to fifty, on the legal entities ranging from one hundred and fifty to two hundred monthly calculation indices with the confiscation of the copies of the objects of copyright law and (or) allied rights, as well as the items, which appeared to be the tools of committing of violations.

3. Illegal use of the objects of copyright law and (or) allied rights by means of allocation in the Internet with the view of granting of the access to the public, if this act does not have evidence of criminally punishable act, entails a warning.

4. Illegal use of the objects of copyright law and (or) allied rights by means of organization, creation of internet resources for further access to the exchange, storage, transportation of the copies of products and (or) objects of allied rights in electronic format, if this act does not have evidence of criminally punishable act, -

entails a fine on the individuals ranging from ten to fifteen, on the officials ranging from twenty to thirty, on the legal entities, ranging from one hundred to one hundred and fifty monthly calculation indices with the confiscation of copies of the objects of authorship and (or) allied rights, as well as the items, which appeared to be the tools of committing a violation.

5. The acts are specified by the third and fourth parts of this article, which are committed repeatedly during a year after the imposition of administrative penalty, - entail a fine on the individuals ranging from fifteen to twenty, on the officials - ranging from thirty to fifty, on the legal entities, ranging from one hundred and fifty to two hundred monthly calculation indices with the confiscation of the copies of the objects of copyright law and (or) allied rights, as well as the items, which appeared to be the tools of committing a violation.

Footnote. Article 129 is in the wording of the Law of the Republic of Kazakhstan dated 12.01.2012 No. 537-IV (shall be enforced upon expiry of ten calendar days upon its first official publication).

**Article 130. Production of project, prospecting, building, ameliorate and others of work, that create a danger for the existence of historical and cultural monuments**

Production of project, prospecting, building, ameliorative and others of work, which may create a danger for the existence of historical-cultural monuments, without the agreement with the appropriate state bodies of the protection and use of historical-cultural heritage and without the implementation of preliminary activities, which are conducted on the instruction of these bodies, in order to find out the passportization and safety of the monuments; production of land, building and other works in the zones of protection of monuments; as well as the economic activity in these zones without the permission of the appropriate state bodies of the protection of the monuments, non-fulfillment of the instructions of appropriate bodies of the elimination of the violation of the rules on the protection of monuments, which carry out the state control of the protection and use of historical and cultural monuments, -

entail a fine on the individuals ranging from five to ten, on the officials, individual entrepreneurs, legal entities, who are the subjects of small or medium-sized entrepreneurship, ranging from fifty to one hundred, on the legal entities, who are the subjects of major entrepreneurship, ranging from two hundred to two hundred and fifty monthly calculation indices with the suspension of producible works or without it.

Footnote. Article 130 as amended by the Laws of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006); dated July 21, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

**Article 131. Passage over the crops or the plantation**

1. Passage over the bally crops or the plantation on the automobile or on the field-engine, combine harvester or another self-propelled vehicle, -

entails a fine ranging from three to ten monthly calculation indices.

2. Passage over the bally crops or the plantation on the cartage entails a fine ranging from one to five monthly calculation indices.

**Article 132. Damage of bally crops, risks, spoiling or destruction of harvested crop that are situated in the field, damage of the plantation**

(It is excluded by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 133. Unwarranted haying**

(It is excluded by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 134. Illegal penetration to the foreign land plot**

(It is excluded by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 134-1. Nonobservance of the return period of the State land grants**

Nonobservance of the return period of the state land grants, which are established by the legislation of the investments, - entails a fine on the legal entities, who are the subjects of small or medium-sized entrepreneurship, ranging from three hundred to four hundred, on the legal entities, who are the subjects of major entrepreneurship, ranging from one thousand to two thousand monthly calculation indices.

Footnote. Article 134-1 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006). The Article is amended dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

**Article 135. Destruction or damage of strange property**

Footnote. The Article is excluded by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 135-1. Non-fulfillment and (or) improper performance of the duties of safety ensuring by an official and a head of the organization and preservation of objects (property) entrusted to them**

1. Non-fulfillment of duties of safety measures of the necessary level, and preservation of strategic objects and the objects of vital infrastructures of the Republic of Kazakhstan entrusted to non-state body, of especial importance and (or) improper performance by an official, and equally by a head of the organization, if these acts do not have evidence of criminally punishable act, - entails a fine ranging from five to ten monthly calculation indices.

2. Acts (inaction), specified by the first part of this Article, which are committed repeatedly during a year after the imposition of an administrative penalty, - entail a fine ranging from ten to thirty monthly calculation indices.

Footnote. Supplemented by Article 135-1 in accordance with the Law of the Republic of Kazakhstan dated December 5, 2006 No. 506; as amended dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006); dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

## **Article 136. Pilferage of strange property**

1. Pilferage of the strange property, that belongs on the basis of the right of ownership to the organization or being under its supervision, which is committed by means of theft, deceitful practices, embezzlement, misapplication, - entails a fine in the amount up to fifteen monthly calculation indices, and if application of this measure shall be admitted to be insufficient for the circumstances of the matter-administrative arrest for a period up to ten days.

2. Pilferage, which is committed:

1) by a group of persons;

2) repeatedly;

3) with the illegal entry into living, office or industrial premise or a storage, - entails a fine in the amount up to twenty five monthly calculation indices or administrative arrest for a period up to fifteen days.

Explanatory notes.

1. Theft of the strange property is admitted to be a pilferage, if the cost of the stolen property does not exceed tenfold amount of monthly calculation index, which is established by the legislation.

2. Pilferage is admitted to be repeated, if it was preceded by the commission of one or more administrative offences, that are specified by this article, or if the pilferage is committed by a person, who has a criminal record for the commission of crimes which are specified by the Articles 177-183, 250, 256 or 261 of the Criminal Code of the Republic of Kazakhstan.

### **Article 136-1. Infliction of property damage by means of false pretence or abuse of trust**

Infliction of property damage to the owner or another proprietor of the property by means of false pretence or abuse of trust without the evidence of embezzlement, - entails a fine ranging from one hundred to three hundred monthly calculation indices or administrative arrest up to forty five days.

**Footnote. The Code is supplemented by Article 136-1 in accordance with the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days upon its first official publication).**

### **Article 136-2. Negligent destruction or damage of strange property**

Negligent destruction or damage of strange property, that is negligently committed and resulted in a large-scale damage, - entails a fine ranging from one hundred to three hundred monthly calculation indices or an administrative arrest up to forty five days.

Explanatory note. A large-scale damage is admitted as the cost of the property or extent of damage five hundredfold times exceeding a monthly calculation index in this Article.

Footnote. The Code is supplemented by Article 136-2 in accordance with the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days upon its first official publication).

#### **Chapter 14. Administrative offences in the sphere of entrepreneurial activity**

**Article 137. Engagement in entrepreneurial or another activity, as well as the implementation of actions (operations) without appropriate special permission, qualification certificate (document)**

(It is excluded by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 138. Illegal bank operations**

(It is excluded by the Law of the Republic of Kazakhstan of January, 20 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 139. Violation of the rules and norms of licensing**

(It is excluded by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006)

**Article 140. Violation of the rules of exportation or shipment of raw products, food and manufactured goods outwards the Republic of Kazakhstan**

1. Violation of the rules of exportation or dispatch of raw products, food and manufactured goods outwards the Republic of Kazakhstan, - entails a fine on the individuals in the amount up to five, on the officials, individual entrepreneurs, - in the amount up to ten, on the legal entities, who are the subjects of small or medium-sized entrepreneurship in the amount up to thirty, on the legal entities who are the subjects of major entrepreneurship in the amount up to fifty monthly calculation indices.

2. The acts specified by the first part of this Article, which are committed repeatedly during a year after the imposition of an administrative penalty, - entail a fine on the individuals in the amount up to ten, on the officials, individual entrepreneurs - in the amount up to fifteen, on the legal entities, who are the subjects of small or medium-sized entrepreneurship, in the amount up to forty, on the legal entities who are the subjects of major entrepreneurship in the amount up to sixty monthly calculation indices with the confiscation of raw products or the goods or without it.

Footnote. Article 140 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 141. Violation of the rules of acceptance of raw products, food and manufactured goods for sent outside the Republic of Kazakhstan**

Violations of the rules of acceptance of raw products, food and manufactured goods for the dispatch outwards the Republic of Kazakhstan, which is committed by the officials of post organizations, railway, automobile, river, sea and air transport, - entails a fine ranging from five to ten monthly calculation indices.

**Article 141-1. Illegal transportation, purchase, sale and storage of oil, oil products and oil refining**

1. Transportation, purchase, sale, storage of oil and oil products, and oil refining without documents, legitimating its origin, and do not contain elements of a criminal offence - entails a fine for individuals in the amount of a hundred, and for legal entities and individual entrepreneurs - in the amount of one hundred and fifty, for legal entities of small and medium enterprises - in the amount of three hundred, for legal entities of a large enterprise - in the amount of five hundred monthly calculation indices.

2. Actions, specified in the first part of this Article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals in the amount of one hundred and fifty, and for legal entities and individual entrepreneurs - in the amount of two hundred, for legal entities of small and medium business - in the amount of four hundred, for legal entities of a large enterprise - in the amount of eight hundred monthly calculation indices.

Footnote. The Code is supplemented by Article 141-1 in accordance with the Law of the Republic of Kazakhstan dated 06.10.2010 No. 343-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 142. Violation of the rules for obtaining, keeping the precious metals and stones or products containing them, as well as collection and delivery of their scrap and waste to the state fund**

(Is excluded by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 143. Illegal enterprise**

Implementation of entrepreneurial activity without registration or without a special permit (license) in the cases, where such permission (license) is required, or in violation of the license conditions, as well as occupation of the prohibiteds of business



activities, if these acts have caused major harm to a citizen, organization, or government or involve the profit-making on a large scale, or the production, storage, transportation or sale of excisable goods in a significant size, if these actions do not contain elements of a criminal offence - entails a fine for individuals, government officials, entrepreneurs, legal entities of small and medium-sized enterprises - in the amount of thirty, for legal entities of a large enterprise - in the amount of fifty percent of the amount of the damage, the amount of profit and value of excisable goods produced in the illegal business.

Note.

1. As a major damage in Articles 143 and 143-2 of this Code is the damage caused to an individual in the amount not exceeding one thousand monthly calculation indices, or damage to the organization or to the state in the amount not to exceeding ten thousand monthly calculation indices.

2. Income on a large scale in Articles 143 and 143-2 of this Code shall be the income, the amount of which does not exceed ten thousand monthly calculation indices

3. In this Article, as a considerable amount is recognized a number of products, the value of which does not exceed one thousand monthly calculation indices.

**Footnote. Article 143 is in the wording of the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 143-1. Engagement in entrepreneurial activity of the person, who is banned to implement such activities by the legislation of the Republic of Kazakhstan**

Engagement in entrepreneurial activity of the person, who is banned to implement such activities by the legislation of the Republic of Kazakhstan - entails a fine for individuals in the amount of two hundred monthly calculation indices with the confiscation of goods and (or) the instrumentalities of administrative offences and (or) income (dividends), money, securities received as a result of the offence.

**Footnote. Chapter 14 is supplemented by Article 143-1 in accordance with the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).**

#### **Article 143-2. Illegal banking**

Banking activities (banking operations) without registration or without a special permit (license) in the cases, where such permission (license) is required, or in violation of the license conditions, which caused major harm to a citizen, organization, or government or connected with the generation of income in a large amount, if this

action does not contain elements of a criminal offence - entails a fine for individuals, government officials, entrepreneurs, legal entities of small and medium-sized enterprises - in the amount of thirty, for legal entities of a large enterprise - in the amount of fifty percent of the amount of the damage, the amount of profits, obtained as a result of illegal activity.

Footnote. Chapter 14 is supplemented by Article 143-2 in accordance with the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 144. Violation of the rules of public display of film and video works**

Violation of the rules of public display of film and video works, expressed in non-compliance with specified display time and category of the viewers - entails a fine for individuals, government officials, entrepreneurs, legal entities of small and medium-sized business in the amount of ten to twenty-five, and for legal entities of a large enterprise - in the amount of thirty to one hundred monthly calculation indices.

Footnote. Article 144 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 144-1. Deliberately false advertising**

Using by advertiser in the advertising the false information about goods, works or services, as well as their producers, performers or vendors, committed for reasons of greed and caused large damage - entails a fine for individuals, officials, entrepreneurs in the amount of one hundred to three hundred monthly calculation indices or administrative arrest for up to forty-five days, and for legal entities of small and medium enterprise - by a fine in the amount of two hundred to five hundred monthly calculation indices, for legal entities of a large-scale enterprise - by a fine in the amount of five hundred to one thousand monthly calculation indices.

Note. As large damage in this Article recognizes the damage caused to an individual in the amount exceeding one hundred times the monthly calculation index, or damage to the organization or the state in the amount exceeding five hundred times the monthly calculation index.

Footnote. The Code is supplemented by Article 144-1 in accordance with the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 145. Illegal use of somebody's trademark, service mark or appellation of origin or a company name**

1. Illegal use of somebody's trademark, service mark or appellation of origin or a similar labeling for similar goods or services, as well as the illegal use of another's trade name, if these actions do not contain elements of a criminal offence - entails a fine for individuals in the amount of ten to thirty, for officials - in the amount of thirty to fifty, for legal entities - in the amount of fifty to one hundred monthly calculation indices with the confiscation of the goods, containing the illegal image of the trademark, service mark, name of origin or a similar labeling for similar goods or services.

2. The same actions, if repeated within a year after the imposition of an administrative penalty, provided by first part of this Article - entails a fine for individuals in the amount of thirty to fifty, for officials - in the amount of fifty to one hundred, for legal entities - in the amount of one hundred to two hundred monthly calculation indices with the confiscation of the goods containing the illegal image of the trademark, service mark, name of origin or a similar labeling for similar goods or services.

Note:

1. Confiscation for offences, provided in this article shall be made in the case of failure of destruction of the image of trademark or appellation of origin of the product, its packaging, forms or other documentation of the illegally used trademark or appellation of origin, as well as a labeling similar to it to the point of confusion.

2. The goods, confiscated in accordance with the first and second parts of this Article shall be destroyed in the manner prescribed by Article 628 of this Code, except for their transfer to the right holder at his (her) request.

**Footnote.** Article 145 is in the wording of the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

#### **Article 146. Failure to provide or late provision of the information on entrepreneurial activity**

(Is excluded by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 146-1. Avoidance of satisfaction of the accounts payable**

Willful avoidance of a head of the organization or a citizen from satisfaction of the accounts payable on a large scale, after the entry into force of the court decision - entails a fine in the amount of one hundred to three hundred monthly calculation indices or an administrative arrest for up to forty-five days.

Note. As account payable on a large scale is recognized a debt of a citizen exceeding five hundred monthly calculation indices and debt of the organization exceeding two thousand five hundred monthly calculation indices.

Footnote. The Code is supplemented by Article 146-1 in accordance with the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 147. Monopolistic activity**

1. Anticompetitive agreements of the market entities, prohibited by legislative acts of the Republic of Kazakhstan in the field of competition and restriction of monopolistic activity, if these actions do not contain elements of a criminal offence - entails a fine for officials, entrepreneurs in the amount of one hundred and fifty monthly calculation indices, for legal entities of small and medium enterprises - in the amount of five, for legal entities of a large enterprise - in the amount of ten percent of income (revenue) obtained as a result of monopolistic activity, with the confiscation of the monopolistic income, earned as a result of the monopolistic activity for no more than one year, or without it.

2. Anticompetitive concerted actions of the market entities, prohibited by legislative acts of the Republic of Kazakhstan in the field of competition and restriction of monopolistic activity, if these actions do not contain elements of a criminal offence - entails a fine for officials, entrepreneurs in the amount of one hundred and fifty monthly calculation indices, for legal entities of a small or medium business - in the amount of five, for legal entities of a large enterprise - in the amount of ten percent of income (revenue), obtained as a result of monopolistic activity, with the confiscation of the monopolistic income earned as a result of the monopolistic activity for no more than one year, or without it.

3. Abuse of the market entities by their dominant or monopoly position prohibited by legislative acts of the Republic of Kazakhstan in the field of competition and restriction of monopolistic activity, if these actions do not contain elements of a criminal offence - entails a fine for officials, entrepreneurs in the amount of one hundred and fifty monthly calculation indices, for legal entities of small and medium enterprises - in the amount of five, for legal entities of a large enterprise - in the amount of ten percent of income (revenue), obtained as a result of monopolistic activity, with the confiscation of the monopolistic income earned in a result of the monopolistic activity for no more than one year, or without it.

4. The actions specified in the first, second and third parts of this Article, if committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for officials, entrepreneurs in the amount of three hundred monthly calculation indices, for legal entities of small and medium enterprises - in the amount

of ten, for legal entities of a large enterprise - in the amount of twenty percent of the income (revenue), obtained as a result of monopolistic activity, with the confiscation of the monopolistic income earned as a result of the monopolistic activity for no more than one year.

Note.

Market entity, who has committed an administrative offence in the form of anti-competitive agreements or anticompetitive concerted actions, may be dismissed by judge from the confiscation of monopolistic revenue in comprehensive compliance with the following conditions:

1) by the time when the market entity said to anti-monopoly authority on anti-competitive agreements and concerted actions, anti-monopoly authority has not received information on these anti-competitive agreements and concerted actions from other sources;

2) the market entity takes the urgent actions to stop his (her) participation in anti-competitive agreements and concerted actions;

3) the market entity reports the complete information about the facts of anti-competitive agreements or concerted action throughout the investigation from the time of the application;

4) voluntary compensation of the market entity the damage to the consumers, caused as a result of anti-competitive agreements or concerted actions.

**Footnote. Article 147 is in the wording of the Law of the Republic of Kazakhstan dated 25.12.2008 No. 113-IV (shall be enforced from 01.01.2009).**

#### **Article 147-1. Violation of the legislation of the Republic of Kazakhstan on the state monopoly**

1. Non-compliance by the entity of the state monopoly with the restrictions established by the legislation of the Republic of Kazakhstan on the state monopoly - entails a fine to the entity of the state monopoly in the amount of two hundred to three hundred monthly calculation indices.

2. Implementation of the activities, related to the state monopoly, by an unauthorized person - entails a fine for individuals in the amount of one hundred, for legal entities and individual entrepreneurs in the amount of one hundred and twenty-five, for legal entities of small and medium enterprises in the amount of two hundred, for legal entities of large-scale enterprises in the amount of three hundred monthly calculation indices with the confiscation of items and (or) implements of an administrative offence or without it.

**Footnote. Chapter is supplemented by Article 147-1 in accordance with the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from**

01.01.2006) as amended by the Law of the Republic of Kazakhstan dated 21.01.2010 No. 242-IV (the order of enforcement see Article 2).

#### **Article 147-2. Unlawful actions of market entities in economic concentration**

Economic concentration of the market entities without permitting of anti-monopoly authority, if such permission is necessary, non-fulfillment by the market entities involved in the economic concentration, the requirements and liabilities, which were subject to the decision granting the permit for economic concentration - entails a fine for individuals in the amount of fifty to one hundred, and for legal entities and individual entrepreneurs - in the amount of two hundred and fifty to three hundred, for legal entities of small and medium-sized business - in the amount of three hundred fifty to four hundred, for legal entities of a large enterprises - in the amount of one thousand five hundred to two thousand monthly calculation indices.

Footnote. Chapter is supplemented by Article 147-2 in accordance with the Law of the Republic of Kazakhstan dated July 7, 2006 No. 174.

#### **Article 147-3. Non-fulfillment of the order issued by the anti-monopoly authority. Breach of obligations on supplying information and creation barriers to entry to the premises and territory**

Footnote. Title of Article 147-3 as amended by the Law of the Republic of Kazakhstan dated 25.12.2008 No. 113-IV (shall be enforced from 01.01.2009).

Non-fulfillment or partial fulfillment of the order, failure to provide information or providing incomplete information to the anti-monopoly authority within a prescribed period of time, providing misleading and (or) false information to the anti-monopoly authority, obstruction to the officials of the anti-monopoly authority, conducting the investigation in access to premises and territory - entails a fine for individuals in the amount of fifty to one hundred, and for legal entities and individual entrepreneurs - in the amount of two hundred and fifty to three hundred, for legal entities of small and medium-sized business - in the amount of three hundred fifty to four hundred, for legal entities of a large enterprise - in the amount of one thousand five hundred to two thousand monthly calculation indices.

Footnote. Chapter is supplemented by Article 147-3 in accordance with the Law of the Republic of Kazakhstan dated July 7, 2006 No. 174 as amended by the Law of the Republic of Kazakhstan dated 25.12.2008 No. 113-IV (shall be enforced from 01.01.2009).

#### **Article 147-4. Anticompetitive actions of the state bodies, unfair competition**



1. Anticompetitive actions of the state bodies - shall be punished by a fine for officials in the amount of three hundred to four monthly calculation indices.

2. Unfair competition - shall be punished by a fine for individual entrepreneurs in the amount of two hundred and fifty to three hundred, for legal entities of small and medium enterprises - in the amount of two hundred and fifty to three hundred, for legal entities of a large enterprise - in the amount of one thousand to one thousand five hundred monthly calculation indices.

3. Action, specified by second part of this article, committed repeatedly within a year after the imposition of an administrative penalty - shall be punished by a fine for officials, entrepreneurs, legal entities of small and medium-sized business - in the amount of three hundred fifty to four hundred, and for legal entities of a large enterprise - in the amount of one thousand five hundred to two thousand monthly calculation indices.

Footnote. Chapter is supplemented by Article 147-4 in accordance with the Law of the Republic of Kazakhstan dated July 7, 2006 No. 174 as amended by the Law of the Republic of Kazakhstan dated 25.12.2008 No. 113-IV (shall be enforced from 01.01.2009).

#### **Article 147-5. Violation of the legislation of the Republic of Kazakhstan on natural monopolies and regulated markets**

1. Failure to provide of natural monopoly entities to the authority carrying out the management of natural monopolies and regulated markets, the information, report, notices of established forms, as well as providing information, reports, notices of established forms with violation of set time - entails a fine for individual entrepreneurs in the amount of two hundred, for legal entities of small and medium enterprise - in the amount of three hundred, for legal entities of a large enterprise - in the amount of one thousand monthly calculation indices.

2. The same actions (inaction), committed repeatedly within a year after the imposition of an administrative penalty under part one of this article - entails a fine for individual entrepreneurs in the amount of two hundred and fifty and for legal entities of a small and medium enterprise - in the amount of three hundred and fifty, for legal entities of a large enterprise - in the amount of one thousand five hundred monthly calculation indices.

3. Failure to comply of a natural monopoly holder with the restrictions, as well as non-performance or improper performance by a natural monopoly holder of the duties, established by the legislation of the Republic of Kazakhstan on natural monopolies and regulated markets, except for the obligation to provide to the authority carrying out the management of natural monopolies and regulated markets, the information, report, notices - entails a fine for individual entrepreneurs in the amount of three hundred, for

legal entities of small and medium-sized business - in the amount of four hundred, for legal entities of a large enterprise - in the amount of two thousand monthly calculation indices.

4. Actions (inaction), provided by third part of this article, resulting in acquisition of income (revenues) -entails a fine for individual entrepreneurs and legal entities in the amount of ten percent of income (revenue) obtained as a result of an administrative offence.

Note. Under the income (revenue), obtained as a result of an administrative offence , means the difference between the income (revenues) received by a holder of natural monopoly, and the income (revenue), which could receive a holder of natural monopoly in compliance with the legislation of the Republic of Kazakhstan.

Footnote. Chapter is supplemented by Article 147-5 in accordance with the Law of the Republic of Kazakhstan dated July 7, 2006 No. 174; Article is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2008 No. 116-IV (shall be enforced from 01.01.2009).

Note of the RCLI! (Republican Center of Legal Information)

Title of Article 147-6 as amended by the Law of the Republic of Kazakhstan dated 04.07.2012 No. 25-V (shall be enforced from 01.01.2016).

#### **Article 147-6. Violation of the order of realization (sale) of the electricity**

Note of the RCLI!

Paragraph 1 is as amended by the Law of the Republic of Kazakhstan dated 04.07.2012 No. 25-V (shall be enforced from 01.01.2016).

1. Realization (sale) by energy producing company the electrical energy, except the realization (sale) in the spot trades (no more than ten percent of the amount of electricity generated by them), balancing market and for export, according to tariff exceeding the limit, the individual, the estimated rate of electrical energy -entails a fine for legal entities in the amount of ten percent of income (revenue) obtained as a result of an administrative offence.

Note of the RCLI!

Article 147-6 is supplemented by paragraph 1-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2012 No. 25-V (shall be enforced from 01.01.2016).

2. Realization (sale) by energy producing company the electrical energy to individuals and legal entities, that are not subjects of wholesale and (or) retail market, except for export of electricity -entails a fine for legal entities in the amount of one hundred percent of the amount of income (revenue) obtained as a result of an administrative offence.

2-1. Illegal acquisition (purchase) of energy producing company the electrical energy from other energy producing companies - entails a fine for legal entities of medium and large business - in the amount of one hundred percent of the amount of payment for electricity, purchased (bought) as a result of an administrative offence.

**Note of the RCLII!**

Article 147-6 is supplemented by paragraphs 2-2, 2-3 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2012 No. 25-V (shall be enforced from 01.01.2016).

3. Illegal realization (sale) by energy producing company the electrical energy to another energy producing company, as well as its illegal acquisition (purchase) from the energy producing company - entails a fine for legal entities in the amount of one hundred percent of the amount of payment for electricity sold (sold), as well as acquired (bought) as a result of an administrative offence.

Notes. Under the income (revenue) obtained as a result of an administrative offence , means:

**Note of the RCLII!**

paragraph as amended by the Law of the Republic of Kazakhstan dated 04.07.2012 No. 25-V (shall be enforced from 01.01.2016).

for the first part of this article: the difference between the income (revenue) obtained by energy producing company, except in cases provided by this Article, and income (revenue), calculated, respectively, to limit, estimated, individual tariff of electricity;

**Note of the RCLII!**

paragraph as amended by the Law of the Republic of Kazakhstan dated 04.07.2012 No. 25-V (shall be enforced from 01.01.2016).

for the second, 2-1 and third parts of this Article: all the income (revenue) received as a result of violations of the prohibition on the realization (sale) of electricity, established by the legislation of the Republic of Kazakhstan on electricity.

The composition of income (revenue) should be included the cost of realized (sold) electricity, but not paid on the day of drawing up the protocol on administrative offence.

**Footnote.** Chapter 14 is supplemented by Article 147-6 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2008 No. 116-IV (shall be enforced from 01.01.2009) as amended by the Law of the Republic of Kazakhstan dated 04.07.2012 No. 25-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 147-7. Breach of duties by subjects of regulated market**

1. Failure to submit by subject of the regulated market the information about the selling prices accompanied by supporting materials, confirming the price level, the financial statements in accordance with the laws of the Republic of Kazakhstan on accounting and financial reporting, as well as information on the volume of production (sales), the level of profitability and sales prices exclusively produced ( sold) goods ( works, services) within the period specified by the legislation of the Republic of Kazakhstan on natural monopolies and regulated markets, as well as providing false and (or) incomplete information to the authority carrying out the management of natural monopolies and regulated markets - entails a fine for entrepreneurs in the amount of three hundred, for legal entities of small and medium-sized business - in the amount of four hundred, for legal entities of a large enterprise - in the amount of two thousand monthly calculation indices.

1-1. Failure to perform by entities of the regulated market the investment programs (projects), recorded in limit pricing -entails a fine for individual entrepreneurs and legal entities in the amount of ten percent of the amount not used for implementation of the investment programs (projects).

1-2. Failure to perform by entities of the regulated market the duties to return income (revenue) obtained and not used for the implementation of the investment programs (projects), recorded in limit prices to consumers or in case of impossibility of establishment of a full range of customers by reducing the maximum price for oncoming period in accordance with the pricing - entails a fine for individual entrepreneurs and legal entities in the amount of one hundred percent of the amount of income (revenue) obtained as a result of an administrative offence.

1-3. Failure to perform by entities of the regulated market the duties to return of the income (revenue) resulting from unreasonable exceeding the maximum price to consumers or in case of impossibility of establishment of a full range of customers by reducing the maximum price for oncoming period in accordance with the pricing - entails a fine for individual entrepreneurs and legal entities in the amount of one hundred percent of the amount of income (revenue) obtained as a result of an administrative offence.

2. Increasing the price and sale of goods (works, services) by entity of the regulated market without submitting to the authority carrying out the management of natural monopolies and regulated markets, a notification of the impending increase in the price in the period established by the legislation of the Republic of Kazakhstan, as well as no reduction of the current or projected prices to price level determined by the authorized body carrying out the management of natural monopolies and regulated markets, in accordance with the legislation of the Republic of Kazakhstan on natural monopolies

and regulated markets - entails a fine for individual entrepreneurs and legal entities in the amount of ten percent of income (revenue) obtained as a result of an administrative offence.

Note.

Under the income (revenue) obtained as a result of an administrative offence, means:

1-2 part of this article: the difference between the income (revenues) received by the entity of the regulated market for implementation of investment programs (projects ) through the application of the reference price, and the income (revenue) used for the implementation of investment programs (projects);

1-3 part of this article: the difference between the income (revenue) received by the entity of the regulated market, and the income (revenue), formed on the basis of the level of the reference price;

on the second part of this article: the difference between the income (revenue) received by the entity of the regulated market, and the income (revenue), calculated at the price in effect before the increase, or at a price the level which is determined by the authorized body carrying out the management of natural monopolies and regulated markets.

The composition of income (revenue) should be included the cost of goods sold ( services), but not paid on the date of drawing up the protocol of an administrative offence.

Footnote. Chapter 14 is supplemented by Article 147-7 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2008 No. 116-IV (shall be enforced from 01.01.2009) as amended by the Law of the Republic of Kazakhstan dated 04.07.2012 No. 25-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 147-8. Failure to comply of the entity of the regulated market with the pricing procedure**

Failure to comply of the entity of the regulated market with pricing procedure established by the Government of the Republic of Kazakhstan - entails a fine for individual entrepreneurs in the amount of three hundred, for legal entities of small and medium-sized business - in the amount of four hundred, for legal entities of a large enterprise - in the amount of two thousand monthly calculation indices.

Footnote. Chapter 14 is supplemented by Article 147-8 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2008 No. 116-IV (shall be enforced from 01.01.2009).

Note of the RCLI!

Article 147-9 is excluded by the Law of the Republic of Kazakhstan dated 04.07.2012 No. 25-V (shall be enforced from 01.01.2017).

**Article 147-9. Non-performance of energy producing company of the investment program**

Non-performance of energy producing company of the regulations on the investment program, introduced by the authorized body governing of natural monopolies and regulated markets, - entails a fine in the amount of ten percent of the amounts received from customers and not used for the implementation of the investment program.

Footnote. Chapter 14 is supplemented by Article 147-9 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2008 No. 116-IV (shall be enforced from 01.01.2009).

**Article 147-10. Violation of the legislation of the Republic of Kazakhstan on the state regulation of the production circulation of biofuel**

1. The excess by the producers of biofuel of the quota rules for the purchase of raw materials for its subsequent processing into biofuel -entails a fine for legal entities of small and medium enterprises in the amount of three hundred and forty, for legal entities of a large enterprise - in the amount of one thousand five hundred seventy monthly calculation indices.

2. Actions, specified in the first part of this article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for legal entities of small and medium enterprises, in the amount of three hundred and ninety, for legal entities of a large enterprise - in the amount of one thousand eight hundred twenty monthly calculation indices with the confiscation of products produced from food raw materials in the amount exceeding the quota, and with the suspension of the production of biofuels for up to six months.

3. Using as food raw material of wheates 1 and 2 in the production of biofuels, - entails a fine for legal entities of small and medium enterprise in the amount of two hundred, for legal entities of a large enterprise - in the amount of seven hundred and fifty monthly calculation indices.

4. The sale of biofuel, the composition of which is not consistent with the composition established by technical regulations -entails a fine for legal entities of small and medium enterprise - in the amount of three hundred, for legal entities of a large enterprise - in the amount of seven hundred and fifty monthly calculation indices.

5. Production of circulation of undenatured bioethanol, except the cases of its delivery to the plant for the production of biofuel, or to a refinery for processing into other biofuel, - entails a fine for legal entities of small and medium enterprises, in the



amount of three hundred, for legal entities of a large enterprise - in the amount of seven hundred and fifty monthly calculation indices.

6. The production of biofuel by two or more producers of biofuel in the same factory for the production of biofuel - entails a fine for legal entities of small and medium enterprises - in the amount of one hundred, for legal entities of a large enterprise - in the amount of seven hundred and fifty monthly calculation indices.

7. Production of biofuel by producers of biofuel without a passport of production, without controlling devices of volume accounting of biofuel or during their defect - entails a fine for legal entities of small and medium enterprises - in the amount of two hundred and twenty, for legal entities of a large enterprise - in the amount of seven hundred and thirty monthly calculation indices with the confiscation of products produced in that period.

8. Admission by producers of biofuel of food raw material, which is genetically modified source (object) or containing genetically modified sources (objects) without scientifically based confirmation of their safety and of their registration entails a fine for legal entities of small and medium-sized enterprises - in the amount of two hundred fifty, for legal entities of a large enterprise - in the amount of nine hundred forty monthly calculation indices.

9. Sale of biofuel by biofuel producers without filing accompanying note - entails a fine for legal entities of small and medium enterprises - in the amount of two hundred and seventy, for legal entities of a large enterprise - in the amount of seven hundred ten monthly calculation indices.

10. Sale of biofuel by biofuel producers to persons, who are not engaged in the production of biofuel and (or) are not licensed for compounding petroleum products, except for export of biofuel with the relevant documents - entails a fine for legal entities of small and medium enterprises - in the amount of three hundred, for legal entities of a large enterprise - in the amount of nine hundred ninety monthly calculation indices with the confiscation of biofuel in an amount equal to the realized lot.

11. Delivery of produced biofuel by biofuel producers to store to non-participants of the biofuel market, except for export of biofuel with the relevant documents - entails a fine for legal entities of small and medium enterprises - in the amount of two hundred and twenty, for legal entities of large enterprise - in the amount of sixty-six monthly calculation indices with the confiscation of biofuel, in an amount equal to the realized lot.

12. Storage of biofuel by non-participants of biofuel market and (or) persons who are not licensed for compounding petroleum products, except for export of biofuel with the relevant documents - entails a fine for legal entities of small and medium

enterprises - in the amount of one hundred seventy, for legal entities of a large enterprise - in the amount of two hundred sixty monthly calculation indices with the confiscation of biofuel in an amount equal to the realized lot.

13. Actions, provided by seventh, eighth, ninth, tenth, eleventh parts of this article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for legal entities of small and medium enterprises - in the amount of four hundred, and for legal entities of a large enterprise - in the amount of one thousand three hundred monthly calculation indices with the confiscation of biofuel in their corresponding share.

14. Actions, provided by twelfth part of this article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for legal entities of small and medium enterprises - in the amount of two hundred and forty, for legal entities of a large enterprise - in the amount of four hundred thirty monthly calculation indices.

**Footnote. The Code is supplemented by Article 147-10 in accordance with the Law of the Republic of Kazakhstan dated 15.11.2010 No. 352-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication).**

#### **Article 147-11. Violation of the legislation of the Republic of Kazakhstan on gas and gas supply**

1. Failure to provide of the subject of gas supply systems with the information for the production, transportation (transfer), storage and sale of commercial, liquefied oil and (or) liquefied natural gas, as well as submission of information with violation of the set time - entails a fine for entrepreneurs, legal entities of small and medium-sized enterprises - in the amount of fifty, for legal entities of a large enterprise - in the amount of one hundred monthly calculation indices.

2. Failure to comply with the restrictions on the operation of objects of gas supply systems, established by the legislation of the Republic of Kazakhstan on gas and gas supply, - entails a fine for entrepreneurs, legal entities of small and medium enterprises - in the amount of one hundred, for legal entities of a large enterprise - in the amount of three hundred monthly calculation indices.

3. Violation of accounting and (or) sale of commercial and (or) liquefied petroleum gas, established by the legislation of the Republic of Kazakhstan on gas and gas supply - entails a fine for entrepreneurs, legal entities of small and medium-sized enterprises - in the amount of one hundred to one hundred and fifty, for legal entities of a large enterprise - in the amount of five hundred to seven hundred monthly calculation indices.

4. Violation by a subsurface user of the priority right of the state to purchase crude and (or) commercial gas - entails a fine for legal entities in the amount of one thousand monthly calculation indices.

5. Violation by the owner of the facility of gas supply systems of the priority right of the state to acquire the facilities of standard supply system of commercial gas, shares in the common property on the facilities of standard supply system of commercial gas and (or) blocks of shares (shares) of legal entities-the owner of the standard supply system of commercial gas - entails a fine for legal entities in the amount of one thousand monthly calculation indices.

6. Failure to comply of the subjects of the standard supply system of commercial gas with the established technological modes of operation of the facilities of standard supply system of commercial gas - entails a fine for entrepreneurs, legal entities of small and medium enterprises - in the amount of two hundred, for legal entities of a large enterprise - in the amount one thousand fifty hundred monthly calculation indices

7. Action, provided by the third part of this Article, which entails to acquisition of income (revenue) - entails a fine for individual entrepreneurs and legal entities in the amount of thirty percent of income (revenue), obtained as a result of an administrative offence with the suspension or deprivation of the certificate of accreditation.

Note. The income (revenue) obtained as a result of an administrative offence means the difference between the income (revenues) received by an individual entrepreneur or legal entity, who has committed an administrative offence, and the income (revenue) that an individual entrepreneur or legal entity should have received in compliance with the legislation of the Republic of Kazakhstan.

**Footnote. Chapter 14 is supplemented by Article 147-11 in accordance with the Law of the Republic of Kazakhstan dated 09.01.2012 No. 533-IV (the order of enforcement see Art. 2).**

**Article 147-12. Exceeding the limit prices of sale of oil products, commercial and liquefied petroleum gas, for which is set the state regulation of prices**

1. Exceeding by the retailers of oil products the maximum retail prices of oil products, established in accordance with the laws of the Republic of Kazakhstan on the state regulation of production and circulation of certain oil - entails a fine for entrepreneurs, legal entities of small and medium enterprises - in the amount of two hundred, for legal entities of a large enterprise - in the amount of one thousand monthly calculation indices.

2. Exceeding of the persons, engaged in wholesale trade of commercial or liquefied petroleum gas, the limit prices of wholesale trade established in accordance with the laws of the Republic of Kazakhstan on gas and gas supply - entails a fine for legal

entities of small and medium-sized enterprises - in the amount of two hundred to three hundred, for legal entities of a large enterprise - in the amount of one thousand to two thousand monthly calculation indices.

3. Actions, provided by first and second parts of this Article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for entrepreneurs, legal entities in the amount of one hundred percent of the income (revenue), obtained as a result of an administrative offence with the suspension or deprivation of the certificate of accreditation.

Note. The income (revenue) obtained as a result of an administrative offence, means the difference between the income (revenues) received by an individual entrepreneur or legal entity, who has committed an administrative offence, and the income (revenue) that an individual entrepreneur or legal entity should have received in compliance with the legislation of the Republic of Kazakhstan.

Footnote. Chapter 14 is supplemented by Article 147-12 in accordance with the Law of the Republic of Kazakhstan dated 09.01.2012 No. 533-IV (the order of enforcement see Art. 2).

#### **Article 147-13. Violation of the legislation of the Republic of Kazakhstan on electricity**

Note of the RCLI!

Paragraph 1 is valid until 01.01.2017 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2012 No. 25-V.

1. Failure to publish, untimely, misleading or incomplete publication by energy producing company in the media of the information about the volume and direction of investment or execution of the investment obligations under the legislation of the Republic of Kazakhstan on electricity - entails a fine for legal entities of medium enterprise - in the amount of two hundred, for legal entities of a large enterprise - in the amount of one thousand monthly calculation indices.

Note of the RCLI!

Paragraph 2 is valid until 01.01.2017 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2012 No. 25-V.

2. Failure to submit, untimely, misleading or incomplete presentation of energy producing company of the report on the cost of production and sale of electric energy and the volume of production and sale of electric energy, provided by the legislation of the Republic of Kazakhstan on electricity - entails a fine for legal entities of medium-sized business - in the amount of four hundred, for legal entities of a large enterprise - in the amount of two thousand monthly calculation indices.

3. Failure to submit, untimely, misleading or incomplete presentation of energy producing company the requested by the government agencies information necessary to carry out their duties under the legislation of the Republic of Kazakhstan on

electricity - shall be punished by a fine for legal entities of medium-sized business - in the amount of four hundred, for legal entities of a large enterprise - in the amount of two thousand monthly calculation indices.

**Note of the RCLI!**

Paragraph 4 is valid until 01.01.2017 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2012 No. 25-V.

4. Non-performance of the energy producing companies the investment obligations stipulated by the agreement, except in cases provided by laws of the Republic of Kazakhstan on electricity - entails a fine for legal entities of medium and large business - in the amount of ten percent of the amount not used for investment obligations under the agreement.

5. Unlawful restriction and (or) cutting-off of energy producing company the electricity to consumers - entails a fine for officials, entrepreneurs - in the amount of twenty, for legal entities of small and medium enterprises - in the amount of fifty, for legal entities of a large enterprise - in the amount of seventy-five monthly calculation indices.

6. Rejection of energy-supplying organization from conclusion of an individual energy supply agreement with a consumer - entails a fine for officials, entrepreneurs in the amount of twenty, for legal entities of small and medium enterprises - in the amount of fifty, for legal entities of a large enterprise - in the amount of seventy-five monthly calculation indices.

**Footnote.** Chapter 14 is supplemented by Article 147-13 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2012 No. 25-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 148. Entrepreneurial activities without adequate re-registration of legal entity, branch, representative office**

(Is excluded by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 149. Violation of the terms of issue of the license, special permit, qualification certificate (license) to entrepreneurial activities**

(Is excluded by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 150. Violation of the order of issuance of the license, special permit, qualification certificate (license)**

(Is excluded by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006)).

#### **Article 151. Unlawful interference of officials to entrepreneurial activities**

Unlawful interference with government officials, performing supervisory and controlling functions, and local agencies in the activities of individual entrepreneurs, legal entities by the adoption of illegal acts and giving illegal orders to prevent their business activities - entails a fine in the amount of fifty to one hundred monthly calculation indices.

Footnote. Article 151 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 151-1. Bribery of participants and organizers of professional sporting events and spectacular commercial competitions**

1. Bribery of athletes, sports referees, coaches, team leaders and other participants or organizers of professional sporting events, as well as the organizers and the members of jury of the spectacular commercial competitions in order to influence the outcome of these contests or competitions - entails a fine in the amount of one hundred to two hundred monthly calculation indices or an administrative arrest for up to thirty days.

2. The actions, specified in the first part of this article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine in the amount of two hundred to four hundred monthly calculation indices or an administrative arrest for up to forty five days.

3. Illegal acceptance of the athletes money, securities or other property transferred to them in order to influence the results of the competition, as well as the illegal use by athletes the property-related services provided to them for the same purpose - shall be punished by a fine in the amount of two hundred to four hundred monthly calculation indices or an administrative arrest for up to thirty days.

4. Illegal acceptance of money, securities or other property, illegal use of property-related services by sports referees, coaches, team leaders and other participants or organizers of professional sporting events, as well as the organizers and the members of jury of spectacular commercial competitions for the purposes described in the third part of this article, - shall be punished by a fine in the amount of two hundred to four hundred monthly calculation indices or an administrative arrest for up to forty five days.



Footnote. The Code is supplemented by Article 151-1 in accordance with the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 152. Illegal transfer of controlling and supervising functions**

(Is excluded by the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006).

**Article 153. Violation of the order of inspection of private enterprises**

1. Violation of the order of inspection of private enterprises, includes:
  - 1) the absence of grounds for inspection;
  - 2) lack of inspection act;
  - 3) delay in notification of the inspection;
  - 4) a verification of the compliance with the requirements imposed by the Laws of the Republic of Kazakhstan, the decrees of the President of the Republic of Kazakhstan and the regulations of the Government of the Republic of Kazakhstan, unless such requirements are not within the competence of the state authority;
  - 5) The requirement to provide documents, information, samples of products, samples of surveys of the environment and objects of work environment if they are not subject to inspection or not relevant to the inspection;
  - 6) Selection of samples of products, samples of surveys of objects of the environment and objects of the work environment for their research, testing, measurements without issuing protocols on the selection of these samples, the samples in the prescribed form and (or) the amount in excess of the standards set by national standards, rules of sampling, samples and methods of research, testing, measurements, technical regulations or force up to the date of enactment of other normative and technical documents, rules and methods of research, testing and measurements;
  - 7) release and (or) dissemination of the information obtained as a result of an audit, and containing a commercial or other secrets protected by law, except in cases provided by legislation of the Republic of Kazakhstan;
  - 8) exceeding the established date of the audit;
  - 9) conducting an obviously re-checking of the person or legal entity, which are previously audited, in one and the same question, for the same period, except in cases provided by sub-paragraphs 2), 4), 6), 7) and 8) of paragraph 7 of Article 16 of the Law of the Republic of Kazakhstan "On State Control and Supervision in the Republic of Kazakhstan";
  - 10) organization of expensive events for the state control at the expense of private enterprises;

11) violation of the time interval in relation to a prior inspection by appointment of scheduled inspection;

12) failure of submit to the inspected subject the inspection act - entails a fine for an official in the amount of ten to twenty monthly calculation indices.

2. The actions, specified in the first part of this Article, committed repeatedly within a year after the imposition of an administrative penalty - shall be punished by a fine for an official in the amount of twenty to twenty five monthly calculation indices.

Footnote. Article 153 is in the wording of the Law of the Republic of Kazakhstan dated 17.07.2009 No. 188-IV (the order of enforcement see Art. 2); as amended by the Law of the Republic of Kazakhstan dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011), dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 154. False entrepreneurship**

1. False entrepreneurship is the creation of private enterprises or the purchase of shares (stakes, interests) of other legal entities providing the right to determine their solutions, as well as manage them, with no intention to carry out business activities, on condition that all committed transactions pursuing illegal goals, if these actions do not contain elements of a criminal offence - entails a fine for individuals, entrepreneurs in the amount of thirty, for legal entities of small and medium enterprises - in the amount of fifty, for legal entities of a large enterprise - in the amount of seventy percent of the amount of damages.

2. The actions, specified in the first part of this Article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals, individual entrepreneurs in the amount of fifty, for legal entities of small and medium-sized business - in the amount of seventy, for legal entities of a large enterprise - in the amount of one hundred percent of the amount of damages.

Note. Transactions pursuing illegal goals in this Article and Article 154-1 of this Code are transactions aimed at illegal credit, tax evasion, a cover for banned activities, illegal income and (or) removing other property benefit, and assistance in the commission of such acts.

Footnote. Article 154 is in the wording of the Law of the Republic of Kazakhstan dated 08.12.2009 No. 225-IV (the order of enforcement see Art. 2); as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 154-1. Commission by the subjects of the private enterprise the transaction(s) without intention to engage in business activities**

1. Commission by the subjects of the private enterprise the transaction (s) (including the use of invoices) without actually performing the work, services, shipment of goods, and pursuing illegal goals, if this action does not contain elements of a criminal offence - entails a fine for individuals, entrepreneurs in the amount of fifteen, for legal entities of small and medium-sized business - in the amount of thirty, for legal entities of a large enterprise - in the amount of fifty percent of the amount of damages.

2. Action, provided in the first part of this Article, if repeated within a year after the imposition of an administrative penalty, - entails a fine for individuals, entrepreneurs in the amount of thirty, for legal entities of small and medium enterprises - in the amount of fifty, for legal entities of a large enterprise - in the amount of seventy percent of the amount of damages.

Footnote. The Code is supplemented by Article 154-1 in accordance with the Law of the Republic of Kazakhstan dated 08.12.2009 No. 225-IV (the order of enforcement see Art. 2) as amended by the Law of the of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 155. Misconduct in bankruptcy**

1. Concealment of property or property obligations, the information about the property, its size, location or other information about the property, transfer of property into other possession, disposal or destruction of property, as well as concealment, destruction, falsification of accounting and other records reflecting to the economic activity, if these acts committed in bankruptcy or in anticipation of bankruptcy and do not contain elements of a criminal offence, - entails a fine for officials or owners of debtor organization or individual entrepreneurs in the amount of eighty to one hundred, for legal entities of small and medium-sized business - in the amount of three hundred and fifty to five hundred, and for legal entities of a large enterprise - in the amount of six hundred to one thousand monthly calculation indices.

2. Wrongful satisfaction of the property claims of the individual creditors by an official, the owner of the organization of the debtor or an individual entrepreneur, who are aware of its actual insolvency (bankruptcy), as well as by a person who has control functions on the property and affairs of an insolvent debtor in bankruptcy proceedings or rehabilitation proceedings, obviously to damage to other creditors, as well as acceptance of such satisfaction by the creditor, who knows about the preference given to him by the bankrupt at the expense of other creditors, if these actions did not cause major damage, - entails a fine for officials or owners of debtor organization or individual entrepreneurs, or those who charged with governance functions of property and affairs of an insolvent debtor in bankruptcy proceedings or rehabilitative treatment

- in the amount of eighty to one hundred, for legal entities of small and medium enterprises - in the amount of four hundred to six hundred, for legal entities of a large enterprise - in the amount of two thousand monthly calculation indices.

Footnote. Article 155 as amended by the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006), dated 27.07.2007 No. 314 (shall be enforced from January 1, 2008), dated 05.07.2008 No. 60 - IV (the order of enforcement see Art. 2), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 155-1. Violations of the legislation of the Republic of Kazakhstan on bankruptcy by bankruptcy manager, rehabilitation manager and administrator of external observation**

1. Violations of the legislation of the Republic of Kazakhstan on bankruptcy by a bankruptcy manager, committed as follows:

delayed formation of a creditor's committee;

failure to present to persons, having a debt to the debtor, the requirements for recovery of debts;

non-disclosure of information to law enforcement agencies in cases of detection of the evidence of willful and (or) false bankruptcy;

non-claim for invalidation of transactions made by the debtor in the circumstances specified in the legislation of the Republic of Kazakhstan on bankruptcy in cases of their identification or the return of the property by the courts;

delays in consideration of the creditors' request in accordance with legislation of the Republic of Kazakhstan on bankruptcy;

handling accounts with the creditors in violation of the established order of satisfaction of the creditors' requirements;

violation of the order of publication of the information message on the auction;

selling the debtor's property in violation of the plan for sales of the property (assets) of a debtor;

non-performance of terms of the agreement entered into with the creditors' committee;

over expenditure or unauthorized use of money, provided by the estimate of the administrative costs, - entails a fine in the amount of fifty to seventy monthly calculation indices.

2. Violations of the legislation of the Republic of Kazakhstan on bankruptcy by a rehabilitation manager, committed as follows:

non-claim for invalidation of transactions made by the debtor in the circumstances specified in the legislation of the Republic of Kazakhstan on bankruptcy in cases of their identification or the return of the property by the courts;

delays in consideration of the creditors' request in accordance with legislation of the Republic of Kazakhstan on bankruptcy;

handling accounts with the creditors in violation of the established order of satisfaction of the creditors' requirements;

non-fulfillment of the rehabilitation plan of the insolvent debtor;

conclusion without the consent of the creditors' committee of the transactions giving rise to new liabilities of the debtor, if the total liabilities of the debtor that arose after the introduction of the rehabilitation procedure, more than twenty percent of the total amount payable at the time of introduction of the rehabilitation process;

non-performance of terms of the agreement entered into with the creditors' committee;

over expenditure or unauthorized use of money, provided by the estimate of the administrative costs, - entails a fine in the amount of fifty to seventy monthly calculation indices.

3. Violations of the legislation of the Republic of Kazakhstan on bankruptcy by an administrator of external observation, committed as follows:

disagreement with the creditor's committee the actions in relation to conclusion by the debtor transactions for the disposal of property assets, transfer of property to mortgage or rent, as well as other transactions at prices significantly below the market, or without due cause, the performance of which will cause losses to the debtor, carrying out the re-organization;

non-disclosure of information to law enforcement agencies in cases of detection of the evidence of willful and (or) false bankruptcy in the procedure of external observation or non-claim to the debtor for invalidation of transactions for the disposal of property, worsened the financial situation of the debtor, - entails a fine in the amount of fifty to seventy monthly calculation indices.

4. Actions (inaction), stipulated in the first, second and third parts of this Article, if committed repeatedly within a year after the imposition of an administrative penalty, - entails a fine in the amount of eighty to one hundred monthly calculation indices.

**Footnote. Chapter 14 is supplemented by Article 155-1 in accordance with the Law of the Republic of Kazakhstan dated 05.07.2008 No. 60-IV (the order of enforcement see Art. 2) as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No. 461-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).**

#### **Article 155-2. Gross violation of the established order of public bidding, auction or tender**

Gross violation of the established order of public bidding, auction or tender, caused major damage to the owner of the property, the organizer of trading or auction, the buyer or other business entity, - entails a fine in the amount of one hundred to three

hundred monthly calculation indices or an administrative arrest for up to forty five days.

Note. As major damage in this article recognizes the damage caused to an individual by an amount exceeding one hundred times the monthly calculation index, or damage to the organization or the state in the amount exceeding five hundred times the monthly calculation index.

Footnote. The Code is supplemented by Article 155-2 in accordance with the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 156. Deliberate bankruptcy**

Deliberate bankruptcy, is an intentional creation or increase of insolvency, committed by the manager or owner of a commercial organization, as well as by individual entrepreneur for personal interests or interests of other persons, if the act does not contain the elements of a criminal offence, - entails a fine for officials, entrepreneurs in the amount of one hundred to one hundred and fifty, for legal entities of small and medium enterprises - in the amount of four hundred to five hundred, and for legal entities of a large enterprise - in the amount of seven hundred to eight hundred monthly calculation indices.

Footnote. Article 156 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2008 No. 60-IV (the order of enforcement see Art. 2); as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 157. False bankruptcy**

False bankruptcy is deliberately false announcement by a manager or owner of a commercial organization, as well as individual entrepreneur for bankruptcy in order to mislead creditors for getting deferral or installment payments due to creditors or debt discounts, as well as for non-payment of debts, if the act does not contain elements of a criminal offence, -entails a fine for officials, entrepreneurs in the amount of fifty to seventy, for legal entities of small and medium-sized business - in the amount of three hundred fifty to four hundred, and for legal entities of a large enterprise - in the amount of five hundred and fifty to seven hundred monthly calculation indices.

Footnote. Article 157 as amended by the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006), dated 05.07.2008 No. 60 -IV (the order of enforcement see Art. 2), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).



## **Article 157-1. Violation of the legislation of the Republic of Kazakhstan on valuation activities**

1. Making by appraiser the uncertain property valuation report, as well as the property assessment in cases prohibited by the legislation of the Republic of Kazakhstan on valuation activities, - entails a fine for individual entrepreneurs in the amount of fifty, for legal entities of small or medium-sized business or non-profit organization - in the amount of seventy, for legal entities of a large enterprise - in the amount of one hundred twenty monthly calculation indices with the suspension of the license to engage in evaluation.

2. The actions, specified in first part of this Article, committed repeatedly within a year after the imposition of an administrative penalty, - entails a fine for individual entrepreneurs in the amount of seventy, for legal entities of small or medium-sized business or non-profit organization - in the amount of ninety, for legal entities of a large enterprise - in the amount of one hundred and eighty monthly calculation indices with the deprivation of the license for evaluation activities.

**Footnote.** The Code is supplemented by Article 157-1 in accordance with the Law of the Republic of Kazakhstan dated 09.11.2009 No. 197-IV (the order of enforcement see Art. 3).

## **Article 158. Breach of the duty to save commercial, banking secrecy, information of credit reports or information from the database of the credit history of the credit bureau**

Breach of the duty to save the information, containing commercial, banking secrecy, or information of credit reports or information derived from the database of the credit history of the credit bureau, without the consent of the owner to the person to whom they are known in connection with the professional or official duties, if it does not contain elements of a criminal offence, -entails a fine in the amount of fifty monthly calculation indices.

Note.

1. A person is not liable in case of transfer of the information, containing commercial, banking secrecy, or information of the credit reports or information derived from the database of the credit history of the credit bureau, to the owner or persons who have, in accordance with the legislative acts the right to receive information on their legal requirements.

2. Imposition of administrative responsibility for the commission of an offence under this Article shall be upon the application of the aggrieved organizations, the owner or the individual entrepreneur.

Footnote. Article 158 as amended by the Laws of the Republic of Kazakhstan dated 05.12.2003 No. 506, dated 06.07.2004 No. 572, dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 158-1. Breach of the duty to the insurance secrecy**

Breach of the duty to keep the information containing the insurance secrecy, without the consent of the owner to the person to whom they are known in connection with the professional or official duties, - entails a fine in the amount of fifty monthly calculation indices.

Footnote. Chapter 14 is supplemented by Article 158-1 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2003 No. 483 (shall be enforced from January 1, 2004) as amended by the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 158-2. Breach of the duty to the secrecy of the pension savings**

Breach of the duty to keep the information containing the secret of pension savings, without the consent of the owner to the person to whom they are known in connection with the professional or official duties, - entails a fine in the amount of fifty monthly calculation indices.

Footnote. Chapter 14 is supplemented by Article 158-2 in accordance with the Law of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from January 1, 2008) as amended by the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 158-3. Violation of the legislation of the Republic of Kazakhstan on tourist activity**

1. Failure to submit, untimely or incomplete presentation to tourist by persons, carrying out tourist activities the information about the features of travel, the dangers they may encounter when making journeys, specified in the rules of tourism services, or failure of preventive measures to ensure the safety of tourists, - entails a fine for entrepreneurs - in the amount of ten, for legal entities of small and medium enterprises - in the amount of twenty-five, and for legal entities of a large enterprise - in the amount of fifty monthly calculation indices.

2. Provision of tourism services by persons engaged in tourism activities, without a written contract for tourist services - entails a fine for individual entrepreneurs - in the

amount of ten, for legal entities of small and medium enterprises - in the amount of twenty-five, and for legal entities of a large enterprise - in the amount of fifty monthly calculation indices with the suspension of the license.

3. Actions (inaction), provided in the first and second parts of this Article, if committed repeatedly within a year after the imposition of an administrative penalty, - entails a fine for entrepreneurs - in the amount of twenty, for legal entities of small and medium enterprises - in the amount of fifty, for legal entities of a large enterprise - in the amount of one hundred monthly calculation indices with the deprivation of the license.

4. Failure provide or late provision of the persons engaged in tourism activities, to the relevant bodies and family of tourist the information on emergencies with tourists during the travel -entails a fine individual entrepreneurs - in the amount of twenty, for legal entities of small and medium enterprises - the amount of fifty, for legal entities of a large enterprise - in the amount of one hundred monthly calculation indices with the suspension of the license.

5. Actions (inaction), specified in the fourth part of this Article, committed repeatedly within a year after the imposition of an administrative penalty, - entails a fine for entrepreneurs - in the amount of fifty, for legal entities of small and medium enterprises - in the amount of one hundred, for legal entities of a large enterprise - in the amount of one hundred and fifty monthly calculation indices with the deprivation of the license.

Footnote. Chapter 14 is supplemented by Article 158-3 in accordance with the Law of the Republic of Kazakhstan dated 05.07.2008 N 59-IV (the order of enforcement see Art. 2).

#### **Article 158-4. Failure to provide or late provision of the information on institution in the court the case on corporate disputes**

Failure to provide or late provision of the information on institution of proceedings on corporate disputes, if it is provided by law, - entails a fine for officials in the amount of twenty-five monthly calculation indices, for legal entities - in the amount of five hundred monthly calculation indices.

Footnote. Chapter 14 is supplemented by Article 158-4 in accordance with the Law of the Republic of Kazakhstan dated 11.01.2011 No. 385-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 158-5. Violation of the order and time for consideration the applications of individuals and legal entities**

1. Large business entity violates the order and time for consideration the applications of individuals and legal entities, established by the legislation of the Republic of Kazakhstan on the order of consideration of applications of individuals and legal entities, -entails a fine for officials - in the amount of thirty, for legal entities - in the amount of fifty monthly calculation indices.

2. The same actions (inaction), committed repeatedly within a year after the imposition of an administrative penalty, provided by first part of this Article, - entails a fine for officials - in the amount of fifty, for legal entities - in the amount of one hundred monthly calculation indices.

**Footnote. Chapter 14 is supplemented by Article 158-5 in accordance with the Law of the Republic of Kazakhstan dated 10.02.2011 No. 406-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Chapter 15. Administrative offences in trade and finance**

### **Article 159. Consumer fraud**

1. False measurement, false weighting, cheating in account, fraud about the consumer properties or quality of the goods (services) or other consumer fraud by individual entrepreneurs or organizations engaged in trading activities and the provision of services, - entails a fine for individuals of up to three, and for legal entities and individual entrepreneurs - in the amount of five to ten monthly calculation indices.

2. The actions, specified in the first part of this Article, committed repeatedly within a year after the imposition of an administrative penalty, - entails a fine for individuals in the amount of twenty to thirty, and for legal entities and individual entrepreneurs - in the amount of fifty to one hundred monthly calculation indices with the deprivation of a license for a certain of activity and prohibition of activities for up to three years.

3. The actions, specified in the first part of this Article, caused a considerable amount of damage,- entails a fine for individuals in the amount of twenty to thirty, and for legal entities and individual entrepreneurs - in the amount of fifty to one hundred monthly calculation indices with the deprivation of a license for a certain of activity or prohibition of activities for up to three years.

4. The actions, specified in the first part of this Article, caused a major damage, - entails a fine for individuals in the amount of thirty to one hundred monthly calculation indices, and for officials and individual entrepreneurs - in the amount of one hundred to two hundred monthly calculation indices with the deprivation of a license for a certain activity or prohibition of activities for up to three years, or an administrative arrest for up to forty-five days.

Note. For purposes of this Article, a considerable amount of damage shall be the amount exceeding one monthly calculation index, a major damage is the amount not less than three monthly calculation indices.

Footnote. Article 159 is in the wording of the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 160. Violation of the order of selling of weapons and ammunition**

1. Sale by workers of arms trade organization of weapons and ammunition to it to individuals, organizations that do not have a permit, - entails a fine in the amount of thirty to fifty monthly calculation indices.

2. The actions, specified in the first part of this Article, committed repeatedly within a year after the imposition of an administrative penalty, -

shall be punished by a fine in the amount of fifty to eighty monthly calculation indices.

3. Sale by workers of arms trade organization of special technical devices for special investigative operations and cryptographic means for information security to individuals, organizations that do not have a permit, except for government agencies authorized to conduct operational-search activities, entails a fine in the amount of twenty to forty monthly calculation indices.

Footnote. Article 160 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 161. Violation of the legislation of the Republic of Kazakhstan in the regulation of trade activities**

1. Failure to provide at the request of the buyer the necessary information about the product, its place of origin, manufacturers, consumer characteristics, warranty and the order of claims - entails a warning or fine for individuals in the amount of one to two, and for legal entities and individual entrepreneurs - in the amount of five to seven, and for legal entities of small and medium-sized business - in the amount of five to ten, for legal entities of a large enterprise - in the amount of twenty to thirty monthly calculation indices.

2. *(Is excluded - by the Law of the Republic of Kazakhstan dated 17.07.2009 N 188-IV (the order of enforcement see Art. 2)).*

3. *(Is excluded - by the Law of the Republic of Kazakhstan dated 17.07.2009 N 188-IV (the order of enforcement see Art. 2)).*

4. Illegal use of an official document certifying the conformity of the goods to safety requirements, - entails a fine for individuals in the amount of three to seven, and

for legal entities and individual entrepreneurs - in the amount of twenty to forty, and for legal entities of small and medium enterprises - in the amount of fifty to one hundred, for legal entities of a large enterprise - in the amount of one hundred to one hundred and fifty monthly calculation indices and with the confiscation of goods or without it.

5. Actions (or inaction), provided in the first and fourth parts of this Article, repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals in the amount of seven to ten, and for legal entities and individual entrepreneurs - in the amount of forty to fifty, for legal entities of small and medium-sized business - in the amount of one hundred to one hundred and twenty, for legal entities of a large enterprise - in the amount of one hundred and fifty to two hundred monthly calculation indices with the confiscation of goods or without it.

Footnote. Article 161 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006); as amended by the Law of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 17.07. 2009 No.188-IV (the order of enforcement see Art. 2).

Note of the RCLI!

Article 161-1 is in the wording of the Law of the Republic of Kazakhstan dated 21.06.2012 No. 19-V (shall be enforced from 01.01.2013).

#### **Article 161-1. Refusal to accept payments by payment cards**

Refusal to accept payments with the use of credit cards by trade (serving) organizations, which are obliged to take them in the implementation of trade transactions (services), - entails a fine for individual entrepreneurs in the amount of twenty to fifty, and for legal entities - in the amount of fifty to one hundred monthly calculation indices.

Note. Trade (serving) organizations, mentioned in this article include the individual entrepreneurs and legal entities, categories of which are approved by the Government of the Republic of Kazakhstan.

Footnote. Chapter is supplemented by Article 161-1 in accordance with the Law of the Republic of Kazakhstan dated October 21, 2005 No. 80.

Note of the RCLI!

Chapter 15 is supplemented by Article 161-2 in accordance with the Law of the Republic of Kazakhstan dated 21.06.2012 No. 19-V (shall be enforced from 01.01.2013).

#### **Article 162. Illegal trade of goods and other items**



Trade of goods and other items, free trade of which is prohibited or limited by law,  
- entails a fine in the amount of ten to twenty-five monthly calculation indices with the compensated seizure of the goods or items.

**Footnote. Article 162 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 163. Violation of the legislation of the Republic of Kazakhstan in the sphere of production and (or) circulation of ethyl alcohol and alcoholic product**

1. Violation of the rules of declaring of ethyl alcohol and (or) alcoholic products, the rules of design of accompanying note for ethyl alcohol and (or) alcoholic products, as well as a failure to submit or late submission of returns on production and circulation of ethyl alcohol and (or) alcoholic products, as well as accompanying note for ethyl alcohol and (or) alcohol - entails a fine for individuals and officials in the amount of twenty, for entrepreneurs, legal entities of small and medium-sized business - in the amount of seventy, for legal entities of a large enterprise - in the amount of one hundred monthly calculation indices.

2. Actions, provided by the first part of this Article, if repeated within a year after the imposition of an administrative penalty, entails a fine for individuals and officials in the amount of fifty, for entrepreneurs, legal entities of small and medium enterprises - in the amount of one hundred, for legal entities of a large enterprise - in the amount of two hundred monthly calculation indices.

3. Violation of the rules for circulation of ethyl alcohol and (or) alcoholic products, committed as follows:

storage and sale of alcoholic products in places that are not established by the legislation of the Republic of Kazakhstan;

circulation (excluding exports) of ethyl alcohol and (or) alcoholic products is not at the address specified in the license;

sale of alcoholic products in the combined polymer packaging, including cardboard packing with plastic and foil-coated plastic bag, placed in a cardboard box, as well as retail sales in the deformed containers and bottles with clear signs of a breakage with damaged packing;

sale of alcoholic products in tin containers (except wine stock, beer and low-alcoholic beverages with less than twelve percent of the strength), in bottles without labels and plastic containers;

circulation of (excluding exports) alcoholic products is below established by the Government of the Republic of Kazakhstan the minimum prices;

storage and sale of ethyl alcohol (including denaturated ethyl alcohol (ethanol), intended as an additive to petroleum products), and (or) alcoholic products at the same address, in the same fixed premises, by two or more licensees;

storage, sale and (or) transport of ethyl alcohol and (or) alcoholic products without accompanying note, - entails a fine for individuals in the amount of five hundred percent of the rate of excise on excisable goods, which were the direct object of the offence, for officials - at the rate of one hundred and twenty, for entrepreneurs, legal entities of small business - in the amount of one hundred and fifty, for individual entrepreneurs and legal entities of medium-sized business - in the amount of two hundred, for legal entities of a large enterprise - in the amount of six hundred monthly calculation indices with the confiscation of excisable goods, which were the direct object of the offence and (or) of the proceeds, received as a result of the offence.

4. The actions, provided by the third part of this Article, committed repeatedly within a year after the imposition of an administrative penalty, -entails a fine for individuals in the amount of eight hundred per cent of excise duty rates for excise goods, which were the direct object of the offence, for officials - at the rate of one hundred and forty, for entrepreneurs, legal entities of small business - in the amount of two hundred, for individual entrepreneurs, legal entities of medium-sized business - in the amount of two hundred and fifty, and for legal entities of a large enterprise - in the amount of eight hundred monthly calculation indices with the confiscation of excisable goods, which were the direct object of the offence, and (or) of the proceeds, received as a result of the offence .

5. Violation of rules for the production of ethyl alcohol and (or) alcoholic products, committed as follows:

refusal to provide the information to the authorized body or the provision of false information in the field of production and circulation of ethyl alcohol and alcoholic products, as well as failure to submit, within thirty calendar days, in writing, information on the changes and additions to the passport production;

production of alcoholic beverages (excluding wine material) without equipping for water conditioning by the non-conformity of potable water with the requirements for safety;

production of alcoholic beverages with faulty control devices of account, either with the control devices of the account, not exercising the automated transfer of information on the amount of output to the authorized body;

production of ethyl alcohol with defective alcohol-measuring devices, as well as with above-level deviations in the account;

operation of alcohol-measuring devices, test meters, flanges without sealing or disruption of the seals, imposed on them by the authorized body;

production and storage of ethyl alcohol (including denatured ethyl alcohol (ethanol) , intended as an additive to petroleum products), and (or) alcoholic products at the same address, in the same fixed premises, at the same equipment by two or more licensees - entails a fine for officials in the amount of one hundred and twenty, for

individual entrepreneurs and legal entities of medium-sized business - in the amount of two hundred, for legal entities of a large enterprise - in the amount of seven hundred monthly calculation indices with the suspension of the license for a certain of activity.

6. Actions, provided in the fifth part of this Article, committed repeatedly within a year after the imposition of an administrative penalty, - entails a fine for officials in the amount of one hundred and fifty, for individual entrepreneurs and legal entities of medium-sized business - in the amount of three hundred, for legal entities of a large enterprise - in the amount of nine hundred monthly calculation indices with the deprivation of the license for a certain of activity.

7. Violation of the conditions of production and circulation of ethyl alcohol and (or ) alcoholic products, committed as follows:

activities during the period of suspension of the license for such activities;

production of alcohol products from ethyl alcohol, produced not from food raw materials, as well as of denaturated ethyl alcohol (ethanol), - entails deprivation of the license for a relevant activity.

8. Sale of alcoholic beverages in children's institutions, educational organizations and the surrounding areas within a hundred meters - entails the suspension of the license.

9. The action, provided in the eighth part of this Article, committed repeatedly within a year after the imposition of an administrative penalty, - entails deprivation of the license for a relevant activity.

**Footnote. Article 163 is in the wording of the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).**

#### **Article 163-1. Using a brand of tobacco product**

1. Intentional distribution, exhibition and sale of any products that have on itself the tobacco product brand, except the tobacco products or any bundle, package, in which tobacco products are sold or transported, - entails a fine for individuals in the amount of five to ten, and for legal entities and individual entrepreneurs - in the amount of fifteen to twenty, for legal entities of small and medium-sized business - in the amount of twenty to forty, for legal entities of a large business - in the amount of forty to fifty monthly calculation indices.

2. The actions, specified in the first part of this Article, committed repeatedly within a year after the imposition of an administrative penalty, - entails a fine for individuals in the amount of ten to fifteen, and for legal entities and individual entrepreneurs - in the amount of twenty to thirty, for legal entities of small and medium-sized business - in the amount of thirty to seventy, for legal entities a large business - in the amount of seventy to one hundred monthly calculation indices.

Footnote. Article 163-1 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 163-2. Violation of the legislation for information on tobacco and tobacco products**

1. Violation of the legislation for information on tobacco and tobacco products - entails a fine for individuals in the amount of five to ten, and for legal entities and individual entrepreneurs - in the amount of fifteen to twenty, for legal entities of small and medium-sized business - in the amount of twenty to forty, for legal entities of a large business - in the amount of forty to fifty monthly calculation indices.

2. Action, specified in the first part of this Article, if repeated within a year after the imposition of an administrative penalty, -a fine for individuals in the amount of ten to fifteen, and for legal entities and individual entrepreneurs - in the amount of twenty to thirty, for legal entities of small and medium-sized business - in the amount of thirty to seventy, for legal entities a large business - in the amount of seventy to one hundred monthly calculation indices.

Footnote. The Code is supplemented by Article 163-2 in accordance with the Law of the Republic of Kazakhstan dated June 19, 2007 No. 264 (the order of enforcement see Art. 2 of the Law).

**Article 163-3. Violation of the legislation of the Republic of Kazakhstan for the sale of tobacco and tobacco products, as well as the production, sale and distribution of goods, imitating tobacco**

1. Violation of the legislation of the Republic of Kazakhstan for the sale of tobacco and tobacco products, except as provided in Article 114 of this Code - shall be punished by a warning or a fine for individuals in the amount of five, for individual entrepreneurs - in the amount of twenty, for legal entities of small and medium-sized business - in the amount of forty, for legal entities of a large enterprise - in the amount of sixty monthly calculation indices.

2. The actions, specified in the first part of this Article, committed repeatedly within a year after the imposition of an administrative penalty, -entails a fine for individuals in the amount of the ten, for individual entrepreneurs - in the amount of thirty five, and for legal entities of small and medium enterprises - in the amount of seventy, for legal entities of a large enterprise - in the amount of ninety monthly calculation indices with the suspension of activities or certains of activities.

3. Producing, selling, distribution of goods, that imitate tobacco products, - entails a warning or a fine for individuals in the amount of three, for entrepreneurs - in the

amount of five, for legal entities of small and medium enterprises - in the amount of eight, for legal entities of a large enterprise - in the amount of twenty monthly calculation indices.

4. The actions, specified in the third part of this Article, committed repeatedly within a year after the imposition of an administrative penalty, - entails a fine for individuals in the amount of five, for individual entrepreneurs - in the amount of eight, for legal entities of small and medium enterprises - in the amount of fifteen, for legal entities of a large enterprise - in the amount of forty monthly calculation indices.

**Footnote. Chapter 15 is supplemented by Article 163-3 in accordance with the Law of the Republic of Kazakhstan dated 16.07.2009 No. 186-IV.**

#### **Article 163-4. Violation of the legislation of the Republic of Kazakhstan on the sale of alcoholic products**

1. Sale of alcoholic products to persons under the age of twenty-one - entails a fine for individuals in the amount of five, for entrepreneurs, legal entities of small and medium-sized business - in the amount of forty, for legal entities of a large enterprise - in the amount of sixty monthly calculation indices with the suspension of the license to the appropriate activity.

2. The actions, specified in the first part of this Article, committed repeatedly within a year after the imposition of an administrative penalty, - entails a fine for individuals in the amount of ten, for entrepreneurs, legal entities of small and medium-sized business - in the amount of seventy, for legal entities of a large enterprise - in the amount of ninety monthly calculation indices with the deprivation of the license to the appropriate activity.

3. Sale of alcoholic beverages (except for sale in department stores, restaurants, bars and caf  s)

On weekdays from 23 to 8:00 am

on weekends, public holidays from 24 to 8:00 am - entails a fine for individuals in the amount of five, for entrepreneurs, legal entities of small and medium-sized business - in the amount of forty, for legal entities of a large enterprise - in the amount of sixty monthly calculation indices with the suspension of the license to the appropriate activity.

4. The actions, specified in the third part of this Article, committed repeatedly within a year after the imposition of an administrative penalty, - entails a fine for individuals in the amount of ten, for entrepreneurs, legal entities of small and medium-sized business - in the amount of seventy, for legal entities of a large enterprise - in the amount of ninety monthly calculation indices with the deprivation of the license to the appropriate activity.

Footnote. Chapter 15 is supplemented by Article 163-4 in accordance with the Law of the Republic of Kazakhstan dated 16.07.2009 No. 186-IV; as amended by the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

**Article 163-5. Restriction of access of the goods to trading network or large shopping centers**

1. Restriction by traders, carrying out activities for the sale of goods through the organization of trade network or large shopping centers, of the access of goods to trading network or large commercial properties, expressed in an unjustified refusal to conclude a contract for the supply of goods or a contract, bearing deliberately discriminatory character and containing conditions:

1) on the prohibition to conclude to the subject of trading activity the contracts for supplying goods with other traders, engaged in similar activities, as well as with other traders in similar or other conditions;

2) on the requirement that a traders, engaged in supplying goods, provides the information about entering into contracts with other traders, engaged in similar activities, - entails a fine in the amount of one hundred monthly calculation indices.

2. The actions, specified in the first part of this Article, committed repeatedly within a year after the imposition of an administrative penalty, - entails a fine in the amount of four hundred monthly calculation indices.

Footnote. The Code is supplemented by Article 163-5 in accordance with the Law of the Republic of Kazakhstan dated 26.01.2011 No. 400-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

**Article 163-6. Exceeding the maximum allowable size of retail process for socially important food products**

1. Exceeding by the subjects of trading activities of the maximum allowable size of the retail prices for socially important food products in accordance with the laws of the Republic of Kazakhstan on regulation of trading activities - entails a fine in the amount of one hundred monthly calculation indices.

2. The actions, specified in the first part of this Article, committed repeatedly within a year after the imposition of an administrative penalty, - entails a fine in the amount of four hundred monthly calculation indices.

Footnote. The Code is supplemented by Article 163-6 in accordance with the Law of the Republic of Kazakhstan dated 26.01.2011 No. 400-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

**Article 164. Sale of goods without documents**



1. Sale of goods by individual entrepreneurs and organizations, engaged in commercial activities, without any documents containing information about the country of origin, the manufacturer, supplier or vendor or reliable and sufficient information about the product (service) in the State and Russian languages??, except in cases provided by Articles 317, 317-1 of this Code, - entails a fine for officials, entrepreneurs in the amount of five to twenty, for legal entities of small and medium-sized business - in the amount of thirty to seventy, for legal entities of a large enterprise - in the amount of eighty to one hundred fifty monthly calculation indices.

2. The actions, specified in the first part of this Article, committed repeatedly within a year after the imposition of an administrative penalty, - entails a fine for officials, entrepreneurs in the amount of ten to thirty, for legal entities of small and medium enterprise - in the amount of eighty to one hundred and fifty, for legal entities of a large enterprise - in the amount of one hundred fifty to three hundred monthly calculation indices.

Footnote. Article 164 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

#### **Article 165. Trade in unestablished places**

Trade out of the places, established by the local authority- entails a warning or a fine of up to five monthly calculation indices.

#### **Article 166. Incomplete and late payment of non-tax payments and proceeds of capital stock in the budget, except for the receipt of funds related to grants**

Footnote. Title of Article 166 as amended by the Law of the Republic of Kazakhstan dated 16.02.2012 No. 557-IV (shall be enforced upon expiry of ten calendar days after its first official publication)

Incomplete and late payment of non-tax payments and proceeds of capital stock in the budget, except for the receipt of funds related to grants, - entails a fine for individuals in the amount of three to ten, and for legal entities and individual entrepreneurs - in the amount of fifty to two hundred, for legal entities of small or medium-sized business or non-profit organizations - in the amount of one hundred to four hundred, for legal entities of a large enterprise - in the amount of three hundred to one thousand monthly calculation indices.

Footnote. Article 166 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2006 No. 165 (the order of enforcement see Art. 2), dated 16.02.2012 No. 557-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 166-1. Refusal to accept at nominal value of banknotes and coins of the national currency**

1. Refusal to accept at nominal value of banknotes and coins of the national currency, circulating in the Republic of Kazakhstan and subject to accept in accordance with the normative legal acts of the National Bank of the Republic of Kazakhstan, - entails a fine for entrepreneurs, legal entities of small or medium-sized business or non-profit organization in the amount of ten, for legal entities of a large enterprise - in the amount of twenty five monthly calculation indices.

2. The refusal by banks and organizations, engaged in certain of banking operations in the reception, change and exchange of banknotes and coins of the national currency, circulating in the Republic of Kazakhstan and subject to accept in accordance with the normative legal acts of the National Bank of the Republic of Kazakhstan, - entails a fine in the amount of fifty monthly calculation indices.

**Footnote. Chapter is supplemented by Article 166-1 in accordance with the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

## **Article 167. Violation of the legislation of the Republic of Kazakhstan on public procurement**

1. Violation of the legislation of the Republic of Kazakhstan on public procurement to competition or auction documents by reference to the characteristics that define the identity of the purchased goods, works and services to specific potential suppliers, except in cases provided by laws of the Republic of Kazakhstan on public procurement, - entails a fine for officials in the amount of fifty monthly calculation indices.

2. Delays in the sending of the text of changes and (or) supplements to the tender or auction documentation to the persons, the information of whom is included in the register of the persons, who have received the tender or auction documentation, as well as late publication of an updated tender or auction documentation - entails a fine for officials in the amount of thirty monthly calculation indices.

3. Refusal to fulfill the public procurement in cases, not provided by the legislation of the Republic of Kazakhstan on public procurement, - entails a fine for officials in the amount of one hundred monthly calculation indices.

4. Opening of envelopes with tender applications for participation in the competition with violation of deadlines, the time and place specified in the tender documents, as well as change the date, time and place of opening of envelopes with tender applications for participation in the competition without amending the tender documents - entails a fine for officials in the amount of fifty monthly calculation indices.

5. Inquiries, as well as actions of the competition committee, related to the supplement to the application for participation in the competition with missing documents, replacing the documents, submitted in the application for participation in the competition, the adjustment of the improper documents, - entails a fine for officials in the amount of one hundred monthly calculation indices.

6. Establishment in the tender documentation to potential suppliers, and (or) their subcontractors (co-authors) the qualification requirements, not provided by the legislation of the Republic of Kazakhstan on public procurement, - entails a fine for officials in the amount of one hundred monthly calculation indices.

6-1. Violation of the legislation of the Republic of Kazakhstan on public procurement in the part of non-inclusion in the tender documentation the criteria, influencing the competitive price offer of the participants, - entails a fine for officials in the amount of fifty monthly calculation indices.

6-2. Violation of the legislation of the Republic of Kazakhstan on public procurement in the part of non-use to price proposals for the value of the criteria influencing the competitive price offer of the participants, - entails a fine for officials in the amount of fifty monthly calculation indices.

6-3. Unjustified recognition of the potential supplier and (or) his (her) subcontractors (subcontractors) as uncomfortable to the qualifications and (or) the requirements of the tender documentation on grounds, not provided by the legislation of the Republic of Kazakhstan on public procurement - entails shall be punished by a fine for officials in the amount of fifty monthly calculation indices.

7. Made by the expert commission or preparation of an expert the knowingly false expert opinion, on the basis of which taken the illegal decision of the competition or auction, - entails a fine in the amount of fifty monthly calculation indices.

8. Evasion of the customer from going to court with a suit to recognition the potential vendors, suppliers as unfair participants of public procurement in the following cases:

non-performance or improper performance by the suppliers of the obligations to conclude contracts on public procurement;

avoidance of the potential suppliers, selected as winners, from the conclusion of a public procurement contract, - entails a fine for officials in the amount of thirty monthly calculation indices.

9. Public procurement, without the application of the legislation of the Republic of Kazakhstan on public procurement, regulating the choice of supplier and the conclusion of the contract on public procurement, in cases not provided by the legislation of the Republic of Kazakhstan on public procurement, - entails a fine for officials in the amount of one hundred monthly calculation indices.

10. Actions (inaction), specified in the first, fourth, 6-1, 6-2 and 6-3 parts of this Article, if repeated within a year after the imposition of an administrative penalty entails a fine for officials in the amount of one hundred monthly calculation indices.

11. Actions (inaction), specified in the second and eighth parts of this Article, committed repeatedly within a year after the imposition of an administrative penalty, - entails a fine for officials in the amount of sixty monthly calculation indices.

12. Action (specified in the seventh part of this Article, committed repeatedly within a year after the imposition of an administrative penalty -entails a fine for individuals in the amount of one hundred monthly calculation indices.

13. Actions (inaction), stipulated in the third, fifth, sixth, and ninth parts of this Article, committed repeatedly within a year after the imposition of an administrative penalty, -entails a fine for officials in the amount of two hundred monthly calculation indices.

Note.

As officials in this article should be understood:

in the first part - the first heads of public procurement, the customer or persons performing their duties, responsible for implementing the organization's procedures and public procurement, and (or) those, who are directly involved in the development of a competitive auction or documentation;

in the second part - the first heads of public procurement, the customer or persons performing their duties, responsible for implementing the organization's procedures and public procurement;

in the third part - the first head of the customer or the person performing his duties;

in the fourth and fifth parts - the Chairman of the competition committee, and his deputy, as well as the members and secretary of the competitive commission;

in the sixth part- members of the tender or auction commission;

in the Part 6-1 - the first Heads of public procurement;

in the Part 6-2 - the Chairman of the competition committee, and his deputy, as well as the members of the tender committee;

in the eighth and ninth parts- the Head of the customer, and (or) the person performing his duties;

in the Part 6-3 - the Chairman of the competition committee, and his deputy, as well as the members of the competition committee.

Footnote. Article 167 is in the wording of the Law of the Republic of Kazakhstan dated 21.07.2007 No. 304 (shall be enforced from 01.01.2008); as amended by the Law of the Republic of Kazakhstan dated 29.12.2009 No. 233-IV (the order of enforcement see Art. 2), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 13.01.2012 No. 543-IV ( shall be enforced upon expiry of thirty calendar days after its first official publication).

## **Article 167-1. Violation of the legislation of the Republic of Kazakhstan on the credit bureaus and the formation of credit histories**

1. Violation of the credit bureau legislation of the Republic of Kazakhstan on credit bureaus and the formation of credit -entails a fine to the official in the amount from five to fifty monthly calculation indices (monthly calculation index), to a legal entity - in the amount from twenty to two hundred monthly calculation indices.

2. Providing information by the provider on the subject of credit history to the credit bureaus (except for the credit bureau with state participation) for the formation of a credit history and (or) a supply of a credit report request by the recipient for a credit report without the consent of the information except to provide with a negative information on the subject of credit history and (or) a credit report containing negative information about the subject of credit history, as well as its incorrect execution - punishable by a fine officer in the amount of fifty, a legal entity - in the amount from two hundred of monthly calculation indices.

3. The disfiguration of the information by the provider from the subject of credit history - entails a fine for an official in amount from five to fifty monthly calculation indices, a legal entity - in the amount from twenty to two hundred monthly calculation indices, to the individual entrepreneur - in the amount from five to fifty monthly calculation indices.

Footnote. Chapter 15 is supplemented by Article 167-1 in accordance with the Law dated 06.07.2004 No. 572 as amended by the Law of the Republic of Kazakhstan dated 28.12.2011 No. 524-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 168. The payments and transfers of money on foreign exchange transactions without submitting documents, required by the currency legislation of the Republic of Kazakhstan**

1. Arranging of payments and money transfer by authorized banks on foreign exchange transactions without submitting the documents required in accordance with the currency legislation of the Republic of Kazakhstan - entails warning.

2. The action, set forth in the first paragraph, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine in the amount of fifty monthly calculation indices.

Footnote. Article 168 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication)

## **Article 168-1. Violation of the legislation of the Republic of Kazakhstan on micro credit organizations**

1. Implementation the activities by microcredit organization, which are not provided by the Law of the Republic of Kazakhstan "On Microfinance institutions" - entails a fine in the amount of one hundred monthly calculation indices.

2. Distribution or placement the advertising by the microfinance institution in the media, which does not reflect reality on the day of its publication, if these actions are not a criminal offence - entail a fine in the amount of one hundred fifty monthly calculation indices.

3. Failure, as well as repeated (two or more times within twelve consecutive calendar months) late submission of microfinance institutions to the authority for the control and supervision of financial market and financial organizations of the information required by the legislation of the Republic of Kazakhstan on microfinance institutions or granting to the authority for control and supervision of financial market and financial organizations, the microfinance information that does not contain the information as required under the laws of the Republic of Kazakhstan on microfinance institutions, or the provision of false information - entails a fine in the amount of two hundred monthly calculation indices.

4. Failure to perform the duties, provided by the limited impact measures of the authorized body for the control and supervision of financial market and financial organizations by microfinance institutions - entails a fine in the amount of two hundred fifty monthly calculation indices.

5. Repeated (two or more times within twelve consecutive calendar months) violation of the established by the National Bank of Kazakhstan, prudential standards and (or) other mandatory standards and limits by microfinance institutions - entails a fine in the amount of three hundred monthly calculation indices.

**Footnote. Article 168-1 is in the wording of the Law of the Republic of Kazakhstan dated 26.11.2012 No. 57-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 168-2. Violation of banking legislation of the Republic of Kazakhstan**

1. No disbursement, as well as late reporting, data or other information requested or giving to the authority for the control and supervision of financial market and to financial organizations by banks, major participants of banks, bank holding companies, as well as individual and legal entities, the relevant characteristics of a bank or major participant bank holding company, in accordance with the banking laws of the Republic of Kazakhstan, the organizations engaged in certain of banking operations, accounting, information that does not contain data, the submission of which is required under the banking laws of the Republic of Kazakhstan, or providing false statements or



information, or other information requested, - entails a fine - for individuals in the amount of fifty, on officials - of one hundred, on legal entities - in the amount of two hundred monthly calculation indices.

2. Actions (inaction), provided by the first part of this article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine on individuals in the amount of one hundred, on officials - two hundred, on legal entities - in the amount of six hundred monthly calculation indices.

3. Repeated (two or more times within twelve consecutive calendar months) violation of banks and organizations engaged in certain of banking operations, established by the National Bank of the Republic of Kazakhstan for prudential regulations and (or) other mandatory standards and limits, - entails a fine on legal entities in the amount of three hundred monthly calculation indices.

4. Repeated (two or more times in three consecutive calendar months) irregularity by the bank normative standards of minimum reserve requirements, set by the National Bank of Kazakhstan, - entails a fine on legal entities in the amount of three hundred monthly calculation indices.

5. Implementation of banks, bank holding companies, organizations engaged in certain of banking operations and transactions that are prohibited in accordance with the banking laws of the Republic of Kazakhstan, or in violation of the banking laws of the Republic of Kazakhstan, as well as beyond their capacity, - entails a fine on officials in the amount of hundred monthly calculation indices, for legal entities - at the rate of one tenth of a percent of the transaction amount, but not less than two hundred and no more than one thousands monthly calculation indices.

6. Action set forth in the fifth part of this Article, if repeated within a year after the imposition of an administrative penalty,- entails a fine on officials in the amount of two hundred monthly calculation indices, for legal entities - at the rate of one percent of the amount of the transaction, but not less than four and not more than two thousand monthly calculation indices.

7. Compilation of banks and organizations engaged in certain of banking operations, reporting, resulting in distortion, contains information about the performance or compliance with prudential standards and (or) other mandatory standards and limits defined by the banking legislation of the Republic of Kazakhstan,- entails a fine on officials of one hundred, on legal entities - in the amount of two hundred monthly calculation indices.

8. Action, set forth in the seventh part of this Article, if repeated within a year after the imposition of an administrative penalty,- entails a fine on officials in the amount of two hundred, on legal entities - in the amount of six hundred monthly calculation indices.

9. Violation of banks and organizations, engaged in certain of banking operations, procedures for opening and closing bank accounts of customers - entails a fine on officials in the amount of thirty, for legal entities - of one hundred monthly calculation indices.

10. Action (inaction), referred to in part nine of this article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine on officials in the amount of sixty, for legal entities - in the amount of two hundred monthly calculation indices.

11. Non-fulfillment by banks and organizations engaged in certain of banking operations, duties as directed by the interest rate in the reliable, annual, efficacy comparable terms in contracts concluded with customers, as well as the dissemination of information on the quantities of interest on financial services, including its publication, - entails a fine on officials in the amount of thirty, for legal entities - in the amount of fifty monthly calculation indices.

12. Announcement or publication by the bank in mass media advertising, does not reflect a reality on the day of publication, - entails a fine of two hundred monthly calculation indices.

**Footnote. Chapter is supplemented by Article 168-2 by the Law of the Republic of Kazakhstan dated July 10, 2003 No. 483 (shall be enforced from January 1, 2004) as amended by the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 168-3. Violation of the legislation of the Republic of Kazakhstan on countering the legalization (laundering) of proceeds from illegal action and financing of terrorism**

1. Violation of the subjects of financial monitoring of legislation of the Republic of Kazakhstan concerning counteraction of legalization (laundering) of proceeds from illegal action and financing terrorism in terms of documentary recording and relation to the information of transactions, subjected to the financial monitoring, - entails a fine on individuals of a hundred, on officials, individual entrepreneurs, notaries and lawyers, legal entities of small or medium-sized business or non-profit organizations - in the amount of two hundred to two hundred and twenty, for legal entities of a large enterprise - in the amount of three hundred fifty to four hundred monthly calculation indices.

2. Failure of parties to perform duties of financial monitoring for the development, adoption, and (or) execution of internal controls and programs to ensure, - entails a fine for individuals of one hundred, for officials, entrepreneurs, notaries and lawyers, legal entities of small or medium business or non-profit organizations - in the amount of two hundred and twenty to two hundred and fifty, and on legal entities of a large enterprise - in the amount of eight hundred to nine hundred monthly calculation indices.

3. Notice by officials' subjects of financial monitoring of its customers and others who provided for the authorized agency for financial monitoring information, - entails a fine of one hundred and forty to one hundred and fifty monthly calculation indices.

4. Actions (inaction), stipulated in the first - three parts of this article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine on individuals in the amount of one hundred to one hundred and fifty, for officials, entrepreneurs, lawyers and notaries, legal entities being a subject to a small or medium-sized business or non-profit organizations - in the amount of two hundred and fifty to three hundred, on legal entities of a large enterprise - in the amount of one thousand to one thousand two hundred monthly calculation indices.

5. Actions (inaction), stipulated in the first - three of this article, committed three or more times within a year after the imposition of an administrative penalty, - entail a fine for individuals in the amount of one hundred and fifty to two hundred, on officials in the commodities markets, the organizers of gambling and lotteries, audit firms, notaries, lawyers, entrepreneurs - in the amount of three hundred to four hundred and eighty, the commodity exchanges, the organizers of gambling and lotteries, audit organizations - legal entities of medium-sized business or non-profit organizations - ranging from eight to thousands, the organizers of gambling and lotteries, audit organizations - legal entities of a large enterprise - in the amount of one thousand eight hundred to two thousand monthly calculation indices with the suspension of the license for a particular activity or suspension of qualification certificate (certificate) for a period of up to six months, or by deprivation or suspension of the legal entity for up to six months.

Note. Notaries in this Article are the notaries, who carry out notarial work with money and (or) other property.

Footnote. The Code is supplemented by Article 168-3 in accordance with the Law of the Republic of Kazakhstan dated 28.08.2009 No. 192-IV (shall be enforced from 08.03.2010) as amended by the Law of the Republic of Kazakhstan dated 21.06.2012 No. 19-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 168-4. Violation of the order for formation of the system of risk management and internal control**

1. Violation of the order for formation of the system of risk management and internal controls, established by the normative legal acts of the National Bank of Kazakhstan by financial institutions, if the violations are not corrected by financial organization in the terms established by the authorized body for the control and

supervision of financial market and financial organizations - entails a fine on officials in the amount of fifty, for legal entities in the amount of one hundred monthly calculation indices.

2. Breach of banking conglomerate parent company or group insurance the requirements for risk management and internal control on a consolidated basis, established by the normative legal act of the National Bank of Kazakhstan, if the violations are not eliminated by the banking conglomerate parent company or insurance group in the terms established competent authority for the control and supervision of financial market and financial organizations - entails a fine on officials in the amount of fifty, for legal entities - in the amount of one hundred monthly calculation indices.

Note.

Under officials in this article should be understood the executives of financial institutions, bank and insurance holding companies.

**Footnote. The Code is supplemented by Article 168-4 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2011 No. 524-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 168-5. Failure to achieve the results of budgetary investments by the subjects of quasi-public sector**

1. Failure to achieve the results of budgetary investments through the state participation in their share capital, provided in the financial and economic substantiation by subsidiaries, affiliates and other legal entities that are affiliated in accordance with the legislative of the Republic of Kazakhstan, -entails a fine for the first heads of two hundred monthly calculation indices.

2. Nondisclosure by state enterprises, limited liability companies, joint stock companies, member or shareholder of which is the state budget results investment through state participation in their share capital, provided in the financial and economic feasibility - shall be punished by a fine in the first leaders in the amount of three hundred monthly calculation indices.

**Footnote. The Code is supplemented by Article 168-5 in accordance with the Law of the Republic of Kazakhstan dated 16.02.2012 No. 557-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 168-6. Violation of the order and timing of reporting by currency control agents**

1. Late submission of the reporting on customer transactions by currency control agents - entails a warning to legal entities.

2. Action set forth in the first part if repeated within one year after the imposition of administrative penalties - entails a fine for legal entities of medium-sized enterprises , in the amount of fifteen, for legal entities of a large enterprise - in the amount of forty monthly calculation indices.

3. Presentation by currency control agents of misreporting on customer transactions -entails a warning to legal entities.

4. Action, set forth in the third part of this article, if repeated within one year after the imposition of administrative penalties - entails a fine for legal entities of medium-sized enterprises, in the amount of fifteen, for legal entities of a large enterprise - in the amount of forty monthly calculation indices.

5. Failure to provide the reporting on customer transactions by currency control agents- entails a fine for legal entities of medium-sized enterprises in the amount of thirty, for legal entities of a large enterprise - in the amount of eighty monthly calculating indices.

**Footnote. Chapter 15 is supplemented by Article 168-6 in accordance with the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 168-7. Violation of the order and timing of providing the reporting by the authorized banks for the purposes of monitoring the sources of supply and demand, as well as use of foreign currency in the domestic exchange market**

1. Late submission of reports by the authorized banks for the purposes of monitoring sources of supply and demand, as well as the uses of foreign currency on the domestic market - entails a warning to legal entities.

2. Action set forth in the first paragraph, if repeated within one year after the imposition of administrative penalties entails a fine on legal entities in the amount of forty monthly calculating indices.

3. Submission of false reporting by authorized banks for the purposes of monitoring sources of supply and demand, as well as the use of foreign currency on the domestic market entails a warning to legal entities.

4. Action set forth in the third part of this article, if repeated within one year after the imposition of administrative penalties entails a fine on legal entities in the amount of forty monthly calculation indices.

5. Nondisclosure to authorized banks statements for the purposes of monitoring the sources of supply and demand, as well as use of foreign currency on the domestic market entails a fine on legal entities in the amount of eighty monthly calculation indices.

Footnote. Chapter 15 is supplemented by Article 168-7 in accordance with the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 168-8. The excess of the natural standards for administrative costs**

Footnote. Title is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Excess of the natural standards for administrative costs, established by the normative legal acts by the state-owned enterprises, joint stock companies and limited liability partnerships, state-controlled, - entails a fine for the chief executive officer in the amounts of fifty monthly calculation indices.

Footnote. The Code is supplemented by Article 168-4 in accordance with the Law of the Republic of Kazakhstan dated 16.02.2012 No. 557-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 169. Violation of the requirements associated with the banking customer service**

1. Untimely acceptance or refusal in acceptance, untimely execution banks and organizations engaged in certain of banking operations and instructions for payment or transfer of money in violation of the terms established by the Law of the Republic of Kazakhstan "On payments and remittances," - entails a fine for legal entities in the amount of five percent of the instructions for payment or transfer of money, but not more than two hundred monthly calculation indices.

2. For banks, institutions performing certain of banking operations, instructions for payment or transfer of money committed to a beneficiary other than the surrounding direction, or in an amount different from the surrounding indication - entails a fine on legal entities in the amount of five percent of the instructions for payment or transfer of money, but not more than two hundred monthly calculation indices.

3. Loss of banks and organizations engaged in certain of banking operations, customer payment documents shall be punished by a fine on legal entities in the amount of one hundred monthly estimates for each payment document.

4. Unjustified refusal by banks, institutions performing certain of banking operations in the acceptance instructions for payment or transfer of money:

while ensuring the sender of money needed to make a transfer of money;  
if the voucher has no signs of forgery;



if the sender met the requirements for the preparation and presentation of the order of instructions to transfer money and (or) other requirements established by the legislation of the Republic of Kazakhstan and (or) the terms of the contract;

if refusal in acceptance does not apply to cases covered by the Law of the Republic of Kazakhstan "On counteraction to legalization (laundering) of proceeds from illegal action and financing of terrorism", - entails a fine on legal entities in the amount of five percent of the instructions for payment or transfer of money, but not more than two hundred monthly calculation indices.

5. Violation of banks and organizations engaged in certain of banking operations, the order to withdraw money from the customer's bank account established by the Civil Code of the Republic of Kazakhstan - entails a fine on legal entities in the amount of one hundred monthly calculation indices.

6. Failure to execute instructions for payment or transfer of money or requirements to cash in cash and unapplied money to the bank account of the owner in violation of the laws of the Republic of Kazakhstan - entails a fine for legal entities in the amount of five percent of the instructions for payment or transfer of money, but not more than two hundred monthly calculation indices.

Note.

The requirements of this section shall not apply to the actions (inaction), the responsibility for which is provided by part five of Article 88, the third part of Article 88-1, Articles 216 and 217 of this Code.

**Footnote. Article 169 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 169-1. Issue friendship, bronze and financial bills in the territory of the Republic of Kazakhstan**

Issue friendships, bronze and financial bills in the territory of the Republic of Kazakhstan - entails a fine for individuals of forty, and on legal entities and individual entrepreneurs - at the rate of sixty, for legal entities of small and medium enterprises - two hundred, on legal entities of a large enterprise - in the amount of four hundred monthly specified rates.

**Footnote. Supplemented by Article 169-1 by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506; as amended - dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 169-2. Violation of the requirements of production, use and redemption of electronic money**

1. Issue electronic money by the issuer in an amount not corresponding to the amount of its obligations, -entails a fine in the amount of three hundred monthly calculation indices.

2. The same actions, if repeated within a year after the imposition of an administrative penalty under the first part - entails a fine of six hundred monthly calculation indices.

3. Issue e-money issuers in excess of one hundred monthly calculating indices, without identification of the holder of electronic money, as well as the assumption of the issuer of electronic money in the electronic money in the transactions on the amount that exceeds the established limits on the maximum amount of a single operation - entails a fine of two hundred monthly calculation indices.

4. The same actions, if repeated within a year after the imposition of an administrative penalty under part three of this article - entails a fine of five hundred monthly calculation indices.

5. Non-payment, late or incomplete redemption by the issuer of electronic money, received by an individual entrepreneur or legal entity from individuals paying in civil transactions, -entails a fine of one hundred monthly calculation indices.

6. The same actions, if repeated within a year after the imposition of an administrative penalty under part five of this Article - entails a fine of two hundred monthly calculation indices.

**Footnote. The Code is supplemented by Article 169-2 in accordance with the Law of the Republic of Kazakhstan dated 21.07.2011 No. 466-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).**

**Article 170. Disorders associated with the unauthorized acquisition directly or indirectly, of ten percent or more of shares in a financial institution without the written consent of the National Bank of the Republic of Kazakhstan**

Acquisition by a person, directly or indirectly, shares in a financial institution in the amount of ten percent or more of the outstanding (net of preferred shares and treasury) shares of a financial institution, as well as ability to control or influence the decisions of financial solutions organization in the amount of ten percent or more of the outstanding (net of preferred and treasury) shares of a financial institution without the written consent of the National Bank of Kazakhstan - entails a fine on individuals in the amount of two hundred, on officials - in the amount of four hundred, on legal entities of medium-sized businesses - at a rate thousands on legal entities being subject to large-scale enterprises - in the amount of two thousand monthly calculation indices.

Note.

Under the financial institutions in this Article should be understood the bank insurance (reinsurance) and accumulative pension fund organization engaged in investment management of pension assets.

**Footnote. Article 170 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2011 No. 524-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 170-1. Disorders associated with the unauthorized acquisition of interests in corporate equities or shares in banks, insurance (reinsurance) companies, bank holding companies, insurance holding companies**

1. Acquisition of interests in corporate equities or shares in banks, insurance (reinsurance) companies in violation of the laws of the Republic of Kazakhstan, except in cases specified in the third paragraph of this article -entails a fine on officials in the amount of two hundred, on legal entities - in the amount of two thousand monthly calculation indices.

2. Acquisition of interests in corporate equities or shares of bank holding companies, insurance holding companies in violation of the laws of the Republic of Kazakhstan, except in cases specified in the third paragraph of this Article -entails a fine on officials in the amount of four hundred, on legal entities - in the amount of two thousand monthly calculation indices.

3. Creation or acquisition of the bank, the insurance (reinsurance) organization, bank holding company, insurance holding company subsidiary without the prior authorization of the National Bank of Kazakhstan -entails a fine on officials in the amount of four hundred, on legal entities - in the amount of two thousand monthly calculation indices.

**Footnote. The Code is supplemented by Article 170-1 in accordance with the Law of the Republic of Kazakhstan dated 05.12.2003 No. 506 as amended by the Law of the Republic of Kazakhstan dated 28.12.2011 No. 524-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 171. Violation of the requirements to provide the information (data) to the authority control and supervision for financial market and financial institutions**

Failure, as well as delay in reporting, data or other information requested by the founders (shareholders) of the bank, pension fund and its affiliates, pension savings fund, organization, investment management of pension assets, a major participant's pension fund, organization, investment management pension funds, individuals or legal entities, the relevant characteristics of large participant pension fund, organization, investment management of pension assets, or giving them to the authority for the control and supervision of financial market and financial organizations, reporting,

information that does not contain the information as required in accordance with the banking laws of the Republic of Kazakhstan or legislation of the Republic of Kazakhstan on pensions, or the provision of false information or statements or other information requested - entails a fine for individuals of a hundred, on legal entities - in the amount of two hundred and monthly calculation indices.

**Footnote. Article 171 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 172. Improper use of pension assets of pension fund**

1. Violation of organizations engaged in investment management of pension assets or pension savings fund, has a license to operate in the investment management of pension assets, conditions and procedures for investment, the legislation of the Republic of Kazakhstan, - entails a fine for an individual in the amount of four hundred , a legal entity - in the amount of eight hundred monthly calculation indices.

2. Failure to monitor the custodian target placement of pension assets pension fund - entails a fine in the official custodian of two hundred and monthly calculation indices.

**Footnote. Article 172 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2011 No. 524-IV (shall be enforced upon expiry of ten calendar days after its first official publication)**

#### **Article 172-1. Violation of requirements related to the liquidation of banks, insurance (reinsurance) companies and pension funds**

1. Nondisclosure by the chairman of the liquidation commission of the bank, the insurance (reinsurance) company pension fund within the period established by the authorized body for the control and supervision of financial market and financial organizations, the written orders to eliminate violations of the law of the Republic of Kazakhstan, - entails a fine of forty monthly calculation indices.

2. Avoidance of a chairman or head of the unit of the liquidation commission of the inspection by the authorized body for the control and supervision of financial market and financial organizations of the liquidation commission or impeding its implementation, subject to a fine of twenty five monthly calculation indices.

3. Repeated (two or more times during the six calendar months), providing of false reports and information, established by the banking legislation of the Republic of Kazakhstan, by the legislation of the Republic of Kazakhstan on insurance and insurance activity, pensions, untimely providing, failure to report and provide the additional information set by the banking legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on insurance and insurance activity,

pensions, by the chairman, head of the liquidation committee authorized body to control and supervision of financial market and financial organizations - entails a fine in the amount of fifty monthly calculation indices.

**Footnote. Article 172-1 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 172-2. Failure of the subjects of the financial market to comply with the obligations, undertaken by them and (or) assigned to them by the use of limited interventions**

1. Failure of the banks, the Development Bank of Kazakhstan, organizations engaged in certain of banking operations, to comply with the obligations undertaken by them and (or) assigned to them by the National Bank of Kazakhstan through the use of limited interventions, - entails a fine for legal entities of medium-sized businesses, in the amount of hundred, on legal entities of large enterprises - of two hundred monthly calculation indices.

2. Failure to comply with the insurance (reinsurance) organizations, insurance brokers, pension savings fund, subject to the securities market, a special purpose company, Islamic special finance company, investment fund obligations undertaken by them and (or) assigned to them by the National Bank of Kazakhstan through the use of limited interventions, - entails a fine for legal entities of medium-sized businesses, in the amount of one hundred, on legal entities of large enterprises - two hundred monthly calculation indices.

3. Failure to comply with the banks, by the major participants of banks, bank holding companies, organizations, entering as members to the banking conglomerate institutions, performing certain of banking operations, responsibilities that they have taken, and (or) assigned to them by the authorized body for the control and supervision of financial market and financial organizations through the application of limited interventions, - entails a fine on individuals of fifty, on officials - at the rate of seventy, for legal entities - in the amount of four hundred and fifty monthly calculation indices.

4. Action (inaction), referred to in part three of this Article committed repeatedly within a year after the imposition of an administrative penalty, - entails a fine on individuals of one hundred, on officials - in the amount of one hundred and forty, for legal entities - in the amount of nine hundred monthly calculation indices .

5. Non-fulfillment to comply with the insurance (reinsurance) organizations, insurance brokers, insurance holding company, the major participants of the insurance (reinsurance), legal entities that are part of an insurance group, the actuary obligations undertaken by them and (or) assigned to them by the authorized body for the control and supervision of the financial market and financial institutions through the use of limited interventions - entails a fine on individuals in the amount of fifty, on officials -

at the rate of one hundred, on legal entities - in the amount of two hundred and fifty monthly calculation indices.

6. Nondisclosure by pension funds, organization, investment management of pension assets, major participants from pension funds, organization, investment management of pension assets of the securities market obligations undertaken by them and (or) assigned to them by the authorized body for the control and supervision of the financial market and financial institutions through the use of limited interventions, - entails a fine on individuals in the amount of fifty, on officials - at the rate of one hundred, on legal entities - in the amount of two hundred and fifty monthly calculation indices.

**Footnote.** The Code is supplemented by Article 172-2 in accordance with the Law of the Republic of Kazakhstan dated February 19, 2007 No. 230 (the order of enforcement see Art. 2); is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 173. Violation of the requirements established by the legislation of the Republic of Kazakhstan on insurance and insurance activities**

1. A timeless accordance, a failure reporting, data or other requested information, or the provision of insurance (reinsurance) organizations, insurance brokers, shareholders (founders) and affiliates of insurance (reinsurance), a major party (insurance holding company) insurance (reinsurance), individual and legal entities, relevant signs of the major party (insurance holding company) insurance (reinsurance) organization authorized body to control and supervision of financial market and financial organizations, reporting, information that does not contain the information as required under the laws of the Republic of Kazakhstan on insurance and insurance activities, or providing false statements or information, or other requested information, - entails a fine of fifty monthly calculation indices.

2. A timeless accordance, not giving or providing mutual insurance company authorized state body in plant false statements or other information requested by the authorized body in accordance with the Republic of Kazakhstan "On compulsory insurance in plant cultivation" - entails a fine of fifty monthly calculation indices.

3. Failure to submit or late submission to the authority for the control and supervision of financial market and financial organizations, insurance (reinsurance) organization of joint activity agreement to be registered, - entails a fine of four hundred monthly calculation indices.

4. Repeated (two or more times within twelve calendar months) violation of the insurance (reinsurance) organization, parent organization of the insurance group established by the National Bank of Kazakhstan, prudential standards and (or) other



mandatory standards and limits - entails a fine of five hundred monthly calculation indices.

5. Effectuation of insurance (reinsurance) organizations, the insurance holding company, insurance broker, insurance agent transactions and operations in violation of the laws of the Republic of Kazakhstan, on insurance and insurance operations, - entails a fine of one tenth of a percent of the transaction amount, or one hundred percent of the amount of income received from transactions, but not less than fifty not more than two thousand monthly calculation indices.

6. Implementation of the mutual insurance company transactions and operations in violation of the laws of the Republic of Kazakhstan on mutual insurance - entails a fine of two hundred monthly calculation indices.

7. Implementation of the actuary of its activities in violation of the laws of the Republic of Kazakhstan on insurance and insurance operations - entails a fine of fifty monthly calculation indices.

8. Fail to inform by an insurance company in the order determined in the legislation of the Republic of Kazakhstan the insurers to change the location of a permanent body, a separate division or a change of name, - entails a fine of fifty monthly calculation indices.

9. Violation of insurance (reinsurance) organization established by the legislation of the Republic of Kazakhstan on insurance and insurance activities for the proper documentation of conditions, storing documents, placing copies of licenses to carry on insurance business, as well as breach of an insurance company, insurance broker and insurance agent by the legislation of the Republic of Kazakhstan and the accounting rules storage forms of insurance documentation, work with cash - entails a fine of fifty monthly calculation indices.

10. Announcement or publication of the insurance (reinsurance) companies and insurance brokers in the media advertising, does not reflect a reality on the day of publication, - entails a fine of two hundred monthly calculation indices.

11. Compilation by insurance (reinsurance) organization of the reporting that set to the distortion of contained information about the performance or observance of prudential standards and (or) other mandatory standards and limits, - entails a fine on officials in the amount of fifty, for legal entities - in the amount of four hundred monthly calculation indices.

12. Nondisclosure of an insurance broker to the authority for the control and supervision of financial market and financial organizations for which it has learned the facts of the insolvency of the insurance (reinsurance) - entails a fine of one hundred monthly calculation indices.

13. Non-information of the authority for the control and supervision of financial market and financial organizations on the findings of non-compliance of insurance (

reinsurance) organization requirements of the legislation of the Republic of Kazakhstan on insurance reserves by the actuary, - entails a fine of fifty monthly calculation indices.

14. Non-payment, late payment or payment of the mandatory or emergency contributions to not full amount in the Guarantee Fund insurance payments, - entails a fine on officials in the amount of fifty, for legal entities - in the amount of two hundred and fifty monthly calculation indices.

15. Breach of insurance (reinsurance) organization requirements on the mandatory publication of financial statements and other information in the media in accordance with the laws of the Republic of Kazakhstan, - entails a fine of one hundred monthly indices.

**Footnote. Article 173 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 174. Violation of the requirements relating to the negotiation and execution of contracts of insurance by an insurance company**

1. Implementation of the illegal implementation of insurance policies and other documents, relating to insurance or unrecorded forms of these documents - entails a fine for officials in the amount of fifty, for legal entities - in the amount of four hundred monthly calculating indices.

2. Non-fulfillment, as well as failure to pay for insurance or improper fulfillment of other conditions of the contract of insurance - entails a fine for legal entities in the amount of one hundred monthly calculating indices.

3. The loss of the documents submitted by the client to perform the contract of insurance - shall be punished a fine on legal entities in the amount of fifty monthly calculating indices for each lost document.

**Footnote. Article 174 as amended by the Law of the Republic of Kazakhstan dated 08.07.2005 No. 72 (the order of enforcement see Art. 2), dated 20.01.2006 No. 123 ( shall be enforced from 01.01.2006), dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 175. Violations of the legislation of the Republic of Kazakhstan on compulsory insurance**

1. Dodging of the insurance company to sign a contract of compulsory insurance, provided by the Laws of the Republic of Kazakhstan, - shall be punished a fine on officials in the amount of fifty, a legal entity - in the amount of five hundred monthly calculating indices.

2. Avoidance of the contract of compulsory insurance person liable in accordance with the legislation of the Republic of Kazakhstan on the compulsory insurance contract of compulsory insurance -entails a fine for individuals in the amount of twenty , for officials, entrepreneurs, private lawyers, private bailiffs - of one hundred, on legal entities of small and medium-sized businesses - in the amount of four hundred, on legal entities of a large businesses - in the amount of one thousand monthly calculating indices

3. Violation of insurance (reinsurance) organization requirements of legislation of the Republic of Kazakhstan, expressed in non-fulfillment or improper fulfillment of the requirements for the presence of branches and (or) insurance agents in the capital cities of national, regional and district level, treaty participation in the database of insurance, the provision of information, the database on insurance - entails a fine for an official in the amount of fifty, a legal entity - in the amount of five hundred monthly calculating indices.

4. The conclusion of the insurance (reinsurance) organization compulsory insurance contract on terms that do not comply with the legislation of the Republic of Kazakhstan, set it:

- in determining the amount of insurance premiums other than those defined by the Laws of the Republic of Kazakhstan on compulsory insurance;

- in determining the amount of insurance premiums other than those defined by the Laws of the Republic of Kazakhstan on compulsory insurance, as well as incorrect (unjustified) use ratios to calculate the insurance premium;

- in insurance facilities for compulsory insurance, uninsurable, entails a fine for officials in the amount of one hundred monthly calculating indices, for legal entities - at the rate of one tenth of a percent of the transaction amount, or one hundred percent of the amount of income derived from operations, or one hundred percent of the amount of premiums received for transactions, but not less than two hundred nor more than two thousands of monthly calculating indices.

Footnote. Article 175 is in the wording of the Law of the Republic of Kazakhstan dated 03.06.2003 No. 428; as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 30.12.2009 No. 234-IV; dated 02.04.2010 No. 262 -IV (shall be enforced from 21.10.2010), dated 28.12.2011 No. 524-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 175-1. Violation of the terms of coordination, established by the legislation of the Republic of Kazakhstan for the executives of financial institutions, banks and insurance holding, the fund guarantee for insurance payments**

1. Violation of financial organization, bank and insurance holding company, Insurance Payment Guarantee Fund agreement governing on terms of financial organization, banking and insurance holding company, Guarantee Fund for insurance payments, entails a fine for legal entities in the amount of ninety of monthly calculation indices.

2. Action, set forth in the first paragraph, if repeated within a year after the imposition of an administrative penalty, entails a fine for legal entities in the amount of two hundred of monthly calculation indices.

Footnote. Chapter is supplemented by Article 175-1 in accordance with the Law of the Republic of Kazakhstan dated 23.12.2005 No. 107 (the order of enforcement see Art. 2 of the Law No. 107), is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 175-2. Untimely information of the authorized body for the control and supervision of financial market and financial organizations on the opening and closing of branches and representative offices of financial organizations, and non-observance with the legislation of the Republic of Kazakhstan on the opening of branches, representative offices of financial organizations**

Untimely information of the authorized body for the control and supervision of financial market and financial organizations on the opening and closing of branches and representative offices of financial institutions, and non-observance of banking legislation of the Republic of Kazakhstan, the legislation of Republic of Kazakhstan on insurance and insurance activities, pensions for the opening of branches, representative offices of financial organizations - shall be punished by a fine on officials in the amount of fifty, for legal entities - in the amount of one hundred of monthly calculation indices.

Footnote. Chapter is supplemented by Article 175-2 in accordance of the Law of the Republic of Kazakhstan dated December 23, 2005 No. 107 (the order of enforcement see Art. 2 of the Law No. 107), is in the wording of the Law dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 176. Drawing or using the credit, loan in violation of the legislation of the Republic of Kazakhstan**

Footnote. Title of Article 176 is in the wording of the Law of the Republic of Kazakhstan dated 04.12.2008 No. 97-IV (the order of enforcement see Art. 2); as amended by the Law of the Republic of Kazakhstan dated 16.02.2012 No. 557-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Drawing a loan by an individual entrepreneur or officer of the organization or concessional terms of credit by providing a bank or organization engaged in separates of banking operations, of knowingly false information about the economic situation, financial condition or collateral property of an individual entrepreneur or organization, or of any other circumstances, which are essential for credit, promotional credit conditions, as well as a nondisclosure of the information to a bank or other creditor on the occurrence of circumstances that are capable to lead to termination of credit, cancellation of benefits or limit the size of the allocation of credits, if such acts did not cause a major damage, shall be punished by a fine of fifty monthly calculation indices.

2. The use of budget credit, based on not limited purpose, if this act did not cause a major damage to an individual, organization, or state, shall be punished by a in the amount of one hundred of monthly calculation indices.

3. The use of state-guaranteed loans and the loan, engaged by the terms of loan and not provided with warranties and also for the for the contract a guarantor of the state for purposes not covered by the terms of the loan and a credit for guarantee of state bodies, entails a fine for the first leaders of the legal entity - the borrower of the loan, which has a state guarantee alternate or surrogate, on which the discharge of duties is assigned one hundred of monthly calculation indices.

**Footnote.** Article 176 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006), dated 04.12.2008 No. 97-IV (the order of enforcement see Art. 2), dated 16.02.2012 No. 557-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 177. Untimely, incomplete enrollment of revenues to the national and local budgets**

**Footnote.** Title of Article 177 is in the wording of the Law of the Republic of Kazakhstan dated 04.12.2008 No. 97-IV (the order of enforcement see Art. 2).

1. Untimely, incomplete credit of funds received by the central and local budgets, entails a fine for officials in the amount of one hundred of monthly calculation indices.

2. Untimely, incomplete enrollment of funds transferred to the accounts of the recipients of budget funds to the banks or organizations engaged in certain of banking operations - entails a fine for officials in the amount of seventy monthly calculation indices.

3. *Is excluded by the Law of the Republic of Kazakhstan dated 04.12.2008 No. 97-IV (the order of enforcement see Art. 2).*

**Footnote.** Article 177 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2006 No. 165 (the order of enforcement see Art. 2); as amended by the Law of the Republic of Kazakhstan dated 04.12.2008 No. 97-IV (the order of enforcement see Art. 2).

**Article 177-1. Unfounded (improper) use of facilities of state and local budgets, including objective transfers and loans, and also related grants, guaranteed by state loans and state assets**

Footnote. Article 177-1 is excluded by the Law of the Republic of Kazakhstan dated 04.12.2008 No. 97-IV (the order of enforcement see Art. 2).

**Article 177-2. Inefficient use of objectives of the republican and local budgets, related grants, guaranteed loans and state assets**

Footnote. Article 177-2 is excluded by the Law of the Republic of Kazakhstan dated 04.12.2008 No. 97-IV (the order of enforcement see Art. 2).

**Article 177-3. Violation of the rules of keeping the budget accounting, compilation and reporting**

Violation of the rules of keeping the budget accounting, preparation and presentation - entails a fine for officials in the amount of two hundred of monthly calculation indices.

Footnote. Chapter is supplemented by Article 177-3 in accordance with the Law of the Republic of Kazakhstan dated July 5, 2006 No. 165 (the order of enforcement see Art. 2) as amended by the Law of the Republic of Kazakhstan dated 04.12.2008 No. 97-IV (the order of enforcement see Art. 2).

**Article 177-4. Violation of the terms and procedures for budget loans, state guarantees and state warranties**

Violation of the terms and procedures for the extension of budget loans, state guarantees and state warranties - entails a fine for officials in the amount of four hundred of monthly calculation indices.

Footnote. Chapter is supplemented by Article 177-4 in accordance with the Law of the Republic of Kazakhstan dated July 5, 2006 No. 165 (the order of enforcement see Art. 2) as amended by the Law of the Republic of Kazakhstan dated 04.12.2008 No. 97-IV (the order of enforcement see Art. 2).

**Article 177-5. Violation of the rules of reimbursement**

1. Violation of the rules of budget programs by administrators of reimbursement for the provision of guaranteed free medical care - entails a fine for officials in the amount of twenty-five of monthly calculation indices.

2. The same act committed repeatedly within one year after the imposition of an administrative penalty - entails a fine for officials in the amount of fifty of monthly calculation indices.



Footnote. Chapter is supplemented by Article 177-5 in accordance of the Law of the Republic of Kazakhstan dated July 7, 2006 No. 171 (the order of enforcement see Art. 2) as amended by the Laws of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008), dated 04.12.2008 No. 97-IV (the order of enforcement see Art. 2).

**Article 178. Violation of the legislation of the Republic of Kazakhstan on accounting and financial reporting of individual and public individuals**

1. Non-fulfillment, and (or) improper performance by individuals and officials of duties under the legislation of the Republic of Kazakhstan on accounting and financial reporting, committed as follows: avoidance of accounting will not cause major damage, making a distorted financial statements, data hiding, to be reflected in accounting, as well as the destruction of accounting documents, without causing a major damage, the appointment of the chief accountant of the public organization person that is not a Certified Public Accountant, - entails a fine of one hundred of monthly calculation indices.

2. Actions provided in part one of these articles, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine of two hundred of monthly calculation indices.

Footnote. Article 178 is in the wording of the Law of the Republic of Kazakhstan dated February 28, 2007 No. 235 (the order of enforcement see Art. 2); as amended by the Law of the Republic of Kazakhstan dated 04.12.2008 No. 97-IV (the order of enforcement see Art. 2).

**Article 179. Violation of the legislation of the Republic of Kazakhstan on accounting and financial reporting by a legal entity**

1. Violation of the legislation of the Republic of Kazakhstan on accounting and financial reporting by a legal entity, committed in the form of evasion from accounting, if the act does not contain elements of a criminal offence, of deliberately misleading financial statements, non-financial reporting, reporting out of time or its failure without good cause to the founders (participants) of the organizations in accordance with the constitutive documents, the authorized body in the field of statistics at the place of registration of state control and supervision, in accordance with their competence to the depository financial statements and the depository financial reporting preparation, distorted financial reporting, data hiding, to be reflected in the accounting records, as well as the destruction of accounting documents, the appointment of person as chief accountant of the public organization who did not have a certification of public accountant, - entails a fine for a legal entity who is the subject of small business or

non-profit organization in the amount of hundreds of monthly calculation indices, the legal entity that is subjected to medium-sized businesses, in the amount of two hundred of monthly calculation indices, the legal entity that is subjected to large-scale enterprises in the amount of five hundred of monthly calculation indices.

2. Actions, provided in part one of this article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for a legal entity who is the subject of small business or nonprofit organization, in the amount of two hundred of monthly calculation indices, the legal entity that is subjected to medium-sized businesses in the amount of four of monthly calculation indices, the legal entity that is subjected to large-scale enterprises in the amount of one thousands of monthly calculation indices.

3. Conducting operations without a proper reflection of their results in the accounting financial organizations, special purpose companies, Islamic special finance companies, investment funds and the Development Bank of Kazakhstan entails a fine for legal entities in the amount of twenty percent of total amount, which was not taken into account, but not less than one hundred and no more than four thousands of monthly calculation indices.

4. Administration of accounting in violation of the requirements established by the legislation of the Republic of Kazakhstan on accounting and financial reporting, and methods (principles) accounting, which led to a distortion of financial statements, financial organizations, specialized finance companies, Islamic special finance companies, investment funds and the Development Bank of Kazakhstan - entails a fine for legal entities in the amount of five percent of the amount that was taken into account properly, but not less than one hundred nor more than four thousands of monthly calculation indices.

Footnote. Article 179 is in the wording of the Law of the Republic of Kazakhstan dated 28.02.2007 No. 235 (the order of enforcement see Art. 2); as amended by the Law of the Republic of Kazakhstan dated 04.12.2008 No. 97-IV (the order of enforcement see Art. 2), dated 19.03.2010 No. 258-IV; dated 28.12.2011 No. 524-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 16.02.2012 No. 557-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 179-1. Violation of privacy of the accounting information**

Dissemination of accounting information, consisting of trade secret by people, who has the access to it, not caused a major damage - entails a fine in the amount from one hundred to one hundred and fifty of monthly calculation indices.

Footnote. The Code is supplemented by Article 179-1 in accordance with the Law of the Republic of Kazakhstan dated February 28, 2007 No. 235 (the order of enforcement see Art. 2).

**Article 179-2. Violation of rules of accreditation, established by the legislation of the Republic of Kazakhstan on accounting and financial reporting**

1. Violation of rules of accreditation, established by the legislation of the Republic of Kazakhstan on accounting and financial reporting - shall entails a warning or a entails a fine to the legal entity in the amount of two hundred of monthly calculation indices.

2. Action, specified by this Article, if repeated within a year after the imposition of an administrative penalty - entails a fine for a legal entity in the amount of three hundred of monthly calculation indices.

Footnote. The Code is supplemented by Article 179-2 in accordance with the Law of the Republic of Kazakhstan dated February 28, 2007 No. 235 (the order of enforcement see Art. 2) as amended by the Law of the Republic of Kazakhstan dated 04.12.2008 No. 97-IV (the order of enforcement see Art. 2).

**Article 179-3. Non-fulfillment by pension funds and (or) organizations engaged in investment management of pension assets, prudential standards and (or) other mandatory standards and limits**

1. Making by pension funds and (or) organizations engaged in investment management of pension assets, reporting that set to the distortion of contained information about the performance or compliance with prudential standards and (or) other mandatory standards and limits specified by the legislation of the Republic of Kazakhstan on pensions, entails a fine for officials in the amount of one hundred, on legal entities - in the amount of three hundred of monthly calculation indices.

2. Repeated (two or more times within twelve calendar months) non-fulfillment by funds and (or) organizations engaged in investment management of pension funds established by the National Bank of Kazakhstan, prudential standards and (or) other mandatory standards and limits - entails a fine for legal entities in the amount of four hundred of monthly calculation indices.

Footnote. Chapter 15 is supplemented by Article 179-3 in accordance with the Law of the Republic of Kazakhstan dated 20.11.2008 No. 88-IV (the order of enforcement see Art. 2), is in the wording of the Law of the Republic of Kazakhstan, dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 180. Violation of the order of reporting, information and documents on currency transactions required by the currency legislation of the Republic of Kazakhstan**

1. Providing of uncertain accounting on registration the registration certificate or certificate of notification or on foreign exchange monitoring - shall entail a warning to individuals, legal entities and branches and representative offices of non-resident legal entities operating in the territory of the Republic of Kazakhstan for more than one year.

2. Action, set forth in the first paragraph, if repeated within a year after the imposition of an administrative penalty, entails a fine for individuals of five, to entrepreneurs, legal entities of small business - at the rate of ten to entrepreneurs, legal entities being entails medium-sized businesses - in the amount of twenty, for legal entities of large-scale enterprises, branches and representative offices of non-resident legal entities operating in the territory of the Republic of Kazakhstan for more than one year - in the amount of forty of monthly calculation indices.

3. Untimely representation of reporting on registered registration certificates or certificate of notification or monitoring the currency - shall entail a warning to individuals and legal entities, branches and representative offices of non-resident legal entities operating in the territory of the Republic of Kazakhstan for more than one year.

4. Action, set forth in the third part of this article, if repeated within a year after the imposition of an administrative penalty - entails a fine for individuals of five, to entrepreneurs, legal entities of small business - at the rate of ten, to entrepreneurs, legal entities of medium-sized businesses - in the amount of twenty, for legal entities of large-scale enterprises, branches and representative offices of non-resident legal entities, operating in the territory of the Republic of Kazakhstan for more than one year - in the amount of forty of monthly calculation indices.

5. Non-presentation on registered registration certificates, certificates of notification or the foreign-monitoring entails a fine for individuals of forty, to individual entrepreneurs, legal entities small businesses - in the amount of seventy, on individual entrepreneurs, legal entities medium business entities - in the amount of one hundred, the legal entities of large businesses, branch offices and representative offices of non-resident legal entities operating in the territory of the Republic of Kazakhstan for more than one year - one hundred and fifty of monthly calculation indices.

6. Untimely representation of information and documents, proving the occurrence of circumstances that affect the terms and conditions for the repatriation of the national and foreign currency - entails a fine for the individual entrepreneurs and legal entities.

7. Action, set forth in the sixth part of this Article, if repeated within a year after the imposition of an administrative penalty, entails a fine for entrepreneurs, legal

entities of small business in the amount of thirty, to entrepreneurs, legal entities of medium-sized businesses - of fifty, for legal entities of large enterprises - one hundred of monthly calculation indices.

8. Non-presentation of information and documents proving the occurrence of circumstances that affect the terms and conditions for the repatriation of the national and foreign currencies - entails a fine for entrepreneurs, legal entities of small business - in the amount of fifty, individual entrepreneurs, legal entities medium business entities - in the amount of seventy, for legal entities of large enterprises - one hundred twenty of monthly calculation indices.

**Footnote. Article 180 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication)**

#### **Article 181. Incorrect copying of information certificate**

**Footnote. Article is excluded by the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

#### **Article 182. Violation of the deadline for the submission of the certificate of notification, the exchange operations or a registration certificate for the foreign exchange transactions**

1. Violation of individual and legal entity s of the deadline for the submission of the certificate of notification, the exchange operations or a registration certificate for the foreign exchange transactions - shall entail a warning to individuals and businesses.

2. Action (inaction), referred to in part one of this article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals up to fifty, individual entrepreneurs - up to eighty, and on legal entities of small or medium business or non-profit organizations - up to a hundred and twenty, for legal entities of large enterprises - up to two hundred of monthly calculation indices.

**Footnote. Article 182 is in the wording of the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

#### **Article 183. Non-disclosure by the auditor of the violation of legislation of the Republic of Kazakhstan on accounting and financial reporting from the clients of performance of the audit**

**Footnote. Title of Article 183 as amended by the Law of the Republic of Kazakhstan , dated 20.02.2009 No. 138-IV (the order of enforcement see Art. 2).**

Non-disclosure by the auditor from customers on performance of the audit of violation of legislation of the Republic of Kazakhstan on accounting and financial

reporting identified in the audit, - entails a fine of seventy-five of monthly calculation indices with a deprivation of qualification certificate, "auditor".

Footnote. Article 183 as amended by the Laws of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated May 5, 2006 No. 139 (the order of enforcement see Art. 2 of the Law No. 139), dated February 28, 2007 No. 235 (the order of enforcement see Art. 2), dated 20.02.2009 No. 138-IV (the order of enforcement see Art. 2).

#### **Article 184. Drafting by the auditor and the audit organization of uncertain audit report**

1. Drafting by the auditor and audit organization of unreliable audit report, except as provided in Article 185 of this Code, - entails a fine for auditors in the amount of eighty of monthly calculation indices, the auditing organization - in the amount of one hundred and eighty of monthly calculation indices with the suspension of the license for auditing or without it.

2. Drafting by the auditor and audit organization knowingly false audit report - entails a fine for auditors of one hundred ten of monthly calculation indices with deprivation of qualification certificate, for auditing organizations - in the amount of two hundred twenty of monthly calculation indices with the suspension of the license for auditing.

3. Action, set forth in the first paragraph, if repeated by the auditor during the year after the imposition of an administrative penalty - entails a fine for auditors in the amount of one hundred fifty of monthly calculation indices with the deprivation of the qualification.

4. Actions, set forth in paragraphs one and two of this Article, if repeated by audit organization within a year after the imposition of an administrative penalty - entails a fine for the audit firms of two hundred and fifty of monthly calculation indices with deprivation of licenses for auditing.

Footnote. Article is in the wording of the Law of the Republic of Kazakhstan dated 20.02.2009 No. 138-IV (the order of enforcement see Art. 2).

#### **Article 184-1. Violation of the legislation of the Republic of Kazakhstan on auditing**

1. Enforcement by auditing organization of activities, not provided by the legislation of the Republic of Kazakhstan on auditing, - entails a fine for audit firms of one hundred of monthly calculation indices.

2. Performance of an audit in prohibited by the Law of the Republic of Kazakhstan "On Auditing cases" - entails a fine for audit firms in the amount of one hundred and fifty of monthly calculation indices with the suspension of the license.



3. Non-disclosure to the authorized agency on control and supervision of financial market and financial organizations, and not notified of the audited financial organizations for which an audit is necessary, on violations of laws of the Republic of Kazakhstan, regulating financial markets and financial organizations identified in the audit of these organizations - entails a fine for auditing companies in the amount of one hundred and fifty of monthly calculation indices.

4. Untimely provision or non-provision, as well as submission of false information by accredited professional auditing organization of the appropriate bodies information that may be required in accordance with the laws of the Republic of Kazakhstan on Auditing - entails a fine of accredited professional auditing organizations in the amount of one hundred and fifty of monthly calculation indices.

5. Non - disclosure by the audited entity on behalf of state agencies and state-owned enterprises, as well as legal bodies with state bodies of state financial control of violations of laws of the Republic of Kazakhstan for the use of budget funds, loans and related grants, state assets, state-guaranteed loans identified in the audit of these organizations - entails a fine for legal entities in the amount of one hundred and fifty of monthly calculation indices.

6. Untimely provision or non-provision of information by the audit organizations on insurance in the form approved by the authorized body -entails a fine for audit firms in the amount of one hundred and fifty of monthly calculation indices.

7. Non-fulfillment by the audit organizations of written order of the authorized body for the control and supervision of financial market and financial organizations on the representation of the audit report by the set date or the failure of the audit report, audit organizations to the authority for the control and supervision of financial market and financial organizations - entails a fine for auditing organization in the amount of two hundred of monthly calculation indices with the suspension of the license to perform audits or without it.

**Footnote. Article is in the wording of the Law of the Republic of Kazakhstan dated 20.02.2009 No. 138-IV (the order of enforcement see Art. 2); as amended by the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after the first official publication).**

#### **Article 184-2. Violations, associated with the use and storage of auditor's personal seal**

Violation by the auditor requirements for proper storage and use of personal seal, established by the legislation of the Republic of Kazakhstan on auditing, - entails a fine for an auditor in the amount from fifty to one hundred of monthly calculation indices.

**Footnote. Chapter is supplemented by Article 184-2 in accordance with the Law of the Republic of Kazakhstan dated May 5, 2006 No. 139 (the order of enforcement see Art. 2 of the Law No. 139).**

### **Article 185. Provision of untimely, inaccurate or incomplete information by the audit organization**

Assignment by audited entity of auditor organization during the audit prosecution of untimely, false or incomplete information, which led to the drafting of the incomplete audit report - entails a fine for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations, in the amount of twenty-five, for legal entities of large enterprises - one hundred of monthly calculation indices.

Footnote. Article is in the wording of the Law of the Republic of Kazakhstan dated 20.02.2009 No. 138-IV (the order of enforcement see Art. 2).

### **Article 186. Circumvention of the prosecution of audit**

Evasion of the statutory audit or preventing its prosecution - heads of the organization, legal entities of small or medium-sized business or non-profit organizations entails a fine, in the amount of twenty, for legal entities of large enterprises - two hundred of monthly calculation indices.

Footnote. Article 186 as amended by the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006), dated 20.02.2009 No. 138-IV (the order of enforcement see Art. 2).

### **Article 187. Non-fulfillment of claims of repatriation of domestic and foreign currency**

Non-fulfillment of the claim of repatriation of domestic and foreign currency, committed as unapplied national and foreign currency on bank accounts in authorized banks:

revenues in public and foreign currency from the export of goods (works, services); public and foreign currency transferred by a resident to the advantage of non-residents for the import of goods (works, services), due to non-acceptance in connection with the non-fulfillment or partial performance of obligations by the non-resident supplier of goods (implementation works, services), - entails a fine for entrepreneurs, legal entities in the amount of twenty percent of the amount of unapplied national and foreign currency, but not more than two thousands of monthly calculation indices.

Note. Responsibility for the commitment of offences under the present article set in , when, after the expiration of the repatriation, the amount, not carried in national and foreign currency exceed the equivalent of fifty thousand dollars, if the actions (inaction ) do not contain elements of a criminal offence.

Footnote. Article 187 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 188. Currency transactions in violation of the currency legislation**

1. Conducting of exchange transactions in foreign currency, not through the authorized banks and their bureau of exchange, and also exchange offices of authorized organizations, conducting illegal currency operations between residents, making payments and transfers of money not through accounts in authorized banks, where such a requirement is set by the currency legislation - entails a warning to individuals and legal entities.

2. The actions, specified in paragraph one of this article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals and legal entities of small or medium-sized business or non-profit organizations up to seventy, for legal entities of a large enterprises - up to one hundred percent of the operation carried out in violation of the order.

3. Non-observance by the authorized banks and authorized organizations established by the National Bank of Kazakhstan, the limits of deviation rate of purchase from the selling rate of foreign currency, for tenge transactions conducted through the exchange offices - entails a fine for officials in the amount of one hundred, on legal entities of medium-sized businesses - in the amount of two hundred, on legal entities of large enterprises - of five hundred monthly calculation indices.

Footnote. Article 188 is in the wording of the Law of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008) as amended by the Law of the Republic of Kazakhstan dated 04.07.2009 No. 167-IV (the order of enforcement see Art. 2).

#### **Article 188-1. Violation of the special currency regime**

Violations of the special currency regime in part:

failure to obtain a special permit requirements of the National Bank of Kazakhstan on foreign exchange transactions;

non-requirement of compulsory sale of foreign currency received by residents, the use of foreign bank accounts,

non-compliance to the order of currency transactions, meet other temporary exchange restrictions imposed by the President of the Republic of Kazakhstan - entail a fine for individuals and legal entities in the amount of one hundred percent of the operation carried out in violation of the special currency regime.

Footnote. Code is supplemented by Article 188-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2009 No. 167-IV (the order of enforcement see Art. 2).

**Article 189. Opening of accounts in foreign banks and other financial institutions without a license of National bank of Kazakhstan**

Footnote. Article 189 is excluded by the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2007).

**Article 190. Illegal use of insider information**

1. Actions of insiders on the use of insider information in transactions with securities and (or) financial derivatives, the illegal transfer of inside information to third parties for third parties recommendations or suggestions on transactions with securities and (or) financial derivatives based on insider information, and failure to comply with the legislation of the Republic of Kazakhstan on presentation of information issuers, legal entities recognized by insiders, in respect of the issuer, if such actions did not cause a major damage, entails a fine for an individual in the amount of two hundred, an official - in the amount of four hundred, a legal entity - in the amount of six hundred monthly calculation indices.

2. Violation by the issuers of the requirements established by the legislation of the Republic of Kazakhstan, in order of the control for the instruction and the use of insider information about the issuer and issued (provided) securities (derivatives) by them - entails a fine by the official in the amount of four hundred, a legal entity - in the amount of six monthly calculation indices.

Footnote. Article 190 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2011 No. 524-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 191. Violation of the deadline for submission of documents for registration of amendments and supplements to the prospectus of the issue of securities**

Repeated (two or more times within twelve calendar months) violation by the issuer under the legislation of the Republic of Kazakhstan for the submission of documents for registration of amendments and supplements to the prospectus of the issue of securities - entails a fine by the issuer in the amount of fifty monthly calculation indices.

Footnote. Article 191 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 192. Unfair advertising activities in the market of capital issues**

Unfair advertising activities in the market of capital issues by presenting and sharing of the entity market of capital issues at the time of publication of false advertising data - entails a fine in the advertiser in the amount of one hundred monthly calculation indices.

**Footnote. Article 192 as amended by the Laws of the Republic of Kazakhstan dated 05.12.2003 No. 506, dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 193. Violation of the entity market of capital issues, requirements on reporting, information, data to the authorized body for control and supervision of financial market and financial organizations**

1. Failure, as well as untimely submission of the entity market to the authorized body for control and supervision of financial market and financial organizations, reporting, data or other requested information or reporting, information that does not contain the information as required under the laws of the Republic of Kazakhstan on the securities, or providing false statements or information, or other requested information, including the course of the audit activity of the securities market for the state registration of the issue of securities, approval of the report on the results of placement and (or) the redemption of securities, licensing for activity in the securities market - entails a fine for officials in the amount of one hundred, on legal entities - in the amount of two hundred monthly calculation indices.

2. Presentation of the entity market of capital issues to the authorized body on control and supervision of financial market and financial organizations of false information about securities transactions with no signs of a punishable offence - entails a fine for legal entities in the amount of two hundred monthly calculation indices.

**Footnote. Article 193 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 194. Violation of the rights of holders of capital issues**

1. Violation of the rights of shareholders to manage the affairs of the company, the distribution of income (dividends), for the preferential purchase of capital issues, to obtain information about the company, as well as violation of the procedure for convening and holding of the general meeting of shareholders, the legislation of Kazakhstan, - entails a fine an official in the amount of two hundred, a legal entity - in the amount of four hundred monthly calculation indices.

2. Violation of the laws of the Republic of Kazakhstan and the terms of payment of interest on bonds, and (or) their maturity - entails a fine by an official in the amount of two hundred, a legal entity - in the amount of four hundred monthly calculation indices

3. Violation by the issuer of the capital issues and the conditions of the order placed by the redemption of capital issues in the cases established by the legislation of the Republic of Kazakhstan and (or) the prospectus of issue of the securities, as well as failure to repurchase the securities placed by it in the cases established by the legislation of the Republic of Kazakhstan and (or) issue prospectus these securities - entails a fine for officers of two hundred, a legal entity - in the amount of four hundred monthly calculation indices.

**Footnote. Article 194 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2011 No. 524-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 194-1. Violation of order of redemption of shares**

Violation of the order of redemption of shares established by the Laws of the Republic of Kazakhstan, including the redemption of outstanding equity shares of the company in the absence of methods for determining the value of shares upon redemption, approved by the general meeting of shareholders - entails a fine for officials in the amount of one hundred monthly calculation indices.

**Footnote. Supplemented by Article 194-1 in accordance with the Law of the Republic of Kazakhstan dated July 8, 2005 No. 72 (the order of enforcement see Art. 2 ), is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30 -V (shall be enforced upon expiry of ten calendar days after its first official publication ).**

#### **Article 195. Violation of the order of transactions with capital issues and (or) financial derivatives, as well as the terms and conditions of making deals**

Violation of the established laws of Kazakhstan about the transactions of capital issues and (or) financial derivatives, as well as conditions of the transactions by the legislation of the Republic of Kazakhstan - entails a fine for individuals in the amount of two hundred, and on legal entities and individual entrepreneurs - in the amount of three hundred, on legal entities of small and medium-sized businesses - in the amount of four hundred, on legal entities of large enterprises - of five hundred monthly calculation indices.



Footnote. Article 195 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2011 No. 524-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 195-1. Settlement of transactions in order to manipulate the value of capital issues**

Settlement of transactions of the market entities of capital issues in order to manipulate the value of capital issues - entails a fine for individuals - in the amount of two hundred, for officials - in the amount of three hundred, on legal entities - in the amount of five hundred monthly calculation indices.

Footnote. The Code is supplemented by Article 195-1 in accordance with the Law of the Republic of Kazakhstan dated 08.07.2005 No. 72 (the order of enforcement see Art. 2) as amended by the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30 -V (shall be enforced upon expiry of ten calendar days after its first official publication ).

**Article 196. Violation of the order of registration of transactions with capital issues, reporting and confirmation of rights on them**

1. Violation by the professional participant of, rules of procedure for registers, security holders or accounting system of nominee, as well as violation of the order of confirmation on capital issues that do not have signs of a criminal offence, - entails a fine by the public individual in the amount of two hundred, a legal entity - in the amount of three hundred monthly calculation indices.

2. Violation by the professional participant of the market of capital issues, established by the legislation of the Republic of Kazakhstan and the order of the terms of transfer of documents and data that make up a system of registers of securities holders or system nominee, other professional participants of the market of capital issues - entails a fine for an official - in the amount of three hundred, a legal entity - in the amount of four hundred monthly calculation indices.

Footnote. Article 196 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2011 No. 524-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 196-1. Violation by the issuer of conditions and procedures of issue and (or) of equity of capital issues**

1. Violation by the issuer of conditions and order of issue and (or) of equity of capital issues by the legislation of the Republic of Kazakhstan, including those related to violation by the issuer is not a financial institution established by the bond issue prospectus conditions and procedures for the use of the money received from the bond

issue, with the exception actions under the second part of this article, entails a fine for officials in the amount of three hundred, on legal entities of small and medium-sized businesses - in the amount of four hundred, on legal entities of large enterprises - of five hundred monthly calculation indices .

2. Violation of the conditions and procedures by the issuer of equity capital issues in a foreign country by the legislation of the Republic of Kazakhstan, - entails a fine for legal entities in the amount of fifty percent of the amount of money received from the placement of capital issues.

Footnote. The Code is supplemented by Article 196-1 in accordance with the Law of the Republic of Kazakhstan dated 08.07.2005 No. 72 (the order of enforcement see Art. 2), is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2011 No. 524-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 197. Violation of the deadline for submission of the report on the results of placement and (or) the redemption of capital issues**

Footnote. Is excluded by the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 197-1. Violation by the professional market participant of capital issues and the organizer of trading in securities of the requirements established by the legislation of the Republic of Kazakhstan for their activity**

Repeated (two or more times within twelve consecutive calendar months) violation by the professional market participant of capital issues and the organizer of trading in securities of the requirements established by the legislation of the Republic of Kazakhstan for their activity - entails a fine in the amount of three hundred monthly calculation indices.

Footnote. The Code is supplemented by Article 197-1 in accordance with the Law of the Republic of Kazakhstan dated 05.12.2003 No. 506, is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 198. Violation by the professional participant of the capital issues of reporting period**

Footnote. Is excluded by the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 199. Failure by the issuer of the capital issues of the requirements for the procedure and conditions of disclosure information about his activity**

Failure by the issuer of the capital issues with the procedure and conditions of disclosure of their activity, the legislation of Kazakhstan and (or) internal rules of the stock exchange, as well as presentation of the issuer of incomplete or incorrect information on his activity - entails a fine for officials in the amount of two hundred, at legal entities - in the amount of four hundred monthly calculation indices.

Footnote. Article 199 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2011 No. 524-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 200. Violation of duties for the disclose of information on the stock market**

Failure by the entities of duty of the market of capital issues to disclose information on the terms and conditions determined by the Laws of the Republic of Kazakhstan, - entails a fine for officials in the amount of one hundred monthly calculation indices.

Footnote. Article 200 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 201. Violation of the legislation on the market of capital issues of pension funds and organizations engaged in investment management of pension assets**

Violation of pension funds of the treatment of pension savings in personal accounts of contributors (recipients), and violation of organizations engaged in investment management of pension assets in the legislation on securities market order relationships with custodian banks and pension funds, has not caused major damage - entails a fine for officials in the amount of two hundred, for legal entities - in the amount of four hundred monthly calculation indices.

Footnote. Article 201 as amended by the Laws of the Republic of Kazakhstan dated 13.03.2003 No. 394, dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 201-1. Violation of the Law of the Republic of Kazakhstan On Investment Funds**

1. Violation of stock investment fund, the investment fund management company of the Law of the Republic of Kazakhstan "On Investment Funds" to the content of information about their activities, indicators describing the composition and value of the net assets of the investment fund, and the order of its publication and distribution, entails a fine for officials in the amount of two hundred, on legal entities - in the amount of four hundred monthly calculation indices.

2. Distribution or publication of stock investment fund, the investment fund management company is inaccurate, incomplete, or misleading information -entails a fine for officials in the amount of two hundred, on legal entities - in the amount of four hundred monthly calculation indices.

Footnote. Chapter is supplemented by Article 201-1 in accordance with the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after the the first official publication).

#### **Article 202. Violation of rights to information about capital issues**

The withholding of information about capital issues, not a trade secret, as well as preventing in its receipt by the entities of the market for capital issues, if such acts did not result a major damage - entails a fine in the amount of twenty monthly calculation indices.

Footnote. Article 202 as amended by the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication)

#### **Article 203. Violation of the restrictions established by the legislative acts of the Republic of Kazakhstan, on payments**

Implementation of the legal entities of payment in cash under civil law transaction in excess of four thousand monthly calculation indices in favor of another legal entity - entails a fine for a legal entity , to make a payment in the amount of five percent of the payment amount.

Footnote. Article 203 as amended by the Law of the Republic of Kazakhstan dated 21.06.2012 No. 19-V (shall be enforced upon expiry of three months after its first official publication).

#### **Article 204. The illegal actions of government officials and state enterprise for operational management (public enterprise) for the adoption of financial obligations from the state budget**

1. The illegal actions of officials in the public agency or public enterprise for operational management (public enterprise) for the adoption of financial obligations from the state budget without the statutory registration of civil transactions, and (or) the excess of the amounts estimates approved by the authorized body that caused the responsibility of the Government of the Republic Kazakhstan or the relevant local executive body for the obligations of the public agency or public enterprise for

operational management (public enterprise), - entails a fine of fifty monthly calculation indices.

2. Actions, specified in paragraph one of this article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine in the amount of one hundred monthly calculation indices.

**Footnote. Article 204 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 04.12.2008 No. 97-IV (the order of enforcement see Art. 2).**

#### **Article 204-1. Violation of the legislation of the Republic of Kazakhstan on commodity exchanges**

1. Workers' participation in the exchange of a commodity exchange transactions - entails a fine in the amount from one hundred and thirty to one hundred fifty monthly calculation indices.

2. Implementation of the commodity exchange of trading and other activities not directly related to the organization of exchange trade - entails a fine in the amount from four hundred to five hundred eighty monthly calculation indices.

3. Realization of goods will be included in the list of commodities, regardless of commodity exchanges - entails a fine for individuals in the amount from fifty to seventy, and on legal entities and individual entrepreneurs - in the amount from eighty to one hundred, on legal entities of small and medium enterprises or non-profit organizations - in the amount of one hundred twenty to one hundred and forty, for legal entities of a large enterprise - in the amount of three hundred to four hundred eighty monthly calculation indices.

4. Failure to comply with stock brokers and (or) exchange dealer requirements on record keeping of transactions committed separately for each client and a storage of information about these deals within five years from the date of the transaction - entails a fine in the amount from sixty to eighty monthly calculation indices.

**Footnote. The Code is supplemented by Article 204-1 in accordance with the Law of the Republic of Kazakhstan dated 04.05.2009 No. 156-IV (shall be enforced from 08.11.2009).**

### **Chapter 16. Administrative offences in the taxation**

#### **Article 205. Violation of the term of the registration reporting in the tax office**

**Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009).**

1. Violation of the established laws of the Republic of Kazakhstan for tax filing of an application for registration with the tax authority, except as provided for in part two

of this article - entails a fine for the officials, entrepreneurs, private lawyers, private bailiffs and lawyers - in the amount of five, for legal entities of small or medium-sized business or non-profit organizations - in the amount of fifteen, for legal entities of a large enterprise - in the amount of thirty-five monthly calculation indices.

2. Violation of the established laws of the Republic of Kazakhstan for tax filing of an application for registration with the tax bodies for more than ninety days - entails a fine for the officials, entrepreneurs, private lawyers, private bailiffs and lawyers - in the amount of eight, for legal entity s being entails a small or medium-sized business or non-profit organizations - in the amount of thirty, for legal entities of a large enterprise - in the amount of seventy monthly calculation indices.

2-1. Violation of the established laws of the Republic of Kazakhstan for filing of tax declaration modifying registration information by the private entrepreneur to change the information specified in the certificate of state registration of individual entrepreneurs, private notaries, bailiffs and private attorney to change the location - entails a fine of five monthly calculation indices .

3. Violation of the taxpayer established by the legislative acts of the Republic of Kazakhstan for filing tax declaration to the tax bodies of registration in the register at the value-added tax - entails a fine for the officials, entrepreneurs in the amount of fifteen monthly calculation indices, for legal entities of small and medium enterprises - in the amount of fifteen, for legal entities of a large enterprise - in the amount of thirty per cent of the taxable turnover for the period of not placing the registration.

4. Violation of the taxpayer by the tax legislation of the Republic of Kazakhstan for tax registration at the place of registration of the launch of certain of business, the tax legislation - entails a fine for the officials, entrepreneurs of ten, for legal entities of small and medium enterprises - in the amount of forty-five, for legal entities of a large enterprise - in the amount of seventy-five monthly calculation indices.

5. Actions envisaged in part four of this article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for the officials, entrepreneurs in the amount of twenty, for legal entities of small and medium enterprises - in the amount of ninety, for legal entities being a subject of large-scale enterprises - in the amount of one hundred and fifty monthly calculation indices.

Note. Concept and terms of tax laws used in this chapter shall be applicable only in the sense in which they are used in the tax legislation of the Republic of Kazakhstan.

**Footnote. Article 205 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No.123 (shall be enforced from 01.01.2006), dated 11.12.2006 No. 201 ( shall be enforced from 01.01.2007), dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009), dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010).**



## **Article 205-1. Improper implementation of activities in the application of the special tax regime**

1. Implementation of activities in the application of the special tax regime in violation of the conditions stipulated by the legislative acts of the Republic of Kazakhstan to the regime - entails a fine for individuals of eight, and for legal entities and individual entrepreneurs - in the amount of fifteen, for legal entities of small and medium-sized businesses - in the amount of thirty, for legal entities of a large enterprise - in the amount of fifty monthly calculation indices.

2. The actions specified in paragraph one of this article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals in the amount of fifteen, for officials, entrepreneurs - in the amount of thirty, for legal entities of small and medium enterprises, - in the amount of fifty, for legal entities of a large enterprise - in the amount of seventy monthly calculation indices.

3. Violation by an individual entrepreneur of deadline calculation to obtain a patent up to thirty calendar days - entails a fine in the amount of ten monthly calculation indices.

4. Violation by an individual entrepreneur of deadline calculation to obtain a patent for more than thirty calendar days - entails a fine in the amount of twenty monthly calculation indices.

5. Actions described in paragraphs three and four of this article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine of forty monthly calculation indices.

6. Operation by individual entrepreneur, a special tax regime based on a patent, in the period of suspension of tax filing - entails a fine in the amount of twenty monthly calculation indices.

7. Actions specified in paragraph six of this article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine in the amount of forty monthly calculation indices.

Note. Under the execution of the implementation of the renewed activity, which leads to a liability for the calculation and payment of taxes and other obligatory payments to the budget, without submitting to the tax bodies to calculate the patent.

**Footnote.** Article 205 is in the wording of the Law of the Republic of Kazakhstan dated 11.12.2006 No. 201 (shall be enforced from January 1, 2007), as amended by the Laws of the Republic of Kazakhstan dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009), dated 21.07.2011 No. 467-IV (shall be enforced from 01.01.2012).

## **Article 205-2. Implementation of activities by persons in the period of the suspension of tax filing**

Implementation of activities by persons in the period of the suspension of tax filing , except for individual entrepreneurs using special tax treatment on the basis of a patent , entails a penalty to the individual entrepreneurs, private lawyers, private bailiffs and lawyers - in the amount of thirty, for legal entities of small businesses - in the amount of forty, for legal entities of medium to large enterprises - the amount of fifty monthly calculation indices.

Note. Under the execution of the implementation of the renewal of the taxpayer ( tax agent) activity, leading to a liability for the calculation and payment of taxes and other obligatory payments to the budget, with no view of the tax declaration on the resumption of tax filing.

Footnote. Chapter 16 is supplemented by Article 205-2 in accordance with the Law of the Republic of Kazakhstan dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009), is in the wording of the Law of the Republic of Kazakhstan dated 21.07.2011 No. 467-IV (shall be enforced from 01.01.2012 ).

**Article 206. Failure to submit tax returns and documents necessary for monitoring the taxpayer or related to the conditional bank deposit**

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009).

1. Failure to provide the tax statements by the taxpayer to the tax office, except for the statement to be submitted by the importer on the import of goods and payment of indirect taxes, the deadline set by the legislative acts of the Republic of Kazakhstan, entails a fine for individuals in the amount of fifteen, for officials, entrepreneurs, private lawyers, private bailiffs and lawyers - in the amount of thirty, for legal entities of small or medium-sized business or non-profit organizations - in the amount of forty-five, for legal entities of a large enterprise - in the amount of seventy monthly calculation indices.

2. *Is excluded by the Law of the Republic of Kazakhstan dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009).*

3. Failure to submit in due time, set by the state authority, or refusal to provide the documents by the taxpayer (including in electronic form), as well as reporting on monitoring needed for the monitoring of large taxpayers - entails a fine for the officials , entrepreneurs, private lawyers, private bailiffs and lawyers in the amount of thirty, for legal entities of small or medium-sized business or non-profit organizations - in the amount of two hundred, on legal entities of large enterprises - amount of three hundred fifty monthly calculation indices.

4. Actions (inaction) by part three of this article committed repeatedly within one year after the imposition of an administrative penalty - entails a fine on the officials,

entrepreneurs, private lawyers, private bailiffs and lawyers in the amount of fifty, for legal entities of small or medium-sized business or non-profit organizations - in the amount of two hundred and fifty, and on legal entities of large enterprises - in the amount of seven hundred and fifty monthly calculation indices.

5. Failure to submit or late submission of the tax agent agreement to the tax office on a provisional bank deposit in the event of payment of income tax through the conditional bank deposit - entails a fine for individual entrepreneurs, private lawyers, private bailiffs and lawyers in the amount of ten, for legal entities, including non-residents operating in the Republic of Kazakhstan through a permanent establishment, branch or representative office, which are the subjects of small and medium enterprises - in the amount of thirty, for legal entities, including non-residents operating in the Republic of Kazakhstan through a permanent establishment, branch or representative, being entails of large-scale enterprises - in the amount of fifty monthly calculation indices.

6. Failure to provide the documents by the taxpayer to the tax authority, necessary for the determination of the profit or the profit of the foreign entity located and (or) registered in the state with tax benefits entails a tax under the Tax Code of the Republic of Kazakhstan, - entails a fine for individuals, private entrepreneurs in the amount of one hundred, on legal entities of small and medium enterprises in the amount of two hundred, on legal entities of large enterprises in the amount of five hundred monthly calculation indices.

7. Failure to submit or late submission by the importer to the tax authority on the import of goods and payment of indirect taxes under the laws of the Republic of Kazakhstan - entails a fine for individuals, government officials, entrepreneurs, private notaries and lawyers - in the amount of fifty, for legal entities of small or medium-sized business or non-profit organizations - in the amount of one hundred and fifty, for legal entities of a large enterprise, - in the amount of two hundred and fifty monthly calculation indices.

Footnote. Article 206 is in the wording of the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); as amended by the Laws of the Republic of Kazakhstan dated 11.12.2006 No. 201 (shall be enforced from 01.01.2007), dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009), dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010), dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010).

**Article 206-1. Failure to submit reports on the monitoring of transactions submitted to monitor transfer pricing, as well as the documents required to carry out checks on transfer pricing**

1. Failure to provide monitoring reporting of transactions within the period by the taxpayer to the tax authority prescribed by the legislation of the Republic of Kazakhstan on transfer pricing - entails a fine for officials, for entrepreneurs - in the amount of thirty, for legal entities of small or medium-sized business or non-profit organizations - in the amount of forty, for legal entities of a large enterprise - in the amount of seventy monthly calculation indices.

2. Discrepancies over 2000 times of the monthly calculation indices, established for the financial year by the law on the national budget, between the reporting of monitoring of transactions and data obtained during the inspection - entails a fine for the officials, entrepreneurs - in the amount of fifty, for legal entities of small or medium-sized business or non-profit organizations - in the amount of two hundred, on legal entities of large enterprises - in the amount of three hundred monthly calculation indices.

3. Failure to submit in a due time, set by the state authority, or refusal to provide the taxpayer documents (including in electronic form), as well as reporting on the monitoring of transactions necessary to control transfer pricing, - entails a fine for the officials, entrepreneurs - in the amount of thirty, for legal entities of small or medium-sized business or non-profit organizations - in the amount of two hundred, on legal entities of large enterprises - in the amount of three hundred fifty monthly calculation indices.

4. Actions (inaction) by part three of this article committed repeatedly within one year after the imposition of an administrative penalty - entails a fine on the officials, entrepreneurs - in the amount of fifty, for legal entities of small or medium-sized business or non-profit organizations - in the amount of two hundred and fifty, and on legal entities of large enterprises - in the amount of seven hundred and fifty monthly calculation indices.

**Footnote. Chapter 16 is supplemented by Article 206-1 in accordance with the Law of the Republic of Kazakhstan dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009).**

**Article 206-2. Violation of financial controls by persons, dismissed from government service on negative grounds, as well as by husband (wife) of specified persons**

1. Failure to submit, untimely submission or submission of incomplete or inaccurate declarations of income, assets and other information provided by the legislation on corruption, persons dismissed from the civil service on negative grounds, annually during three years after leaving public service, as well as by husband ( wife) of specified persons - entails a fine in the amount from fifty to one hundred monthly calculation indices.

2. Actions, specified in paragraph one of this article committed repeatedly within a year after the imposition of an administrative penalty, entail a fine in the amount from one hundred to two hundred monthly calculation indices.

Note. A person does not entails an administrative liability under this Article, in the case of elimination of the violation by providing additional tax reporting, and (or) further on the notification of tax reporting in accordance with the laws of the Republic of Kazakhstan.

Footnote. The Code is supplemented by Article 206-2 in accordance with the Law of the Republic of Kazakhstan dated 07.12.2009 No. 222-IV (the order of enforcement see Art. 2) as amended by the Law of the Republic of Kazakhstan dated 21.07.2011 No . 467-IV (shall be enforced from 01.01.2012).

#### **Article 207. Non-disclosure of taxable items**

1. Non-disclosure of taxable items by a taxpayer - entails a fine for officials in the amount of twenty monthly calculation indices, to individuals, to individual entrepreneurs and legal entities in the amount of one hundred and fifty percent of the amount of taxes and other payments due to the hidden object of taxation.

2. Actions (inaction), provided by the first part of this article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for officials in the amount of fifty monthly calculation indices, to individuals, to individual entrepreneurs and legal entities - in the amount of two hundred percent of the amount of taxes and other payments due to the hidden object of taxation.

Note. For the purposes of the first part of this Section, under the concealment of taxable items, a failure by the taxpayer on account of goods is also understood as imported into the territory of the Republic of Kazakhstan from the territory of states - members of the customs union.

Footnote. Article 207 as amended by the Laws of the Republic of Kazakhstan dated December 13, 2004 No. 11 (shall be enforced from January 1, 2005), dated November 22, 2005 No. 89 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008), dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

#### **Article 208. The lack of records and violations of tax accounting**

Footnote. Title of Article 208 is in the wording of the Law of the Republic of Kazakhstan dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009).

1. The lack of tax records by the taxpayer and (or) non-compliance with the requirements for the preparation and storage of records, the legislation of the Republic of Kazakhstan - entails a fine for the officials, entrepreneurs in the amount of

twenty-five monthly calculation indices, for legal entities of small and medium enterprises or non-profit organizations - in the amount of fifty monthly calculation indices, for legal entities of a large enterprise - in the amount of seventy-five monthly calculation indices.

2. Actions, specified in paragraph one of this article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for the officials, entrepreneurs in the amount of thirty-five monthly calculation indices, for legal entities of small or medium-sized business or non-profit organizations - in the amount of sixty monthly calculation indices, for legal entities of a large enterprise - in the amount of ninety monthly calculation indices.

3. Unrecognized in the accounting records of operations on registration and sale of goods (works, services) - entails a fine for entrepreneurs, legal entities of small or medium-sized business or non-profit organizations, in the amount of five, for legal entities of large enterprises - in the amount of ten percent of unaccounted goods (works, services).

Note. Under the lack of tax records means the absence of accounting records and (or) tax forms, tax, accounting policies and other documents that are the basis for determining the taxable items and (or) objects related to taxation, and for calculating the tax liability.

Footnote. Article 208 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006); as amended by the Law of the Republic of Kazakhstan dated 11.12.2006 No. 201 (shall be enforced from January 1, 2007), dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009).

#### **Article 208-1. Evasion of accrued (calculated) of taxes and other obligatory payments to the budget**

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009).

Evasion of accrued (calculated) taxes and other obligatory payments to the budget, committed through taxpayer settlement through cash or bank accounts of third parties in the presence of the tax debt in the period of the tax authority to order the suspension of operations at the box office, if this action does not contain characteristics of a criminal offence - entails a fine for individuals in the amount of fifteen, for officials, entrepreneurs - in the amount of thirty-five monthly calculation indices, for legal entities of small or medium-sized business or non-profit organizations - in the amount of thirty, at legal entities of a large enterprise - in the amount of fifty percent of the



amount produced by calculation or administrative arrest for up to forty-five days from the confiscation of objects and tools that gave the offence and the property received as a result of its commission.

Footnote. Supplemented by Article 208-1 in accordance with the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506 as amended by the Laws of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 209. Undervaluation of amount of taxes and other mandatory payments to the budget**

1. Underreporting of taxes and other obligatory payments to the declaration, calculation, application for import of goods and payment of indirect taxes, if this action does not contain elements of a criminal offence - entails a fine for individuals of ten, for officials - in the amount of twenty monthly calculation indices, for individual entrepreneurs, private lawyers, private bailiffs, lawyers and legal entities of small or medium-sized business or non-profit organizations - in the amount of thirty, for legal entities of a large enterprise - in the amount of fifty percent of the amount of taxes and other obligatory payments to the budget or administrative arrest for up to forty-five days from the confiscation of objects and tools that gave the offence and the property received as a result of its commission.

2. *Is excluded by the Law of the Republic of Kazakhstan dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009).*

3. Undervaluation of current payments in the calculation by the taxpayers, if the act does not contain elements of a criminal offence - entails a fine for entrepreneurs, legal entities of small or medium-sized business or non-profit organizations, in the amount of thirty, for legal entities of a large enterprise - in the amount of fifty percent of the low amount of current payments or administrative arrest for up to forty-five days from the confiscation of objects and tools that gave the offence and the property received as a result of its commission.

4. The excess of the effective terms of corporate income tax for the tax period of the calculated amount of advance payments during the tax period of more than twenty percent, if this action does not contain elements of a criminal offence, entails a fine of forty percent of the excess of the actual tax or administrative arrest up to forty-five days from the confiscation of objects and tools that gave the offence and the property received as a result of its commission.

5. *(Is excluded).*

6. Under declaration of tax amounts included in the calculation of the cost of a patent by a legal entity of agricultural producer, producing payments to the budget based on the patent, if the act does not contain elements of a criminal offence - entails a fine of thirty percent of the low amount of taxes without reducing the calculation of cost patent or administrative arrest for up to forty-five days from the confiscation of objects and tools that gave the offence and the property received as a result of its commission.

Notes.

1. For the purposes of part one of this Section, no person shall entail to the administrative liability in the event if the amount of taxes for the added amount does not entail the accrual of taxes to the added amount, contributed to the budget, for the tax period.

1-1. For the purposes of part one of this Section, in case if a person entails administrative liability for understating the amount of indirect taxes in the application for import of goods and payment of indirect taxes, such person does not entail administrative charges separately for the understatement of the amounts of indirect taxes in the declaration on indirect taxes on imported goods .

2. For the purposes of part four of this Article, a person also entails an administrative liability in the event of failure during the tax period advance payment of corporate income tax due in accordance with the laws of the Republic of Kazakhstan. In this case, the calculated amount of the advance payments equal to zero.

3. For the purposes of part four of this article, when determining the excess is not considered an excess, formed in order to effect the adjustment of the tax on the extraction of mineral resources in accordance with paragraph 3 of Article 335 and (or) in subparagraph 1) of paragraph 3 of Article 338 of the Tax Code of the Republic of Kazakhstan.

Footnote. Article 209 as amended by the Laws of the Republic of Kazakhstan dated 29.11.2003 No. 500 (shall be enforced from 01.01.2004), dated 05.12.2003 No. 506, dated 13.12.2004 No. 11 (shall be enforced from 01.01.2005), dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 07.07.2006 No. 177 (the order of enforcement see Art. 2), dated 11.12.2006 No. 201 (shall be enforced from 01.01.2007) , dated 26.07. 2007 No. 312 (shall be enforced upon expiry of ten days from the date of its publication), dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009), dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010), dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.01.2012 No. 535-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 210. Failure to comply with obligations by the tax agent under deduction and (or) transfer taxes**

1. Deducting or partial withholding of the amount of taxes by a tax agent to be withheld and (or) to the budget, within the period prescribed by the tax laws of the Republic of Kazakhstan - entails a fine for officials in the amount of twenty monthly calculation indices, individual entrepreneurs, private notaries, private bailiffs, lawyers, legal entities of small or medium-sized business or non-profit organizations - in the amount of thirty, for legal entities of a large enterprises - fifty percent from deducted taxes and other mandatory payments.

2. Incomplete transfer or non-transfer by a tax agent of withheld tax amounts to be transferred to the budget, within the period prescribed by the tax laws of the Republic of Kazakhstan, entails a fine for officials, entrepreneurs, private lawyers, private bailiffs, lawyers, legal entities of small or medium-sized businesses or non-profit organizations - in the amount of ten, for legal entities of a large enterprise - in the amount of twenty monthly calculation indices.

Note. A person shall not entail to an administrative liability under this article, the withheld (entails withholding) tax, a tax agent independently identified and specified in additional tax returns, provided as listed in the budget no later than three working days after submission of the additional tax reporting tax authority.

**Footnote. Article 210 is in the wording of the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010); as amended by the Law of the Republic of Kazakhstan dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010).**

## **Article 211. Excerpt of fictitious tax invoice**

Excerpt by the taxpayer of fictitious tax invoices - entails a fine for the officials, entrepreneurs in the amount of thirty-five monthly calculation indices, for legal entities of small and medium enterprises - in the amount of one hundred and twenty, for legal entities of a large enterprise - in the amount of two hundred percent of the amount of taxes for the added value, included in the tax invoice.

Note. Fictitious invoice is recognized by tax invoice issued by a taxpayer who is not registered for added value, as well as a person who actually does not produce works, services, delivery of goods and includes the sum of the value for added tax.

**Footnote. Article 211 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

## **Article 212. Violation of the order of admission to the territory of the market**

Footnote. Article 212 is excluded by the Law of the Republic of Kazakhstan dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2011).

**Article 213. Violation of the legislation of the Republic of Kazakhstan in the field of state regulation of production and turnover of certain petroleum products and excisable goods, except for biofuels, ethanol and alcohol production**

Footnote. Title of Article 213 as amended by the Law of the Republic of Kazakhstan dated 15.11.2010 No. 352-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication).

1. Violation of the rules of registration of accompanying invoices, declaration of excisable goods, except for biofuels, ethyl alcohol and alcoholic beverages, as well as non-submission or late submission of the supporting invoices and declarations for the production and circulation of excisable goods, except for biofuels, ethyl alcohol and alcoholic beverages - entails a fine for individuals in the amount of twenty, for officials, entrepreneurs, legal entities of small and medium-sized businesses - in the amount of seventy, for legal entities of large enterprises - in the amount of one hundred monthly calculation indices.

2. Actions, envisaged in part one of this article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals in the amount of fifty, for officials, entrepreneurs, legal entities of small and medium enterprises in the amount of one hundred, to legal entities of large enterprises in the amount of two hundred monthly calculation indices.

3. Violation of the legislation of the Republic of Kazakhstan in the field of state regulation of production and turnover of tobacco products, committed in the form of failure to present the information to the authorized body or providing false information in the production and circulation of tobacco products, as well as failure to submit, within thirty calendar days, in writing, your contribution changes and additions to the passport production of tobacco products is not the address listed on the license, the equipment does not meet the requirements set by the legislation of the Republic of Kazakhstan; non-exercise activity on the production of tobacco products within a year from the date of issuance of the license - entails a fine for officials of one hundred and twenty, to entrepreneurs, legal entities of medium-sized businesses - in the amount of two hundred, on legal entities of large enterprises - in the amount of seven hundred monthly calculation indices to suspend the license for a specific activity.

4. Actions, envisaged in part three of this article, committed repeatedly within a year after the imposition of an administrative penalty, entail a fine for officials in the amount of one hundred and fifty, to entrepreneurs, legal entities of medium-sized

businesses - in the amount of three hundred, on legal entities being entails of large-scale enterprises - in the amount of nine hundred monthly calculation indices deprivation of the license for a specific activity.

5. Violation of the terms of production and sales of certain of petroleum and excise goods excluding biofuels, ethanol and alcohol production, committed as follows : turnover of leaded gasoline, and the implementation of sub-standard oil products and their storage without further processing, petroleum product sales persons, except the producers and oil suppliers, not with the bases oil, gasoline stations, sales and (or) the transportation of petroleum products without supporting invoices;

disruption imposed on the control instruments accounting seals;

turnover (excluding exports) of tobacco products is below minimum prices of the Government of Kazakhstan;

of petroleum products from gas stations, movable not on agricultural land in areas of concentration of agricultural machinery for field work - entails a fine for individuals of one hundred and fifty, for officials, entrepreneurs, legal entities of small and medium enterprises - in the amount of three hundred and fifty, for legal entities of a large enterprise - in the amount of eight hundred monthly calculation indices and confiscation of oil products, which are the immediate subject of an administrative offence, and (or) of the proceeds received as a result of the offence.

6. Actions, specified in paragraph five of this article, committed repeatedly within a year after the imposition of an administrative penalty, entail fine for individuals in the amount of two hundred, on officials, entrepreneurs, legal entities of small and medium enterprises - in the amount of four hundred, to legal entities of a large enterprise - in the amount of monthly payments thousands with confiscation of oil products, which are the immediate subject of an administrative offence, and (or) of the proceeds received as a result of the offence.

**Footnote. Article 213 is in the wording of the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010); as amended by the Law of the Republic of Kazakhstan dated 15.11.2010 No. 352-IV (shall be enforced upon expiry of ten calendar days from the date of its the first official publication), dated 21.07.2011 No. 467-IV (shall be enforced from 01.07.2011).**

#### **Article 214. Violation of the order and labeling rules of excisable goods with excise stamps and (or) accounting and control stamps**

1. Violation by the manufacturer or importer of labeling rules of excisable goods entails marking with excise and (or) the accounting and control stamps, - entails a fine for officials in the amount of one hundred and twenty, to entrepreneurs, legal entities of

medium-sized businesses - in the amount of two hundred, at legal entities of large enterprises - of five hundred monthly calculation indices to suspend the license for a specific activity.

2. Turnover of excisable goods entails marking with excise and (or) the accounting and control stamps, perfect as a storage, sale and (or) transport excisable goods without excise and (or) the accounting and control stamps, as well as the stamp of unknown model and (or) can not be identified - entails a fine for individuals of five hundred percent of the rate of excise on excisable goods, which were the direct object of the offence, the officials - in the amount of one hundred, to entrepreneurs, legal entities of small business - in the amount of one hundred and fifty, to individual entrepreneurs, legal entities of medium-sized businesses - in the amount of two hundred, on legal entities of large enterprises - in the amount of five hundred monthly calculation indices with confiscation of excisable goods, which were the direct object of the offence, and (or) of the proceeds received as a result of the offence.

**Footnote. Article 214 is in the wording of the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).**

#### **Article 215. Violation of the order for cash registers**

**Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009).**

1. Violation of the tax legislation of the Republic of Kazakhstan about the use of cash registers - entails a fine for the individual entrepreneurs, private notaries and officials in the amount of fifteen monthly calculation indices.

2. *(Is excluded by the Law of the Republic of Kazakhstan dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009)).*

3. Actions (inaction), provided by the first part of this article, committed repeatedly within a year after the imposition of an administrative penalty - entail a fine for individual entrepreneurs, private notaries and officials in the amount of thirty monthly calculation indices.

**Footnote. Article 215 as amended by the Laws of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated December 11, 2006 No. 201 (shall be enforced from January 1, 2007), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008), dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009).**

#### **Article 216. Failure to fulfill obligations under tax law, officials of banks and other institutions engaged in certain of banking operations of stock exchanges**



1. Failure to fulfill obligations under the tax law, officials of banks and other institutions engaged in certain of banking operations, stock exchanges, committed in the form of non-disclosure to the tax bodies on the opening of bank accounts for taxpayers - legal entities (individuals engaged in entrepreneurial activities without forming a legal entity) of the payment orders taxpayers to transfer (payment) from their bank accounts, the amounts of tax payments required by character in the national and local budgets without being charged with a document, issued by the tax bodies and confirming the fact of its registration, failure to have enough money in the customer's bank accounts to meet all the requirements of the customer as a priority payment orders, taxpayers to transfer (payment) to the budget from their bank account of taxes and other obligatory payments, penalties and fines, failure to transfer (unapplied), late payment (later than the day of the transaction by debiting money from bank accounts or next day cash payment to the bank or organization engaged in certain of banking operations), or for errors in filling out details of payment on the bank's fault or organizations engaged in certain of banking operations, for a transfer to a bank or other organization, perform cash execution of the budget system, the amount of taxes and other obligatory payments to the budget, failure to have enough money for the client's bank accounts to meet all the requirements of the customer as a priority collection orders (orders) of tax bodies to collect from taxpayers to the budget of taxes and other mandatory payments, fines and penalties are not made on time, refusal of admission of employees of tax bodies to check committed (committed) transactions on bank accounts, the availability of money in these accounts of the taxpayers - legal entities (individuals engaged in entrepreneurial activity without a legal entity), as well as operations and the availability of money in the accounts, deposits of specific individuals or creating other obstacles in the implementation of these checks, failure to orders of the tax bodies to halt all spending transactions of legal entities and individual entrepreneurs, private notaries, bailiffs and private Lawyers on their bank accounts, non-compliance to eliminate violations of tax laws, failure or refusal to submit to the tax bodies and their officials for financial reporting, calculations and other documents relating to the calculation and payment of taxes and other payments to the budget, the establishment and application of prices and tariffs, non-tax bodies on request information on completed transactions over a period of bank accounts have money in these accounts of the taxpayers, non-officials of banks and organizations engaged in certain of banking operations, stock exchanges, at the request of tax bodies information on the financial operations of the taxpayer in the previous year and the accrued interest (interest) on the form and within the time limits established by the authorized government body, opening a new bank account to the client in the presence of the latter in the bank opening a bank account to which the tax bodies exhibited collection orders or instructions on the suspension of the operations of the taxpayer's

bank account, open a bank account inactive taxpayer - entails a fine of thirty monthly calculation indices.

2. Actions (inaction), provided by the first part of this article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine of sixty monthly calculation indices.

Footnote. Article 216 as amended by the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 11.12.2006 No. 201 (shall be enforced from 01.01.2007), dated 28.02.2007 No. 235 (the order of enforcement see Art. 2), dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009), dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010), dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 217. Non-performance by banks and organizations engaged in certain of banking operations, the duties established by the tax legislation**

1. Non-performance by banks and organizations engaged in certain of banking operations, the duties established by the tax legislation, committed as follows:

Note of the RCL!

Paragraph as amended by the Law of the Republic of Kazakhstan dated 12.01.2012 No. 538-IV (shall be enforced from 01.01.2013).

Not excluding the taxpayer registration number when opening a taxpayer (other than individuals - non-residents) of bank accounts;

failure to notify the tax bodies on the opening of the taxpayer - for the legal entity or a individual engaged in entrepreneurial activities without forming a legal entity, bank accounts through electronic channels providing guaranteed message delivery, no later than one business day, following the day of the opening, or by giving notice to the paper - within three working days;

Note of the RCL!

Paragraph as amended by the Law of the Republic of Kazakhstan dated 12.01.2012 No. 538-IV (shall be enforced from 01.01.2013).

the operation of customer accounts without making a payment documents (except for bills) the registration number of the taxpayer; non - cancellation of all debit transactions in the bank accounts of taxpayers - legal entities or individuals engaged in entrepreneurial activities without forming a legal entity, under the order of the tax bodies in the cases provided tax legislation;

failure to transfer (unapplied), late payment (later than the day of the transaction by debiting money from bank accounts or the next day to make cash in the bank, or organization engaged in certain of banking operations), or for errors in filling out details of payment on the fault of the bank or organization engaged certain of banking

operations, for a transfer to a bank or other organization engaged in the cash execution of the budget system, the amount of taxes and other obligatory payments to the budget, penalties, fines, failure by the client enough money in the bank accounts to meet all the requirements for the client, in priority collection orders (orders) of tax bodies to collect from taxpayers to the budget of taxes and other mandatory payments, penalties and fines;

Opening a new bank account for his client in the presence of the latter in the bank opening a bank account to which the tax bodies exhibited collection orders or orders for the suspension of withdrawals from the bank accounts of the taxpayer;

opening a bank account inactive taxpayer;

the non-transfer of information on amounts of bank fees to the tax authority within the period established by the tax legislation of the Republic of Kazakhstan; failure to tax bodies within the period established by the tax legislation of the Republic of Kazakhstan, the statement of cash flows, placed on a provisional bank deposit during the quarter, with there is such a movement of money in the form established by the authorized body - entails a fine for legal entities in the amount of five per cent from the amount of debit transactions in the bank accounts of taxpayers for the period of default bank obligations, the tax legislation of the Republic of Kazakhstan.

2. Late transfer or non-transfer banks and organizations engaged in certain of banking operations, taxes and other obligatory payments to the budget, published under a conditional bank deposit - entails a fine for legal entities in the amount of fifty percent of the non-transfer or late transfer tax and other mandatory payments to the budget, located on a provisional bank deposit.

**Footnote. Article 217 as amended by the Laws of the Republic of Kazakhstan dated 05.12.2003 No. 506, dated 12.01.2007 No. 224 (shall be enforced from 01.01.2012), dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009), dated 12.01.2012 No. 538-IV (shall be enforced from 01.01.2012), dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 218. Submission of false information on banking operations**

Representation of banks and other organizations engaged in certain of banking operations, of false information on the operations of the bank accounts of legal entities and individuals, as well as issuance of guarantees and other commitments that are obviously not provided by the actual financial condition of the bank, if these actions did not result in major harm a person or entity or the state - entail a fine for officials in the amount of fifty monthly calculation indices.

Note. Large amount of damage caused to an individual, a sum in excess of five hundred, a legal entity in the amount of two thousand monthly calculation indices at the time of the offence.

Footnote. Article 218 as amended by the Laws of the Republic of Kazakhstan dated 11.12.2006 No. 201 (shall be enforced from 01.01.2007), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 218-1. Dereliction of duty by the tax legislation of the Republic of Kazakhstan, the taxpayers in the export and import of goods, performance of work, rendering of services in the Customs Union, and default entities with the legislation of the Republic of Kazakhstan**

1. Non-payment of indirect taxes within thirty calendar days after the payment deadline set by the tax legislation of the Republic of Kazakhstan, entails a fine for individuals, government officials, entrepreneurs, private notaries and lawyers - in the amount of ten, for legal entities of small and medium businesses or non-profit organizations - in the amount of twenty, for legal entities of a large enterprise - in the amount of two hundred fifty monthly calculation indices.

2. Non-payment of indirect taxes within thirty calendar days after the payment deadline set by the tax legislation of the Republic of Kazakhstan - entails a fine for individuals, government officials, entrepreneurs, private notaries and lawyers - in the amount of twenty, for legal entities of small and medium businesses or non-profit organizations - in the amount of thirty, for legal entities of a large enterprise - in the amount of fifty percent of the amount of unsettled tax obligation, but not less than two hundred fifty monthly calculation indices.

3. Failure of the taxpayer to provide the obligation to import (export) of refined products to the tax authority, as well as the obligations of the subsequent export from the territory of the Republic of Kazakhstan of temporarily imported goods, vehicles and their non-performance, provided by the tax legislation of the Republic of Kazakhstan - entail a fine for individuals and officials - in the amount of fifty, individual entrepreneurs and legal entities of small or medium-sized business or non-profit organizations - in the amount of one hundred and fifty, for legal entities of a large enterprise - in the amount of two hundred fifty monthly calculation indices.

4. Violation of the laws of the Republic of Kazakhstan for processing raw materials, exported from the territory of the Republic of Kazakhstan to the state - the customs union, as well as imported into the territory of the Republic of Kazakhstan with the State - a member of the customs union - entails a fine for individual entrepreneurs and legal entities of small and medium-sized businesses - in the amount of thirty, for legal entities of a large enterprise - in the amount of fifty percent of the assessed tax.

5. Failure to notify or untimely notification organizer of exhibitions and trade fairs on a trade - entails a fine for individual entrepreneurs and legal entities of small and medium enterprises - in the amount of two hundred and fifty, and on legal entities of large enterprises - in the amount of five hundred monthly calculation indices.

6. Violation of the order organizer for organizing exhibitions and trade fairs - entails a fine for individual entrepreneurs and legal entities of small and medium enterprises - in the amount of two hundred and fifty, and on legal entities of large enterprises - in the amount of five hundred monthly calculation indices.

*7. Excluded by law of the Republic of Kazakhstan of 09.01.2012 No. 535-IV (coming into force after 10 calendar days after its first official publication)*

8. Failure to file the tax bodies at the location (address) of the date of receipt of excise goods imported from the territory of a Member State - persons of the customs union obliged under the laws of the Republic of Kazakhstan to provide such notice - entails a fine for individuals, officials of one hundred, individual entrepreneurs and legal entities of small and medium enterprises - in the amount of three hundred, on legal entities of large enterprises - in the amount of five hundred monthly calculation indices.

Note. For the purposes of the first and second paragraph of this Article, if the person entails an administrative responsibility for the failure to register the goods imported into the territory of the Republic of Kazakhstan from the territory of the Member States of the customs union, under Article 207 of this Code, such person entails an administrative liability under parts one and two of this article.

**Footnote. Chapter 16 is supplemented by Article 218-1 in accordance with the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010) as amended by the Law of the Republic of Kazakhstan dated 09.01.2012 No. 535-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 219. Failure to comply with the legal requirements of tax bodies and their officials**

1. Failure to comply with legal requirements of the taxpayer of tax bodies and their officials - entails a fine for individuals of eight, on officials - in the amount of fifteen monthly calculation indices.

2. Actions (inaction), provided by the first part of this article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals in the amount of fifteen, on officials - in the amount of thirty monthly calculation indices.

3. Unlawfully obstructing access of official tax authority by conducting a tax audit on the grounds or premises used by a taxpayer (other than residential) for business - entails a fine for individual entrepreneurs and officials in the amount of forty-five monthly calculation indices.

4. Actions (inaction) by part three of this article, committed repeatedly within one year after the imposition of an administrative penalty - entails a fine for the officials and entrepreneurs in the amount of sixty monthly calculation indices.

Footnote. Article 219 as amended by the Laws of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated December 11, 2006 No. 201 (shall be enforced from January 1, 2007), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

#### **Chapter 16-1. Administrative offences in the field of energy conservation and energy efficiency**

Footnote. The Code is supplemented by Chapter 16-1 in accordance with the Law of the Republic of Kazakhstan dated 13.01.2012 No. 542-IV (shall be enforced from 26.07.2012).

#### **Article 219-1. Failure to comply with the normative values of power factor in electrical networks and exceeding the standards for energy consumption**

1. Failure to comply with the normative values of power factor in electrical networks - entails a fine for individual entrepreneurs and legal entities of small and medium-sized businesses - in the amount of ten, for legal entities of large enterprises - in the amount of two hundred monthly calculation indices.

2. Exceeding power - entails a fine for the individual entrepreneurs and legal entities of small and medium enterprises - in the amount of five, for legal entities of a large enterprise - in the amount of fifteen percent of the energy used in excess of the approved standards for the period in which there was an offence, but not more than one year.

3. The act, provided by the first paragraph, if repeated within a year after the imposition of an administrative penalty - entails a fine for individual entrepreneurs and legal entities of small and medium enterprises - in the amount of twenty, for legal entities of large enterprises - in the amount of four hundred monthly calculation indices

4. Action envisaged in part two of this article committed repeatedly within one year after the imposition of an administrative penalty, shall result in a penalty to the individual entrepreneurs and legal entities of small and medium-sized businesses - in the amount of ten, for legal entities of large enterprises - at the rate of thirty percent of the energy used in excess of the approved standards in the period in which the offence occurred, but no more than one year.

Note. The cost for energy resource is based on the market price at the time of detection of the offence.

#### **Article 219-2. Malfunctioning equipment, fixtures, pipes without insulation or breaking operation of energy consuming equipment**



1. Malfunctioning equipment, fixtures, pipes without insulation or misuse of energy-consuming equipment, caused by direct losses of energy in their production and transmission, as well as water in the transfer - entails a fine for individual entrepreneurs and legal entities of small and medium businesses - in the amount of twenty, for legal entities of large enterprises - in the amount of two hundred and monthly calculation indices.

2. The act, provided by the first paragraph, if repeated within one year after the imposition of administrative penalties - entails a fine for individual entrepreneurs and legal entities of small and medium-sized businesses - in the amount of forty, for legal entities of a large enterprise - in the amount of four hundred monthly calculation indices.

**Note of the RCL!**

Chapter 16-1 is supplemented by Article 219-3 in accordance with the Law of the Republic of Kazakhstan dated 13.01.2012 No. 542-IV (shall be enforced from 01.01.2013).

**Note of the RCL!**

Chapter 16-1 is supplemented by Articles 219-4, 219-5 in accordance with the Law of the Republic of Kazakhstan dated 13.01.2012 No. 542-IV (shall be enforced from 01.01.2015).

**Note of the RCL!**

The order of enforcement of Article 219-6 see Art. 2.

#### **Article 219-6. The illegal sale and manufacture of electric light bulbs**

Sales and production of electric lamps incandescent by the power of 25W and above, which can be used in AC circuits for lighting, entails a fine for individuals - in the amount of ten, individual entrepreneurs and legal entities of small and medium enterprises - in the amount of forty, for legal entities of large enterprises - of one hundred monthly calculation indices, with confiscation of electric incandescent lamps by the power of 25W and above, which can be used in AC circuits for lighting.

**Note of the RCL!**

Chapter 16-1 is supplemented by Article 219-7 in accordance with the Law of the Republic of Kazakhstan dated 13.01.2012 No. 542-IV (shall be enforced from 01.01.2014).

**Article 219-8. Failure to comply with the order of the energy audit, the order of the examination of energy conservation and energy efficiency, provided by the legislation of the Republic of Kazakhstan on energy conservation and energy efficiency**

1. Failure to comply with the order of the audit, the order of the examination of energy conservation and energy efficiency, the legislation of the Republic of Kazakhstan on energy conservation and energy efficiency, - entails a fine for legal entities of small and medium enterprises - in the amount of twenty, for legal entities of large businesses - in the amount of one hundred monthly calculation indices.

2. The act, provided by the first paragraph, if repeated within one year after the imposition of administrative penalties - entails a fine for legal entities of small and medium-sized businesses - in the amount of forty, for legal entities of large enterprises - in the amount of two hundred with the certificate suspension of accreditation.

3. The same act committed repeatedly within one year after the expiration of an administrative penalty under part two of this article - entails a fine for legal entities of small and medium-sized businesses - in the amount of sixty, for legal entities of large enterprises - in the amount of three hundred monthly calculation indices with the deprivation of the accreditation certificate.

**Article 219-9. Production and (or) implementation of energy-using devices that do not contain the technical documentation and the label information about the and characteristics of energy efficiency in accordance with the technical regulations of the Customs Union**

1. Production and (or) the implementation of energy-consuming devices, not contained in the technical documentation and information on the labels of the and characteristics of energy efficiency in accordance with the technical regulations of the Customs Union - entails a fine for individual entrepreneurs and legal entities of small and medium enterprises - in the amount of six, for legal entities of large enterprises - one hundred monthly calculation indices.

2. The act, provided by the first paragraph, if repeated within one year after the imposition of administrative penalties - entails a fine for individual entrepreneurs and legal entities of small and medium-sized businesses - in the amount of twelve, for legal entities of large enterprises - two hundred monthly calculation indices.

**Article 219-10. Failure to comply with the authorized body in the field of energy conservation and energy efficiency, about the disposal of violations of the legislation of the Republic of Kazakhstan on energy conservation and energy efficiency, or its running not in total volume**

1. Failure to comply with the authorized body in the field of energy conservation and energy efficiency to address violations of the legislation of the Republic of Kazakhstan on energy conservation and energy efficiency, or not doing it in full - entails a fine for individuals - in the amount of ten to individual entrepreneurs and legal entities of small or medium-sized business - in the amount of twenty, for legal entities of a large enterprise - in the amount of forty monthly calculation indices.

2. The act, provided in the first paragraph, if repeated within one year after the imposition of administrative penalties - entails a fine for individuals in the amount of twenty, for legal entities of small and medium-sized businesses - in the amount of forty, for legal entities of large enterprises - one hundred monthly calculation indices.

#### **Chapter 17. Administrative offences in the field of industry, consumption of heat, electric and nuclear power**

**Footnote.** Title of Chapter 17 as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No. 461-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

#### **Article 220. Violation of the rules for handling explosive materials, radioactive and other environmentally hazardous substances**

1. Violation of the rules for production, storage, disposal, destruction, use, utilization, transportation or other handling of explosives, pyrotechnics, radioactive, biological, chemical and other environmentally hazardous materials and wastes in industries and facilities, controlled by the supervisors, except the cases provided by Article 317-1 of this Code, in the absence of a crime -

entails a fine for individuals of up to ten, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount from twenty to fifty, for legal entities of a large enterprise - in the amount from seventy to one hundred monthly calculation indices.

2. Violation of the established rules for production, storage, disposal, use, utilization, transportation or other handling of nuclear materials, radioactive materials, special non-nuclear materials and dual-use items, related to nuclear activities, except the cases provided by Article 317-1 of this Code - entails a fine for individuals in the amount from ten to twenty, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of fifty to one hundred, on legal entities of large enterprises - in the amount of one hundred to two hundred monthly calculation indices.

**Footnote.** Article 220 as amended by the Laws of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008), dated 15.07.2011 No. 461-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

#### **Article 221. Violation of the rules on safe operation**

Violation of the rules on safe operation in the sectors of industry, mining and construction work or in facilities, controlled by the authorized body in the field of

emergency and other state supervisory agencies, if it is not caused carelessly the infliction of serious or moderate harm to human health - entails a fine for individuals of up to ten, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount from twenty to fifty, for legal entities of a large enterprise - in the amount from sixty to one hundred monthly calculation indices.

Footnote. Article 221 as amended by the Laws of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

#### **Article 222. Violation of the set works and rules for nuclear, radiation and technical safety**

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No. 461-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

1. Violation of the set norms and rules for nuclear, radiation and technical safety in the handling of nuclear materials, radioactive substances, ionizing radiation sources, non-compliance with the placement of nuclear energy use facilities, the acceptance of a nuclear energy use facility, without the introduction into operation of all the facilities provided in the draft of this object; violation of the requirements of supply, installation, testing, putting into operation and putting out of service of equipment and nuclear energy use facilities, if such acts did not result in death or contaminate the environment - entails a fine for individuals in the amount of five ten, for officials, entrepreneurs, legal entities of small and medium-sized businesses - in the amount from ten to fifty, for legal entities of a large enterprise - in the amount of fifty to one hundred monthly calculation indices with deprivation of license, a special permit for a certain of activity in the field of nuclear energy.

2. Carrying out the work at nuclear energy use facilities, and handling of nuclear materials, radioactive substances and ionizing radiation sources without special permits, licenses, if these actions do not contain elements of crime - entails a fine for individuals of up to twenty, for officials, entrepreneurs, legal entities of small and medium enterprises - in the amount from thirty to one hundred, on legal entities of a large enterprise - in the amount of three to four hundred monthly calculation indices with deprivation of the license, a special permit for a certain of activity in the field of nuclear energy.

Footnote. Article 222 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006), dated 15.07.2011 No. 461-IV (shall be enforced within thirty calendar days after its first official publication).

#### **Article 223. Violation of the approved rules for technical operation of power plants and networks, safety on operation of thermal and mechanical equipment of power plants and**

**heating systems, technical operation of electric installation of consumers and also a violation of the power consumption regime**

Violation of the approved rules for technical operation of power plants and networks, safety on operation of thermal and mechanical equipment of power plants and heating systems, technical operation of electric installation of consumers, which led to the state of threatening the accident, pollution, fire or dangerous to human beings, as well as a violation of established energy consumption regime, resulting limitations, and (or) cutting-off other consumers of energy - entails a fine for individuals in the amount of fifteen, to officials - in the amount of twenty-five, to individual entrepreneurs in the amount of seventy-five, and on legal entities of small and medium enterprises - in the amount of one hundred, on legal entities of large businesses - in the amount of two hundred monthly calculation indices.

Footnote. Article 223 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2012 No. 25-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 223-1. Violation of time to obtain a passport of readiness**

1. Violation by the energy-producing, power transmission organization of the term to obtain a passport of readiness for work in autumn-winter conditions - entails a fine for individual entrepreneurs of fifty, for legal entities of small and medium enterprises - in the amount of one hundred and fifty, for legal entities of large enterprises - in the amount of three hundred monthly calculation indices.

2. The act, provided by first part of this Article, if repeated within one year after the imposition of an administrative penalty - entails a fine for individual entrepreneurs of one hundred, for legal entities of small and medium enterprises - in the amount of two hundred, for legal entities of large enterprises - in the amount of five hundred monthly calculation indices.

Footnote. Chapter 17 is supplemented by Article 223-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2012 No. 25-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 224. Damage to electrical networks**

1. Damage to the electrical networks of up to 1,000 volts (overhead power lines, underground and underwater cable lines, transformer and converter substations, switchgear and switching points) - entails a fine for individuals of eight, for officials - in the amount of fifteen, for entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of twenty-five, for legal entities of large enterprises - in the amount of fifty monthly calculation indices.

2. Damage to the electric networks of over 1000 volts (overhead power lines, underground and underwater cable lines, transformer and converter substations, switchgear and switching points) - entails a fine for individuals in the amount of fifteen , for officials - in the amount of twenty-five, for entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of fifty, for legal entities of large enterprises - in the amount of seventy-five monthly calculation indices.

3. Action, provided by first part of this Article, which caused a break in providing the consumers with electric power and cause damage, as well as committed repeatedly during the year - entails a fine for individuals in the amount of fifteen, for officials - in the amount of thirty, for entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of seventy-five, for legal entities of large enterprises - in the amount of one hundred and fifty monthly calculation indices.

4. Action, provided by second part of this Article, which caused a break in providing the consumers with electric power and cause damage, as well as committed repeatedly during the year - entails a fine for individuals of thirty, for officials - in the amount of forty, to entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of one hundred and fifty, for legal entities of large enterprises - in the amount of two hundred and fifty monthly calculation indices.

**Footnote. Article 224 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2012 No. 25-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 224-1. Violation of the legislation of the Republic of Kazakhstan in support for harnessing of renewable resources**

1. Failure to perform, and (or) improper performance, established by legislation of the Republic of Kazakhstan in the field of support for harnessing of renewable resources, of the obligations to buy electricity, producing by the respective qualified energy organizations - entails a fine for legal entities of small and medium enterprises - in the amount of two hundred, for legal entities of a large enterprise - in the amount of one thousand five hundred monthly calculation indices.

2. Violation of the legislation of the Republic of Kazakhstan in the field of support for harnessing of renewable resources, committed in the form of violation of the order and terms of definition of the closest point of connection to the electrical and thermal networks and connection facilities for harnessing of renewable resources - entails a fine for legal entities of small and medium enterprises - in the amount of two hundred, for legal entities of a large enterprise - in the amount of one thousand five hundred monthly calculation indices.

3. Actions, provided by first and second parts of this Article committed repeatedly within one year after the imposition of an administrative penalty - entails a fine for



legal entities of small and medium enterprises - in the amount of three hundred and fifty, for legal entities of a large enterprise - in the amount of two thousand monthly calculation indices.

**Footnote.** The Code is supplemented by Article 224-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2009 No. 166-IV.

#### **Article 225. Damage to the heating system**

Damage to heating systems (pipelines and their structures, channels, heat chambers, pumping stations), if the act did not result in a real threat of harm to human health and the environment - entails a fine for individuals ranging from two to ten, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount from ten to twenty, and for legal entities of large enterprises - in the amount from fifty to one hundred monthly calculation indices.

**Footnote.** Article 225 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 225-1. Performance of work in the protected areas of electrical and heating system lines and facilities of gas supply systems**

Production of construction, installation, excavation, loading and unloading operations, prospecting works, associated with the installation of wells and boreholes, sites buildup, parking of lots of road transport, markets location, storage of materials, fencing and fence, spilling and discharge of acid corrosive substances and fuel materials in the protected areas of electric and heating systems, objects of gas supply systems, without the consent of the organization under the supervision of which are the electrical and heating systems or objects of gas supply systems - entails a fine for individuals ranging from two to ten, for officials, entrepreneurs, legal entities of small and medium-sized businesses - in the amount from ten to twenty, and for legal entities of a large enterprise - in the amount of fifty to one hundred monthly calculation indices .

**Footnote.** Article 225-1 is in the wording of the Law of the Republic of Kazakhstan dated 09.01.2012 No. 533-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 226. Violation of the requirements for using of gas, safe operation of gas supply system**

1. Violation of the requirements for the safe operation of gas consuming systems and gas device system of household and household consumers, established by the legislation of the Republic of Kazakhstan on gas and gas supply - entails a fine for

individuals in the amount from five to seven, for entrepreneurs, legal entities - in the amount from fifteen to twenty monthly calculation indices.

2. The actions specified in part one of this Article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals in the amount from seven to ten, for entrepreneurs, legal entities - in the amount from twenty to thirty monthly calculation indices.

3. Unauthorized restoring the supply of commercial or liquefied petroleum gas in the gas consuming system - entails a fine for individuals of ten, the entrepreneurs, legal entities of small and medium-sized businesses - in the amount of thirty, for legal entities of large enterprises - in the amount of one hundred monthly calculation indices.

4. Violation of the requirements for the safe operation of gas supply systems, with the exception of gas consuming systems and gas device system of household and household consumers, established by the legislation of the Republic of Kazakhstan on gas and gas supply - entails a fine for entrepreneurs, legal entities of small and medium-sized enterprises, in the amount of fifty, for legal entities of large enterprises - in the amount of two hundred monthly calculation indices.

5. The actions, specified in part four of this Article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for entrepreneurs, legal entities of small and medium enterprises - in the amount of one hundred, for legal entities of a large enterprise - in the amount of four hundred monthly calculation indices.

**Footnote.** Article 226 is in the wording of the Law of the Republic of Kazakhstan dated 09.01.2012 No. 533-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 227. Operation of gas-consumed installations, excluded the cost of gas**

**Footnote.** Article 227 is excluded by the Law of the Republic of Kazakhstan dated 09.01.2012 No. 533-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 228. Failure to take actions to ensure the readiness of the reserve fuel facility**

Failure to take action to ensure the preparedness for the work, provided for industrial and (or) household consumers of reserve fuel facility or unpreparedness of gas consuming systems of industrial and (or) household consumers for work on the established reserve fuels - entails a warning or a fine for officials in the amount from ten to twenty monthly calculation indices.

Footnote. Article 228 as amended by the Law of the Republic of Kazakhstan dated 09.01.2012 No. 533-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 229. Damage to the oil and gas pipelines and their equipment**

1. Damage to the oil and gas pipelines and their equipment, or illegal installation, relocation, network connection of devices, and other violations of the rules of their operation, which could be the cause of the accident, do not contain signs of a criminal offence - entails a fine for individuals in the amount of ten to fifteen, for officials - in the amount of twenty to thirty monthly calculation indices.

2. Acts, provided by first part of this Article, if repeated within one year after the imposition of an administrative penalty - entails a fine for individuals in the amount from fifteen to twenty-five, for officials - in the amount of thirty to fifty monthly calculation indices.

Footnote. Article 229 is in the wording of the Law of the Republic of Kazakhstan dated 06.10.2010 No. 343-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 230. Damage to the areas in the production of construction and repair work**

Excavation without permission of courtyards, streets and squares, blocking them by building materials, the failure to take measures to put in order the digging sites, and the construction site after construction and repair - entails a fine or penalty for individuals in the amount up to ten, for officials, entrepreneurs, legal entities of small and medium enterprises - in the amount up to twenty-five, and for legal entities of a large enterprise - in the amount of fifty to one hundred monthly calculation indices.

Footnote. Article 230 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Chapter 17-1. Administrative offences in the field of space activities**

Footnote. The Code is supplemented by Chapter 17-1 in accordance with the Law of the Republic of Kazakhstan dated 06.01.2012 No. 529-IV (shall be enforced upon expiry of twenty one calendar days after its first official publication).

#### **Article 230-1. Violations of the legislation of the Republic of Kazakhstan in the field of space activities**

1. Violation of the legislation of the Republic of Kazakhstan in the field of space activities, committed as follows:

1) realization of the project in the field of space activities, for which not a positive conclusion of the industry expertise in the field of space activities;

2) the launch of a space object from the territory of the Republic of Kazakhstan, as well as outside in the event of implementation by national exhibitors of space activities without a positive decision of the Government of the Republic of Kazakhstan on the launch of a space object;

3) avoidance of state registration of a space object - entails a fine for individuals in the amount from thirty to fifty, for legal entities and individual entrepreneurs - in the amount of fifty to one hundred, for legal entities of small and medium-sized business - in the amount of one hundred to three hundred, for legal entities of a large enterprise - in the amount of three hundred to five hundred monthly calculation indices with the suspension of the license to carry out activities in the field of space application for six months or without it.

2. Action (inaction), specified by first part of this Article, committed repeatedly within a year after the imposition of an administrative penalty - entails a withdrawal of the license.

#### **Article 230-2. Violation of the rules for safety in space activities**

1. Violation of the rules of safety in space activities, if the action does not contain elements of a criminal offence, - entails a fine for individuals in the amount from ten to thirty, for officials, entrepreneurs, legal entities of small and medium-sized business - in the amount from thirty to fifty, for legal entities of a large enterprise - in the amount of fifty to one hundred monthly indication indices with the suspension of the license to carry out activities in the field of space application for six months or without it.

2. Failure to remedy violations, resulted in administrative liability under the first part of this Article, after a period of suspension of the license to carry out activities in the field of space application - entails a withdrawal of the license.

### **Chapter 18. Administrative offences in the field of architectural and construction activity**

#### **Article 231. Performing pre-drafting, prospecting, design, construction and installation works, the production and use of building materials, components and structure in violation of the legal requirements and government standards in the field of architecture and construction activities**

1. Performing pre-drafting, prospecting, design, construction and installation works , production and use of building materials, components and structures in violation of the legal requirements in the field of architecture and construction activities - entails a fine for officials, entrepreneurs in the amount from twenty to forty, and for legal entities of small and medium-sized business - in the amount of one hundred to three

hundred, for legal entities of a large enterprise - in the amount of three hundred to five hundred monthly calculation indices.

2. The actions, specified by first part of this Article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for officials, entrepreneurs in the amount from fifty to seventy, for legal entities of small and medium-sized business - in the amount of three hundred to four hundred, and for legal entities of a large enterprise - in the amount of seven hundred to nine hundred monthly calculation indices with deprivation of the license for a specific activity, or without it.

**Footnote. Article 231 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 232. Violation of the requirements of the approved construction standards and design documents in the production of construction and repair work**

1. Violation of the requirements of the approved construction standards and design documents in the production of construction and repair work, resulted in deterioration of serviceability, strength reduction, building sustainability, of the buildings, their parts or individual components - entails a fine for the officials, entrepreneurs in the amount from fifteen to twenty, and for legal entities of small and medium-sized business - in the amount of one hundred to three hundred, for legal entities of a large enterprise - in the amount of three hundred to five hundred monthly calculation indices with the suspension of a license or without it.

2. Commission of acts, specified in the first part of this Article, which led to a loss of strength, building sustainability, of the buildings, their parts or individual components - entails a fine for the officials, entrepreneurs in the amount from twenty to twenty-five, for legal entities of small and medium-sized business - in the amount of three hundred to four hundred, and for legal entities of a large enterprise - in the amount of five hundred to eight hundred monthly calculation indices with deprivation of the license for a specific activity, or without it.

**Footnote. Article 232 as amended by the Laws of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006); dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

**Article 233. Production of building, construction and installation, repair and restoration work in the construction and reconstruction of facilities without duly approved project documentation**

1. Production of building, construction and installation, repair and restoration works in the construction and reconstruction of facilities without duly approved project documentation - entails a fine for the officials, entrepreneurs in the amount from five to ten, and for legal entities of small and medium-sized business - in the amount of one

hundred to three hundred, for legal entities of a large enterprise - in the amount of three hundred to five hundred monthly calculation indices with the suspension of the work performed.

2. Action, provided by first part of this Article, if repeated within one year after the imposition of an administrative penalty - entails a fine for the officials, entrepreneurs in the amount from fifteen to twenty, and for legal entities of small and medium-sized enterprise, in the amount of three hundred to four hundred, and for legal entities of a large enterprise - in the amount of five hundred to six hundred monthly calculation indices with the deprivation of a license or without it and suspension of the work performed.

**Footnote. Article 233 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006). Article as amended dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

**Article 234. Violation of the rules for registration of the executive technical documentation, provided by regulations in the production of construction and installation, repair and restoration works on the construction and reconstruction of facilities, manufacturing of building materials, products and structures**

Violation of the rules for registration of the executive technical documentation, provided by regulations in the production of construction and installation, repair and restoration works on the construction and reconstruction of facilities, manufacturing of building materials, products and structures - entails a warning or a fine for the officials, entrepreneurs in the amount from five to seven, and for legal entities of small and medium enterprise - in the amount from twenty to fifty, for legal entities of a large enterprise - in the amount from fifty to one hundred monthly calculation indices.

**Footnote. Article 234 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 234-1. Violation of safety rules during the construction, operation or repair of main pipelines**

Violation of safety rules during the construction, operation or repair of main pipelines, if committed by carelessness, causing moderate bodily harm to human health - entails a fine of three hundred to five hundred monthly calculation indices or administrative arrest for up to forty-five days.

**Footnote. The Code is supplemented by Article 234-1 in accordance with the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**



**Article 235. Construction (reconstruction, restoration, expansion, technical re-equipping, modernization and capital repair) of facilities and their complexes without the project (design estimate) documentation or on the project (design estimate) documentation, which does not held in due course examination**

1. Construction (reconstruction, restoration, expansion, technical re-equipping, modernization, capital repair) of facilities and their complexes without the project (design and estimate) documentation or on the project (design and estimate) documentation, which does not held in due course examination, for which necessary its construction - entails a fine for individuals in the amount of sixty, and for legal entities and individual entrepreneurs - in the amount of eighty, for legal entities of small or medium-sized business or non-profit organizations - in the amount of one hundred and ninety, for legal entities of large enterprises - in the amount from two hundred and eighty monthly calculation indices.

2. Action, provided by first part of this Article, if repeated within a year after the imposition of an administrative penalty, as well as failure to remedy violations under part one of this article, which caused to administrative responsibilities -

entails a fine for individuals in the amount of one hundred, and for legal entities and individual entrepreneurs - in the amount of one hundred and fifty, for legal entities of small or medium-sized business or non-profit organizations - in the amount of three hundred, for legal entities of large enterprise - the amount of five hundred monthly calculation indices, with the suspension of the work.

**Footnote. Article 235 is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 235-1. Violation of the legislation of the Republic of Kazakhstan in the implementation of expert work and engineering services**

1. Unconformity of executed (execute) construction and installation works to the approved design solutions - entails a fine for individuals in the amount of one hundred monthly calculation indices.

2. Issuance of a positive expert conclusion (expert judgment) on the project (design and estimate) documentation, which does not provide the stability, reliability and durability of constructed or built objects - entails a fine for individuals in the amount of one hundred monthly calculation indices.

3. Assumption of violations in the implementation phase of the project, including the quality, timing, acceptance of executed works and commissioning - entails a fine for individuals in the amount of one hundred monthly calculation indices.

4. Actions (inaction), stipulated by the first, second and third parts of this Article, if committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals in the amount of two hundred monthly calculation indices with the deprivation of the expert's certificate to carry out expert works and engineering services.

Footnote. Chapter 17-1 is supplemented by Article 235-1 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 236. Violation of the rules for putting into operation the facilities and complexes**

Violation of the rules for putting into operation the facilities and complexes in violation of government regulations in the field of architectural and urban planning - entails a fine for officials - members of the State Acceptance Commission, for entrepreneurs in the amount from ten to fifteen, for legal entities of small or medium-sized business or non-profit organizations - in the amount from fifty to one hundred, for legal entities of large business - in the amount from two hundred to three hundred monthly calculation indices.

Footnote. Article 236 as amended by the Laws of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

#### **Article 237. Illegal construction**

Illegal construction of industrial, residential, commercial, hydraulic (water) or household facilities without the corresponding right to the ground - entails a fine for individuals in the amount of ten to fifteen, for officials, entrepreneurs, legal entities of small and medium-sized business - in the amount from ten to fifty, for legal entities of a large enterprise - in the amount of one hundred to two hundred monthly calculation indices with forced demolition of illegally constructed or erected buildings or without it.

Footnote. Article 237 as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 237-1. Violation of the requirements of the legislative act of the Republic of Kazakhstan on share participation in housing construction**

1. Violation by the builder, the project company the requirements of the legislative acts of the Republic of Kazakhstan on the share participation in housing construction to the content of information on the builder, the project company and the construction

object, and the order of its distribution or dissemination by the builder, the project company the inaccurate, incomplete, or misleading information - entails a fine for legal entities in the amount of two hundred to three hundred monthly calculation indices.

2. Failure to provide by the builder, the project company to the local executive body of the area (city of republican status, capital) with the information and accounts provided by the Laws of the Republic of Kazakhstan, or submission of false information and reporting - entails a fine for legal entities in the amount of two hundred to three hundred monthly calculation indices.

3. Actions (inaction) provided by first and second parts of this Article, committed by the builder repeatedly during year after the imposition of an administrative penalty - entails a fine for legal entities in the amount of three hundred fifty to four hundred monthly calculation indices.

4. Actions (inaction), provided by first and second parts of this Article, committed by the project company repeatedly within a year after the imposition of an administrative penalty, as well as failure to remedy violations provided by first and second parts of this Article that led to administrative responsibility - entails suspension of the license for the organization of the construction of residential buildings by raising money of shareholders for up to three months.

**Footnote. Article 237-1 is in the wording of the Law of the Republic of Kazakhstan dated 11.07.2009 No. 183 (the order of enforcement see Art. 2).**

#### **Article 237-2. Implementation of construction without technical and designer supervision**

Implementation of construction without technical and designer supervision - entails a fine for individuals in the amount of twenty, for officials, entrepreneurs - in the amount of eighty, for legal entities of small or medium-sized business or non-profit organizations - one hundred and fifty, for legal entities of a large enterprise - in the amount of two hundred and fifty monthly calculation indices.

**Footnote. Chapter 17.1 is supplemented by Article 237-2 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 238. Illegal reconstruction and alterations to residence**

1. Illegal reconstruction and alterations to residential and non-residential premises in a residence building without architectural and construction design and permission of the authorized body for architecture and urban planning - entails a fine for individuals in the amount from five to ten, for officials, entrepreneurs, legal entities of small or

medium-sized business or non-profit organizations - in the amount from twenty to fifty , for legal entities of a large enterprise - in the amount from fifty to one hundred monthly calculation indices.

2. The same actions that caused or could cause a complete loss of strength and sustainability (destruction) of the building - entails a fine for individuals in the amount from twenty to twenty-five, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount from fifty to one hundred, for legal entities of a large enterprise, - in the amount of one hundred to two hundred monthly calculation indices.

Notes.

1. Under an administrative offence in the field of construction means the non-conformity of the essential requirements, building regulations, with the exception of technical regulations, projects, other regulations for the town-planning development areas, design, construction, reconstruction, restoration, modernization, overhaul and improvement of facilities and complexes, entailing degradation and loss of strength, stability and reliability of buildings, structures, their parts or individual components, deterioration of functional performance of the work, the negative impact on the environment, as well as actions that violate the established organizational and legal procedure for the construction of facilities and their acceptance into service.

2. Under strength means the ability of the material, design, making, node points of their conjugation, soil of buildings and constructions to perceive without being destroyed the calculation value of loads and effects.

3. The stability is the ability of buildings, constructions to save the state of stable equilibrium under the action of the calculation value of loads and effects.

4. The reliability is the ability of buildings, constructions, its engineering systems, supporting and enclosing structures to perform the functions, defined by values ??of normalized parameters.

5. Under the project work means the work on the preliminary design (investment in construction, feasibility studies) and project documentation (design, detail design and other projects) for construction, expansion, reconstruction, technical re-equipping, overhaul and others of buildings and structures.

**Footnote. Article 238 as amended by the Laws of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

**Article 239. Operation of facilities and complexes, which are not placed into operation in the prescribed manner**

Operation (accommodation, services, production for profit) of completed by construction, but not entered in the prescribed manner into operation the facilities,

complexes or their parts - entails a fine for individuals in the amount from five to ten, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount from ten to fifty, for legal entities of large enterprise - from fifty to one hundred monthly calculation indices.

**Footnote.** Article 239 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

## **Chapter 19. Administrative offences in the field of environmental protection, use of natural resources**

### **Article 240. Violation of the sanitary-epidemiological and ecological requirements for environmental protection**

1. Violation of the norms of sanitary-epidemiological and environmental requirements, and health standards for environmental protection, except the cases provided by Article 317-1 of this Code - entails a warning or fine for individuals of up to ten, and for legal entities and individual entrepreneurs - of up to twenty monthly calculation indices, for legal entities - in the amount of harm caused to the environment

2. Giving for officials instructions or permission for exceeding or understatement of enforceable standard of sanitary-epidemiological and environmental requirements for the protection of the environment - entails a fine of up to twenty-five monthly calculation indices.

**Footnote.** Article 240 as amended by the Laws of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008 ).

#### **Article 240-1. Violation of the requirements of industrial environmental control**

Violation of the requirements of industrial environmental control - entails a fine for individuals in the amount of twenty-five, for officials, entrepreneurs, legal entities of small and medium enterprise - in the amount of one hundred, for legal entities of large enterprise - in the amount of two hundred monthly calculation indices.

**Footnote.** Law is supplemented by Article 240-1 in accordance with the Law of the Republic of Kazakhstan dated 09.01.2007 No. 213 (the order of enforcement see Art. 2 ) as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 240-2. Failure to comply with the conditions of nature management, specified in the environmental permit**

1. Failure to comply with the conditions of nature management, specified in the environmental permit - entails a fine for officials, entrepreneurs in the amount from twenty to thirty, for legal entities of small and medium-sized business - in the amount from thirty to fifty, for legal entities of a large enterprise - in the amount of one hundred to two hundred monthly calculation indices.

2. The actions, specified in the first part of this Article, committed repeatedly within a year after the imposition of an administrative penalty, and (or) associated with the application of very heavy damage to the environment, endangering the life and health of the population - entails a fine for officials, entrepreneurs in the amount from forty to fifty, for legal entities of small and medium-sized business - in the amount from fifty to one hundred, for legal entities of a large enterprise - in the amount of two hundred to five hundred monthly calculation indices with the suspension of an environmental permit or without it.

3. Failure to remove violations by individual and legal entity s at a stated time, for which the effect of environmental permit is suspended, entails a deprivation of an environmental permit.

Note. If the environmental permit issued for nature user for several industrial facilities, the effect of the environmental permit is suspended on the object, for which the nature user allows non-fulfillment of conditions of nature.

**Footnote. The Code is supplemented by Article 240-2 in accordance with the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 241. Avoidance of measures to eliminate effects of environmental pollution**

Avoidance of conducting or improper conducting of decontamination or other remedial actions in the contaminated areas, by persons who are responsible for conducting such activities, if these actions did not result in serious consequences to humans or the environment - entails a fine for individuals in the amount of twenty-five, for officials, entrepreneurs, legal entities of small and medium enterprise - in the amount of one hundred, for legal entities of large enterprise - in the amount of two hundred monthly calculation indices.

**Footnote. Article 241 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 242. Failure to report on industrial excessive discharges and pollution emissions, waste disposal**



Failure to report or report corrupted information to the bodies, exercising state control and supervision over the protection of the environment and implementation of environmental and sanitary-epidemiological legislation on industrial discharges and excessive pollutant emissions, waste disposal, and other harmful effects of emergency on the environment - entails a fine for officials in the amount of twenty-five monthly calculation indices.

Footnote. Article 242 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 243. Exceeding the normative standard of emissions into the environment, specified in the environmental permit, or the lack of an environmental permit**

Exceeding the normative standard of emissions into the environment, specified in the environmental permit, or the lack of an environmental permit, if these actions have no signs of a criminal offence - entails a fine for individuals in the amount from five to ten, for officials, entrepreneurs, legal entities of small and medium enterprise - in the amount from twenty to fifty monthly calculation indices, for legal entities of large enterprise - in the amount of one thousand per cent rate for the emission in the environment for the exceeded amount of emissions.

Footnote. Article 243 is in the wording of the Law of the Republic of Kazakhstan dated January 9, 2007 No. 213 (the order of enforcement see Art. 2).

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The Code is supplemented by Article 243-1 in accordance with the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced from 01.01.2013).

**Article 243-2. Submission of incorrect data on the inventory of greenhouse gases, verification and validation (determination) by the independent accredited organizations**

Submission of incorrect data on the inventory of greenhouse gases, verification and validation (determination) by the independent accredited organizations - entails a fine for officials in the amount of fifty to one hundred monthly calculation indices, for legal entities of small and medium-sized business - in the amount of two hundred to three hundred monthly calculation indices with the suspension of the certificate of accreditation, for legal entities of a large enterprise - in the amount of four hundred to five hundred monthly calculation indices with the suspension of the certificate of accreditation.

Footnote. The Code is supplemented by Article 243-2 in accordance with the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 244. Inappropriate use and non-use of equipment for cleaning of air emissions and wastewater discharges**

Inappropriate use and non-use of equipment for cleaning of air emissions and wastewater discharges - entails a fine for individuals in the amount from five to ten, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of fifty to seventy, for legal entities of large enterprise - in the amount from two hundred to two hundred and fifty monthly calculation indices.

Footnote. Article 244 is in the wording of the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 03.12.2011 No. 505 -IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 245. Failure to comply with the requirements of legislation on mandatory implementation of the state environmental review**

Failure to comply with the requirements of law on mandatory state environmental review and the requirements, contained in the ecological expert conclusion, as well as funding the projects and programs, that have not passed state environmental review - entails a fine for individuals in the amount from five to ten, for officials, entrepreneurs, legal entities of small and medium enterprise - in the amount from twenty to fifty, for legal entities of a large enterprise - in the amount from three hundred and fifty to five hundred monthly calculation indices.

Footnote. Article 245 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 246. Release for operation of the transport and other mobile means in excess of standards of pollutants in emissions**

1. Release for operation of cars, planes, ships and other mobile means and systems, for which content of pollutants in emission and the level of noise, produced by them in their work, exceed the established norms - entails a fine for the officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations in the amount from twenty to forty, for legal entities of a large enterprise - in the amount from fifty to one hundred monthly calculation indices.

2. Action, provided by first part of this Article, if repeated within one year after the imposition of an administrative penalty - entails a fine for the officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations, in the amount from sixty to eighty, for legal entities of a large enterprise - in the amount from two hundred and fifty to five hundred monthly calculation indices with the suspension and prohibition of activities or without it.

Footnote. Article 246 is in the wording of the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); as amended by the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 247. Operation of motor and other mobile means in excess of standard of the content of polluting substances in emissions**

1. Operation by individuals of motor and other mobile means and systems, IN which the content of pollutants in emissions and the level of noise, produced by them in their work, exceed the established norms - entails a warning or a fine for individuals in the amount of two monthly calculation indices.

2. The actions, specified by first part of this Article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals in the amount of five monthly calculation indices.

Footnote. Article 247 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 248. Violation of the legislation on the air protection**

1. Acceptance of new and reconstructed enterprises, buildings and other facilities that do not meet the requirements for the protection of ambient air - entails a fine for officials in the amount from ten to thirty monthly calculation indices.

2. Exploitation of new and reconstructed enterprises, buildings and other facilities that do not meet the requirements for the protection of ambient air - entails a fine for the officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations, in the amount of fifty to sixty, and for legal entities of a large enterprise - in the amount from seventy to one hundred monthly calculation indices.

Footnote. Article 248 is in the wording of the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 03.12.2011 No. 505 -IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 249. Failure to meet the requirements for the protection of ambient air and fire safety during storage and incineration of industrial and domestic waste**

Violation of rules of storage of industrial and domestic waste, noncompliance with the requirements on the protection of ambient air and fire safety in the incineration of waste - entails a warning or a fine for individuals of up to three, and for legal entities and individual entrepreneurs - in the amount from thirty to forty, for legal entities of small or medium-sized business or non-profit organizations - in the amount of fifty to seventy, for legal entities of a large enterprise - in the amount of one hundred to one hundred and twenty monthly calculation indices.

Footnote. Article 249 as amended by the Laws of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

## **Article 250. Damage to land**

1. Destruction or unlawful removal of topsoil for sale or transfer it to others, except when such removal is necessary to prevent irretrievable loss of topsoil - entails a fine for individuals in the amount from five to ten, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount from thirty to fifty monthly calculation indices, for legal entities of a large enterprise - in the amount of damage done to the environment.

2. Poisoning, pollution or other damage the land by harmful products of economic or other activities due to mismanagement of pesticides, fertilizers, plant growth stimulants and other dangerous chemical, biological and radioactive substances during their storage, handling or transportation, as well as bacterial and parasitic infections, or characteristic pests, but not caused harm to human health or the environment - entails a fine for individuals in the amount from ten to fifteen, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount from twenty-five to forty, for legal entities of a large enterprise, - in the amount from one hundred and fifty to two hundred monthly calculation indices.

Footnote. Article 250 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication)

## **Article 251. Irrational use or non-use of agricultural land**

Irrational use or non-use of agricultural land - entails a warning or penalty for individuals in the amount up to ten, for officials, entrepreneurs, legal entities of small

or medium-sized business or non-profit organizations - in the amount up to seventy, for legal entities of a large enterprise - in the amount from one hundred to two hundred monthly calculation indices.

Footnote. Article 251 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006). Article as amended dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

**Article 252. Failure to comply with the requirements of environmental protection regime of land use**

1. Failure to comply with the requirements of environmental protection regime of land use - entails a warning or penalty for individuals in the amount up to five, for officials - in the amount up to ten monthly calculation indices.

2. Action (inaction), specified in first part of this Article, if repeated within one year after the imposition of an administrative penalty - entails a fine for individuals in the amount from five to ten, for officials - in the amount from ten to twenty monthly calculation indices.

Footnote. Article 252 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006). Article as amended dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

**Article 253. Non-designated use of land**

Non-designated use of land - entails a warning or penalty for individuals of up to ten, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount from ten to thirty, for legal entities of large enterprises - in the amount from fifty to one hundred and twenty monthly calculation indices.

Footnote. Article 253 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006). Article as amended dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

**Article 254. Failure to perform duties for arrangement of temporary occupied land in a condition suitable for further use for its intended purpose**

Failure to perform duties for arrangement of temporary occupied land in a condition suitable for further use for its intended purpose - entails a warning or fine for individuals of up to five, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount from ten to twenty, and for legal entities of a large enterprise - in the amount from fifty to one hundred and ten monthly calculation indices.

Footnote. Article 254 as amended by the Laws of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

**Article 255. Conducting the survey work without permission to use the land plot**

Conducting the survey work without permission to use the land plot - entails a fine for individuals in the amount from five to ten, and for legal entities and individual entrepreneurs - in the amount from ten to twenty-five, for legal entities of small or medium-sized business or non-profit organizations - in the amount from fifty to seventy, for legal entities of a large enterprise - in the amount from one hundred to one hundred and fifty monthly calculation indices.

Footnote. Article 255 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 256. Violation of the terms for consideration of applications for providing by land plots**

Violation of the terms for consideration of applications (applications) of individuals and legal entities for provision of land plots to them or re-registration of documents for property titles or land use - entails a fine for officials in the amount of thirty monthly calculation indices.

Footnote. Article 256 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 257. Concealment of information on the availability of land plot for house construction and special land fund**

Concealment of information on the availability of land plot for home construction activity, special land fund, its distortion, unreasonable refusal on the assignment of land plot - entails a fine for officials of local executive bodies in the amount up to ten monthly calculation indices.

Footnote. Article 257 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 258. Misrepresentation of the state registration, accounting and valuation of land**

Deliberate misrepresentation of the state registration, accounting and valuation of land - entails a fine for officials in the amount of twenty monthly calculation indices.

Footnote. Article 258 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 N 123 (shall be enforced from January 1, 2006).



## **Article 258-1. Violation of the legislation of the Republic of Kazakhstan in the field of geodesy and cartography**

1. Implementation of geodesic and cartographic work in the absence of:

Own or leased set of devices, equipment and tools to carry out geodesic and (or) the cartographic work, or contract for services with the organization, which has the set of devices, equipment and tools, indicating the serial number; the staff of specialists with higher or post-secondary education in the field of geodesy and (or) cartography - entails a fine for individuals in the amount of twenty, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of one hundred, for legal entities of a large enterprise - in the amount of two hundred monthly calculation indices.

2. Action, provided by first part of this Article, if repeated within one year after the imposition of an administrative penalty - entails a fine for individuals of forty, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of one hundred and fifty, for legal entities of large enterprises - in the amount of three hundred monthly calculation indices.

**Footnote. Chapter 17.1 is supplemented by Article 258-1 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 259. Conducting geological exploration of mineral resources without a contract**

Conducting geological exploration of mineral resources without a contract - entails a fine for the officials, entrepreneurs, legal entities of small and medium-sized enterprise - in the amount of thirty, for legal entities of a large enterprise - in the amount of one hundred monthly calculation indices.

**Footnote. Article 259 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

## **Article 260. Violation of the right for geological exploration of mineral resources**

Unjustified refusal to accept documents for participation in the competition for the right of geological exploration of mineral resources - entails a fine for officials in the amount of up to twenty monthly calculation indices.

## **Article 261. Violation of the requirements for waste management of production and consumption, as well as the discharge of wastewater**

Violation of the requirements for waste management of production and consumption, as well as the discharge of waste water - entails a warning or penalty for individuals in the amount of ten, for officials, entrepreneurs, legal entities of small or

medium-sized business or non-profit organizations - in the amount of thirty monthly calculation indices, for legal entities of a large enterprise - in the amount of harm caused to the environment.

**Footnote. Article 261 as amended by the Laws of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated January 9, 2007 No. 213 (the order of enforcement see Art. 2).**

**Article 262. Violation of the rules in the development of projects of organizations in mining and mineral processing**

Violation of the rules in the development of projects of organizations in mining and mineral processing - entails a warning or a fine for the officials, entrepreneurs in the amount from ten to twenty-five, for legal entities of small and medium enterprise - in the amount from forty to seventy, for legal entities of a large enterprise - in the amount from one hundred to one hundred and fifty monthly calculation indices.

**Footnote. Article 262 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 263. Failure to comply with the rules for protection of mineral resources in construction and commissioning of organizations in mining and mineral processing**

Failure to comply with the rules for protection of mineral resources in construction and commissioning of organizations in mining and mineral processing - entails a fine for the officials, entrepreneurs, legal entities of small and medium-sized enterprise, in the amount of fifty, for legal entities of large enterprises - in the amount of one hundred and fifty monthly calculation indices.

**Footnote. Article 263 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 264. Failure to comply with the design decisions for the mining and mineral processing**

Failure to comply with the design decisions for the mining and mineral processing in the completeness of extraction and comprehensive utilization of mineral resources and components, separate storage and preservation of industrial waste entails a fine for the officials, entrepreneurs, legal entities of small and medium-sized enterprise - in the amount of fifty, for legal entities of a large enterprise - in the amount of two hundred monthly calculation indices.

**Footnote. Article 264 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 265. Violation of the environmental rules and regulations in the use of mineral resources and mineral processing**

Violation of environmental rules and regulations when using mineral resources and mineral processing, if the act did not cause significant harm - entails a warning or a fine for individuals in the amount of fifteen, for officials, entrepreneurs, legal entities of small and medium enterprise - in the amount of fifty monthly calculation indices, for legal entities of a large enterprise - in the amount of harm caused to the environment.

Footnote. Article 265 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 266. Violation of the rules for the rational and comprehensive utilization of mineral fossil**

Is excluded -by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 267. Violation of the regulations on the accounting of mineral resources and the availability of mineral resources**

Violation of the regulations on the accounting of mineral resources and the availability of mineral resources - entails a fine for officials in the amount from ten to twenty monthly calculation indices.

Footnote. Article 267 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 268. The distortion of the primary and the state reporting on account of mining and mineral processing**

The distortion of the primary and the state reporting on account of mining and mineral processing - entails a fine for officials in the amount from ten to twenty monthly calculation indices.

Footnote. Article 268 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 269. Violation of the rules of reliable determination the quantity and quality of mineral resources during their mining and processing**

Violation of the rules of reliable determination the quantity and quality of mineral resources during their mining and processing - entails a fine for officials in the amount of twenty-five monthly calculation indices.

**Article 270. Violation of the rules for accounting, utilization and neutralization of industrial and consumption waste**

Violation of the rules of accounting, utilization and neutralization of industrial and consumption waste - entails a fine for officials, entrepreneurs in the amount from fifteen to twenty, for legal entities - in the amount of one hundred to two hundred monthly calculation indices.

Footnote. Article as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 271. Violation of the rules for bringing the mountain workings and drill holes in the state, ensuring their and public safety**

Loss of surveying documents, violation of the rules for bringing conserved or liquidated mine workings and drill holes in the state, ensuring public safety, as well as the rules for saving of mine workings and drill holes at the time of conservation, entails a fine for officials, entrepreneurs, legal entities of small and medium enterprise - in the amount from twenty to thirty, for legal entities of a large enterprise - in the amount of seventy to one hundred monthly calculation indices.

Footnote. Article 271 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 272. Violation of the rules on liquidation and conservation of facilities of mineral resources use**

Violation of the rules on liquidation and conservation of facilities of mineral resource use - entails a fine for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of fifty, for legal entities of a large enterprise - in the amount of one hundred and fifty monthly calculation indices.

Footnote. Article 272 as amended by the Laws of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

**Article 273. Refusal or deviation from presentation to the bodies of state control over protection of mineral resources the information on usage of minerals**

Refusal or deviation from presentation to the bodies of state control over protection of mineral resources the timely, complete and reliable information on the state of usage of sob-soil, of mined and processed minerals - entails a fine for officials, entrepreneurs, legal entities of small and medium-sized enterprise - in the amount of ten, for legal entities of a large enterprise - in the amount of forty monthly calculation indices.

Footnote. Article 273 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 274. Giving by officials the instructions or permits that entail violation of the legislation on mineral resources and mineral processing**

Giving by officials the instructions or permits that entail violation of the legislation on mineral resources and mineral processing - entails a fine in the amount of twenty-five monthly calculation indices.

Footnote. Article 274 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006)

**Article 275. Violation of the rules for conducting operations on the subsoil use**

1. Violation of the rules of subsoil operations and the conditions of subsoil use contracts - entails a fine for officials, entrepreneurs in the amount from thirty to fifty, for legal entities of small or medium-sized business or non-profit organizations - in the amount from eighty to one hundred, for legal entities of a large enterprise - in the amount from one hundred and twenty to one hundred and fifty monthly calculation indices.

2. Failure to comply with the environmental requirements and conditions of the subsoil use contract for the protection of the environment - entails a fine for officials, entrepreneurs in the amount from thirty to fifty, for legal entities of small or medium-sized business or non-profit organizations - in the amount from eighty to one hundred, for legal entities of a large enterprise - in the amount of hundred and twenty to one hundred and fifty monthly calculation indices.

Footnote. Article 275 is in the wording of the Laws of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

**Article 275-1. Registration of the illegal transactions on environmental management**

Registration of the obviously illegal transactions on the environment management, misrepresentation of the state accounting and the state natural resource inventories, as well as deliberate underestimation of fees for the use of natural resources, pollution, protection and restoration of natural resources if such acts are committed lucratively or other personal interest by officials with the use of his (her) official position, - entails a fine in the amount from three hundred to five hundred monthly calculation indices or administrative arrest for up to forty-five days.

Footnote. The Code is supplemented by Article 275-1 in accordance with the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 276. Violation of the rules on protection of water resources**

1. Pollution and clogging, depletion of surface and subterranean waters, sources of drinking water supply, violation of water protection regime in the catchment of water, causing their pollution, water erosion of soil and other adverse effects, if these actions have not signs of a criminal offence, and the implementation of prohibited by water legislation of the Republic of Kazakhstan activities within the boundaries of water protection zones - entails a fine for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of thirty, for legal entities of a large enterprise - in the amount of one hundred monthly calculation indices

2. Commissioning of companies, municipal and other objects without structures and devices to prevent pollution and contamination of water or their harmful effects - entails a fine for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of fifty, for legal entities of a large enterprise - in the amount of one hundred monthly calculation indices.

3. Failure to perform hydraulic, process, forest improvement, sanitary and other measures to ensure the protection of water from pollution, clogging and depletion, as well as the improvement of the water regime - entails a fine for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of seventy, for legal entities of a large enterprise - in the amount of one hundred and fifty monthly calculation indices.

Footnote. Article 276 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 10.07.2009 No. 180-IV

**Article 277. Damage to water facilities, equipment and fire protection systems of water, violation of the rules of their operation**

1. Damage to water facilities, equipment and fire water systems of water - entails a fine for individuals in the amount of up to ten, for officials - in the amount of up to twenty-five monthly calculation indices.

2. Violation of the rules of operation of water facilities and devices - entails a fine for officials in the amount of up to twenty monthly calculation indices.

Footnote. Article 277 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006)



## **Article 278. Illegal construction, affecting on the state of water bodies**

1. Illegal construction of buildings and other facilities that affect the state of rivers and other water bodies - entails a warning or penalty for individuals of up to twenty, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of fifty to seventy, for legal entities of a large enterprise - in the amount of one hundred and fifty to two hundred and fifty monthly calculation indices, forced demolitions of illegal buildings.

2. Illegal water drilling and construction of underground water intakes - entails a warning or penalty for individuals in the amount of up to ten, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of fifty to seventy, for legal entities of a large enterprise - in the amount from one hundred to one hundred and fifty monthly calculation indices.

**Footnote.** Article 278 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

## **Article 279. Violation of the rules of the primary accounting of water and its use**

Violation of the rules of the primary accounting of water and its use - entails a fine for officials, entrepreneurs, legal entities of small and medium-sized business - in the amount from ten to fifty, for legal entities of a large enterprise - in the amount from seventy to one hundred monthly calculation indices.

**Footnote.** Article 279 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

## **Article 280. Distortion of the data of accounting and reporting of water resource**

Distortion of the data of accounting and reporting of the water inventory, water resources assessment, as well as their failure to provide within the time limit prescribed by the legislation of the Republic of Kazakhstan - entails a fine for officials, entrepreneurs, legal entities of small and medium-sized enterprises - in the amount of thirty, for legal entities of a large enterprise- one hundred monthly calculation indices.

**Footnote.** Article 280 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 10.07.2009 No. 180-IV .

## **Article 281. Obstruction of the water resources regulation**

Obstruction of the water resources regulation for the benefit of their integrated use, ecology and water apportioning - entails a warning or penalty for individuals of up to ten, and for officials - in the amount of up to twenty monthly calculation indices.

Footnote. Article 281 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 281-1. Violation of the rules of general water use**

1. Violation of the rules of general water use, perfected as: swimming, water drawing for drinking and domestic needs, livestock watering, riding on small size vessels and on other floating structures in the prohibited areas; limitation by individual and legal entities of access to water bodies in general water use by establishing barriers, protective items, prohibition signs - entails a warning to individuals and legal entities.

2. The actions, specified in part one of this Article, if committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals in the amount from one to two, and for legal entities and individual entrepreneurs - in the amount of ten to fifteen, for legal entities of small or medium-sized business or non-profit organizations - in the amount from twenty to twenty-five, for legal entities of a large enterprise - in the amount from fifty to sixty monthly calculation indices.

Footnote. The Code is supplemented by Article 281-1 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2009 No. 180-IV.

#### **Article 281-2. Violation of the water servitudes**

1. Violation of the water servitudes- entails a warning to individuals and legal entities.

2. The actions, specified in part one of this Article, if committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals in the amount from one to two, and for legal entities and individual entrepreneurs - in the amount of ten to fifteen, for legal entities of small or medium-sized business or non-profit organizations - in the amount from twenty to twenty-five, for legal entities of a large enterprise - in the amount from fifty to sixty monthly calculation indices.

Footnote. The Code is supplemented by Article 281-2 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2009 No. 180-IV.

#### **Article 282. Illegal use of the plots of forest fund**

Illegal use of the plots of forest areas for grubbing, construction of buildings, milling, storage devices, and other purposes without permission - entails a warning or penalty for individuals of up to five, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of ten to fifteen, for legal entities of a large enterprise - in the amount from one hundred to one hundred and fifty monthly calculation indices.

Footnote. Article 282 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

### **Article 283. Illegal felling and damage to trees and shrubs**

1. Illegal felling and damage to trees and shrubs, as well as trees and shrubs, which are not included in the forest fund and banned felling, containing no signs of a criminal offence - entails a warning or fine for individuals in the amount from ten to fifteen, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount from thirty to forty, for legal entities of a large business - in the amount of one hundred to one hundred and fifty monthly calculation indices with confiscation of illegally felled trees and shrubs, vehicles and other items of offending, which were the instruments of committing such violations.

2. Destruction or damage of forest crops, seedlings or saplings in tree nurseries and plantations, as well as young stands of natural origin, young growth and self-seeding on areas intended for reforestation - entails a warning or fine for individuals in the amount from ten to fifteen, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount from thirty to forty, for legal entities of a large business - in the amount of one hundred to one hundred and fifty monthly calculation indices.

3. Actions, specified in parts one and two of this Article, committed in protected natural areas, and do not contain signs of a criminal offence - entails a fine for individuals in the amount from twenty to twenty-five, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of fifty to seventy, for legal entities of a large enterprise, - in the amount from five hundred to one thousand five hundred monthly calculation indices with confiscation of illegally felled trees and shrubs, vehicles and other items of offending, which were the instruments of committing such violations.

Footnote. Article 283 is in the wording of the Law of the Republic of Kazakhstan dated 05.12.2003 No. 506; as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006), dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 284. Violation of the requirements of fire safety and sanitary forest regulations**

1. Violation of the requirements of fire safety and sanitary forest regulations - entails a fine for individuals in the amount from five to ten, for officials, entrepreneurs, legal entities of small and medium enterprises - in the amount from

twenty to fifty, for legal entities of a large enterprise - in the amount from one hundred to one hundred and fifty monthly calculation indices.

2. The same acts that caused a fire, damage to human health and the environment, with no signs of a criminal offence - entails a fine for individuals in the amount from ten to twenty-five, for officials, entrepreneurs, legal entities of small and medium-sized businesses - in the amount from fifty to seventy, for legal entities of a large enterprise - in the amount from two hundred to two hundred and fifty monthly calculation indices.

3. Actions, provided by parts one and two of this Article, committed in protected natural areas and do not contain signs of a criminal offence - entails a fine for individuals in the amount of one hundred, for officials, entrepreneurs, legal entities of small and medium-sized business - in the amount of four hundred, for legal entities of a large enterprise - in the amount of one thousand five hundred monthly calculation indices.

**Footnote. Article 284 as amended by the Laws of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008 ).**

**Article 285. Violation of the rules for use of forest cutting, harvesting and transporting of wood, extraction of resin and tree sap, secondary forest materials**

1. Violation of the rules of use of forest cutting, harvesting and transporting of wood, extraction of resin and tree sap, secondary forest materials - entails a fine for individuals - in the amount from five to ten, for officials, entrepreneurs, legal entities of small and medium-sized business - in the amount from thirty to fifty, for legal entities of a large enterprise - in the amount from seventy to one hundred monthly calculation indices.

2. The same act, committed in the protected natural areas - entails a warning or a fine for individuals - in the amount from ten to twenty, for officials, entrepreneurs, legal entities of small and medium-sized business - in the amount from fifty to seventy, for legal entities of a large enterprise - in the amount from one hundred and fifty to two hundred and fifty monthly calculation indices.

**Footnote. Article 285 is in the wording of the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506; as amended dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 286. Violation of the terms of return the temporarily occupied forest areas and specially protected natural areas**

1. Violation of the terms of return the temporarily occupied lands of the state forest fund or neglect of duty for putting them in a state, suitable for use for purpose -

entails a warning or penalty for individuals of up to three, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of twenty-five, for legal entities of a large enterprise - in the amount from fifty to one hundred monthly calculation indices.

2. The same actions committed in the specially protected natural areas -

entails a fine for individuals - in the amount from three to ten, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount from forty to fifty, for legal entities of a large enterprise - in the amount from two hundred to two hundred and fifty monthly calculation indices.

**Footnote. Article 286 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 287. Damage to hayfield and pasture, and illegal grazing and haying cattle, collection of medicinal plants and industrial crops on forest land**

1. Damage to hayfield and pasture on the forest land - entails a fine for individuals of up to two, for officials - in the amount up to twenty monthly calculation indices.

2. Illegal haying and grazing of livestock in forests and forest lands - entails a fine for individuals in the amount of up to three, for officials - in the amount of up to ten monthly calculation indices.

3. Illegal collection of medicinal plants and industrial crops in areas, where it is prohibited or allowed only with forest permits - entails a fine for individuals in the amount of up to three, for officials - in the amount of up to ten monthly calculation indices.

4. Actions, provided in the first-third parts of this Article committed in the specially protected natural areas - entails a fine for individuals in the amount of up to twenty, for officials - in the amount of up to fifty monthly calculation indices.

**Footnote. Article 287 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 288. Violation of the order and terms of afforestation and other categories of forest lands, intended for forest restoration and reforestation**

Violation of the order and terms of afforestation and other categories of forest lands, intended for forest restoration and reforestation - entails a fine for officials in the amount of up to ten monthly calculation indices.

**Article 289. Destruction of forest useful fauna and damage, infestation of forest by waste, chemicals and other impairment of the forest land**

1. Destruction of forest useful fauna - entails a fine for individuals of up to five, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of up to twenty, for legal entities of a large enterprise - in the amount from two hundred to two hundred fifty monthly calculation indices.

2. Damage to forests by sewage, chemicals, industrial and domestic effluents, waste and garbage, entailing its drying or disease, or clogging of the forest - entails a fine for individuals in the amount of five, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of seventy, for legal entities of a large enterprise - in the amount of four hundred monthly calculation indices.

3. Destruction or damage of forest drainage ditches, drainage systems and roads on the forest land - entails a fine for individuals in the amount of up to five, for officials - in the amount of up to twenty monthly calculation indices.

4. Actions, provided by first - three parts of this Article, committed in the specially protected natural areas - entails a fine for individuals in the amount from seven to ten, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount from eighty to one hundred, for legal entities of a large enterprise - in the amount from four hundred to five hundred monthly calculation indices.

**Footnote. Article 289 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 290. Implementation of forest uses out of accordance with the objectives or requirements, provided by consent documents**

1. Implementation of forest uses out of accordance with the objectives or requirements, provided by consent documents - entails a fine for individuals in the amount of three, for officials, entrepreneurs, legal entities of small and medium-sized business - in the amount of ten, for legal entities of a large enterprise - in the amount of forty monthly calculation indices.

2. The same actions, committed in the specially protected natural areas - entails a fine for individuals in the amount of ten, for officials, entrepreneurs, legal entities of small and medium-sized business - in the amount of thirty, for legal entities of a large enterprise - in the amount of one hundred monthly calculation indices.

**Footnote. Article 290 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**



**Article 291. Construction and operation of facilities, leading to harmful effects on the condition and reproduction of forests**

1. Construction and operation of facilities, leading to harmful effects on the condition and reproduction of forests - entails a fine for individuals in the amount of five, for officials, entrepreneurs, legal entities of small and medium enterprises - in the amount of fifteen, for legal entities of a large enterprise - in the amount of one hundred monthly calculation indices.

2. The same actions committed in the specially protected natural areas - entails a fine for individuals in the amount of twenty, for officials, entrepreneurs, legal entities of small and medium enterprises - in the amount of fifty, for legal entities of a large enterprise - in the amount of four hundred monthly calculation indices.

**Footnote. Article 291 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 292. Violation of the rules of off-bearing and taxation of cutting areas**

Violation of the rules of off-bearing and taxation of cutting areas - entails a fine for officials in the amount of up to ten monthly calculation indices.

**Article 293. Assumption of logging in size, exceeding the allowable cut**

Assumption of logging in excess of the allowable cut - entails a fine for officials in the amount of three hundred monthly calculation indices.

**Footnote. Article 293 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 294. Violation of the rules of transportation, storage and use of plant-protecting agents and other drugs**

1. Violation of the rules of transportation, storage and use of plant-protecting agents, growth stimulators, fertilizers and other chemicals that have caused or could cause pollution or damage to wildlife, except as provided in Article 317-1 of this Code - entails a warning or penalty for individuals of up to five, for officials, entrepreneurs - in the amount of ten to twenty, for legal entities of small or medium-sized business or non-profit organizations - in the amount from thirty to fifty, for legal entities of a large enterprise - in the amount of eighty to one hundred monthly calculation indices.

2. The same actions committed in the specially protected natural areas - entails a fine for individuals in the amount from ten to fifteen, and for legal entities and individual entrepreneurs - in the amount from twenty-five to fifty, for legal entities of

small or medium-sized business or non-profit organizations - in the amount from seventy to one hundred, for legal entities of a large enterprise - in the amount from one hundred and fifty to two hundred monthly calculation indices.

**Footnote. Article 294 as amended by the Laws of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008 ).**

**Article 295. Violation of the rules for protection the habitats of plants and animal habitats, the rules of creation, storage, account and use the zoological collections, as well as illegal migration, acclimatization, re-acclimatization and crossbreeding of animals**

1. Violation of the rules of protection the habitats of plants and animal habitats, breeding conditions, migration routes and places for concentrations of animals, rules for creating, storing, keeping and use of zoological and botanical collections, as well as illegal migration, acclimatization, re-acclimatization and crossbreeding of animals - entails a warning or a fine for individuals of up to eight, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of up to twenty, for legal entities of a large enterprise - in the amount from twenty to sixty monthly calculation indices.

2. The same actions committed in the specially protected natural areas - entails a warning or a fine for individuals in the amount from eight to fifteen, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount from thirty to fifty, for legal entities of a large business - in the amount of sixty to one hundred monthly calculation indices.

**Footnote. Article 295 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 296. Violation of the rules for protection the plants and animals during the placement, design and construction of settlements, enterprises and other facilities, the implementation of manufacturing processes and vehicles operation, use of plant-protecting agents, fertilizers and other drugs**

**Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

Violation of the rules for protection of plants and animals at the placement, design and construction of settlements, enterprises and other facilities, the implementation of manufacturing processes and vehicles operation, use of plant-protecting agents, fertilizers and other drugs, with the exception of the cases provided in Article 317-1 of

this Code - entails a warning or fine for individuals of up to eight, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount from ten to twenty, and for legal entities of a large enterprise - in the amount from fifty to seventy monthly calculation indices.

Footnote. Article 296 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006), dated 27.07.2007 No. 314 (shall be enforced from January 1, 2008), dated 25.01.2012 No. 548 - IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 296-1. Violation of the order for stay of individuals in the certain of specially protected natural areas**

Stay of individuals without permission and outside the designated places to visit on the territories of the state natural reserves, national Natural Park, nature reserves, national parks - entails a warning or a fine in the amount of up to two monthly calculation indices.

Footnote. Chapter is supplemented by Article 296-1 in accordance with the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 297. Damage or destruction of the objects of selective-genetic destination**

Damage or destruction of the objects of selective-genetic destination: plus trees, archival clones of plus trees, geographical cultures, test crops of populations and hybrids - entails a warning or fine for individuals in the amount of ten, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of seventy, for legal entities of a large enterprise - in the amount of three hundred monthly calculation indices.

Footnote. Article 297 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 298. Illegal hunting and wildlife use**

1. Violation of hunting regulations, as well as rules for others of wildlife use, that does not contain signs of a criminal offence, and the violation of hunting regulations provided by the second and third parts of this Article - entails a warning or a fine for individuals in the amount of five, for officials, entrepreneurs, legal entities of small and medium enterprise - in the amount of fifty, for legal entities of a large enterprise - in the amount one hundred monthly calculation indices.

2. Illegal hunting with the use of explosive devices, air, auto, motor vehicles, including snowmobiles, as well as violation of the rules of hunting, if repeated within

one year after the imposition of an administrative penalty - entails a fine for individuals in the amount from seven to fifteen, for officials, entrepreneurs, legal entities of small and medium-sized business - in the amount from fifty to one hundred, for legal entities of a large enterprise - in the amount from one to two hundred monthly calculation indices or deprivation of the right to hunt for up to two years with confiscation of guns getting animals, vehicles and other items, which were the instruments of committing such violations.

2-1. Illegal hunting, if the offence is committed with the causing of considerable damage - entails a fine in the amount from three hundred to five hundred monthly calculation indices or administrative arrest in the amount of up to forty-five days.

3. Actions, provided by parts one and two of this Article committed in the specially protected natural areas - entails a fine for individuals in the amount from forty to seventy, for officials, entrepreneurs, legal entities of small and medium-sized business - in the amount from one hundred to one hundred and fifty, for legal entities of a large enterprise - in the amount from three hundred to one thousand monthly calculation indices or deprivation of the right to hunt for up to two years with the confiscation of items and (or) implements of an administrative offence.

Note. As a significant damage in this article is recognized the size of the damage exceeding a hundred or more times the monthly calculation index, established by the legislation of the Republic of Kazakhstan at the time of the offence.

Footnote. Article 298 is in the wording of the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); as amended by the Law of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 18.01.2011 No. 393 -IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 298-1. Violation of fishing regulations and protection of fishery resources and other aquatic animals**

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 21.01.2010 No. 242-IV (the order of enforcement see Art. 2).

1. Violation of fishing regulations, as well as the rules for others of use of fish resources and other aquatic animals, which does not contain signs of a criminal offence - entails a fine for individuals in the amount from three to ten, for officials, entrepreneurs, legal entities of small and medium enterprise - in the amount from twenty to fifty, for legal entities of a large enterprise - in the amount from fifty to one hundred monthly calculation indices.

2. Gross violation of fishing regulations (fishing, except for amateur (sports) fishery, in illegal terms, by prohibited tools or methods, and in prohibited areas), as

well as the rules for others of use of fish resources and other aquatic animals, which does not contain signs of a criminal offence - entails a fine for individuals - in the amount from ten to twenty, for officials, entrepreneurs, legal entities of small and medium-sized business - in the amount from fifty to one hundred, for legal entities of a large enterprise - in the amount from one hundred to two hundred and fifty monthly calculation indices with confiscation of objects and (or) the instruments of an administrative offence, or without it.

3. Water abstraction from fishery waters without installing fish protection system - entails a fine for individuals in the amount from five to ten, for officials, entrepreneurs, legal entities of small and medium enterprise - in the amount from forty to seventy, for legal entities of a large enterprise - in the amount from one hundred to one hundred and fifty monthly calculation indices.

Footnote. The Code is supplemented by Article 298-1 in accordance with the Law of the Republic of Kazakhstan dated 05.12.2003 No. 506 as amended by the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 21.01.2010 No. 242-IV (the order of enforcement see Art. 2), dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 299. Violation of the order of fixing, use and protection of hunting grounds and fishery waters and (or) plots**

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 21.01.2010 No. 242-IV (the order of enforcement see Art. 2).

Violation of the order of fixing, use and protection of hunting grounds and fishery waters and (or) plots - entails a fine for individuals of up to three, for officials - up to twenty monthly calculation indices.

Footnote. Article 299 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 21.01.2010 No. 242-IV (the order of enforcement see Art. 2).

#### **Article 300. Violation of the rules for keeping and protecting green space**

Violation of established by local representative bodies of regions, the republican importance city and the capital the rules for keeping and protecting green space - entails a warning or a fine for individuals ranging from ten to twenty, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - ranging from forty to seventy, for legal entities of a large business - in the amount from one hundred to two hundred monthly calculation indices.

Footnote. Article 300 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 27.04.2012 No. 15-V ( shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 301. Illegal change of the terms of the license, as well as violation of the approved procedure for conducting oil operations at sea**

Illegal change of the terms of the license, as well as violation of the approved procedure for conducting oil operations at sea - entails a fine for officials, entrepreneurs in the amount of fifty, for legal entities - in the amount of one hundred and fifty monthly calculation indices.

Footnote. Article 301 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 302. Violation of the license terms, regulating the permitted activity on the continental shelf of the Republic of Kazakhstan**

1. Violation of the license terms, regulating the permitted activity on the continental shelf of the Republic of Kazakhstan, if those actions do not have signs of a criminal offence - entails a fine for officials, entrepreneurs of up to twenty, for legal entities - in the amount of one hundred to one hundred and fifty monthly calculation indices.

2. Violation of the rules of leading of submarine cables or pipelines on the territory of the Republic of Kazakhstan or their laying on the continental shelf of the Republic of Kazakhstan, which could result in damage to mineral resources, harm to life or health of people, harm living resources and marine life, or interfere with other legitimate activities on the continental shelf of the Republic of Kazakhstan, if those actions do not have signs of a criminal offence entails a fine for officials, entrepreneurs of up to twenty, for legal entities - in the amount of one hundred to one hundred and fifty monthly calculation indices.

3. The actions, provided by the first or second parts of this Article, if committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for officials in the amount of twenty-five, for legal entities - in the amount of one hundred and fifty to two hundred monthly calculation with confiscation of the vessel and the guns of the offence, or without it.

Footnote. Article 302 as amended by the Laws of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008), dated December 19, 2007 No .11-IV (the order of enforcement see Art. 2).



### **Article 303. Violation of the rules of the sea scientific research on the continental shelf of the Republic of Kazakhstan**

1. Violation of the rules of conduct of marine scientific research provided by permission or international treaties of the Republic of Kazakhstan, which has created or could interfere with the legitimate activities on the continental shelf of the Republic of Kazakhstan, or illegal change of the marine scientific research program on the continental shelf of the Republic of Kazakhstan - entails a fine for individuals in the amount of ten, for officials - in the amount of twenty, for legal entities - in the amount of one hundred monthly calculation indices.

2. The actions, specified in part one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals in the amount of fifteen, for officials - in the amount of up to twenty-five, for legal entities - in the amount of one hundred and fifty to two hundred monthly calculation with confiscation of the vessel and the guns of the offence, as well as the results of research or without it.

**Footnote. Article 303 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

### **Article 304. Violation of the rules of waste disposal and other materials, as well as the rules for conservation and dismantling on the continental shelf of the Republic of Kazakhstan**

1. Violation of the rules of burial of vessels and other floating craft, aircraft, artificial islands, installations and structures, waste and other materials, as well as the rules for conservation and dismantling provided by international treaties ratified by the Republic of Kazakhstan, which could result in damage to mineral resources, harm life or health, harm living resources and marine flora and fauna, or interfere with other legitimate activities on the continental shelf of the Republic of Kazakhstan - entails a fine for individuals in the amount of five, and for legal entities and individual entrepreneurs - in the amount of twenty, for legal entities - in the amount of one hundred monthly calculation indices.

2. The actions, specified in part one of this Article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals in the amount of ten, and for legal entities and individual entrepreneurs - in the amount of twenty-five monthly calculation indices, for legal entities - in the amount of harm caused to the environment with the confiscation of the vessel and the instruments of the offence or without it.

**Footnote. Article 304 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 19.12.2007 No. 11-IV (**

the order of enforcement see Art. 2), dated 21.01.2010 No. 242 -IV (the order of enforcement see Art. 2).

**Article 305. Failure to comply with the legal requirements of the officials of the protection agency of continental shelf of the Republic of Kazakhstan**

1. Failure to comply with the legal requirements of the officials on the continental shelf of the Republic of Kazakhstan to stop the ship and interfering with execution of these officials their authority, including inspection of the vessel - entails a fine for officials in the amount of up to twenty, for legal entities - up to seventy monthly calculation indices.

2. The actions, specified in part one of this article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for officials in the amount of twenty-five, for legal entities - in the amount of one hundred to one hundred and fifty monthly calculation indices with the confiscation of the vessel and the instruments of the offence, as well as the results of research or without it.

Footnote. Article 305 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 306. Illegal transfer of mineral and biological resources of the continental shelf, territorial waters (sea) and internal waters of the Republic of Kazakhstan**

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 21.01.2010 No. 242-IV (the order of enforcement see Art. 2).

1. Illegal transfer of mineral and biological resources of the continental shelf, territorial waters (sea) and internal waters of the Republic of Kazakhstan to foreigners, legal entities established under the legislation of another state or foreign countries - entails a fine for individuals of up to ten, and for legal entities and individual entrepreneurs - of up to twenty monthly calculation indices, for legal entities - in the amount of one hundred percent of the cost of the illegally transferred mineral and biological resources.

2. The actions, specified in part one of this Article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals of up to fifteen, and for legal entities and individual entrepreneurs - in the amount of twenty-five monthly calculation indices, for legal entities - in the amount of two hundred percent of the cost of the illegally transferred mineral and biological resources with the confiscation of the vessel and the guns of the offence, as well as the results of research or without it.

Footnote. Article 306 is in the wording of the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); as amended by the

Law of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 19.12.2007 No. 11 -IV (the order of enforcement see Art. 2), dated 21.01.2010 No. 242-IV (the order of enforcement see Art. 2).

#### **Article 306-1. Violation of the legislation on Environmental audits**

1. Failure to comply with the law on mandatory environmental audit - entails a fine for individuals in the amount from three to five, and for legal entities and individual entrepreneurs - in the amount from ten to thirty, for legal entities - in the amount of one hundred to two hundred monthly calculation indices.

2. Making by environmental auditors (environmental audit firms) the deliberately false environmental audit report - entails a fine for environmental auditors in the amount from fifty to seventy, for the environmental audit firms which are units of medium-sized business - in the amount of two hundred to two hundred and fifty, for the environmental audit firms which are subject to a large-scale enterprise - in the amount of five hundred to seven hundred monthly calculation indices.

3. Action, specified in part two of this Article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for environmental auditors in the amount from eighty to one hundred, for the environmental audit firms which are units of medium-sized business - in the amount of three hundred to four hundred, for the environmental audit firms which are subject to a large-scale enterprise - in the amount of eight hundred to one thousand monthly calculation indices with the deprivation the license to engage in environmental auditing.

4. The provision by the audited person during an environmental audit the deliberately false or incomplete information, which led to compiling the incomplete environmental audit report - entails a fine for officials, entrepreneurs in the amount of two hundred to three hundred, for legal entities of small or medium-sized business or non-profit organizations - in the amount of three hundred to four hundred, and for legal entities of a large enterprise - in the amount of six hundred to seven hundred monthly calculation indices.

Footnote. Chapter is supplemented by Article 306-1 in accordance with the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006). Article as amended by the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

#### **Article 306-2. Realization of the caviar, marked with the violation of labeling or unmarked caviar of sturgeon fish species**

1. Realization of the caviar, marked with the violation of labeling or unmarked caviar of sturgeon fish species - entails a fine for individuals in the amount from thirty

to thirty-five, and for legal entities and individual entrepreneurs - in the amount of fifty to sixty, and for legal entities of small and medium enterprise - in the amount from seventy to ninety, for legal entities which are subject to a large-scale enterprise - in the amount of one hundred to one hundred and twenty monthly calculation indices with confiscation of caviar, marked with the violation of labeling, or roe, sold without labeling.

2. The actions, specified in part one of this Article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals in the amount of sixty to seventy, for officials, entrepreneurs - in the amount of one hundred and ten to one hundred and twenty, for legal entities of small and medium enterprises - in the amount of one hundred and forty to one hundred and sixty, for legal entities of a large enterprise - in the amount of two hundred to two hundred and twenty monthly calculation indices with confiscation of caviar, marked with the violation of labeling, or roe, sold without labeling.

**Footnote. The Code is supplemented by Article 306-2 in accordance with the Law of the Republic of Kazakhstan dated 21.01.2010 No. 242-IV (the order of enforcement see Art. 2).**

**Article 306-3. Representation the inaccurate data by individual and legal entities, who perform the work and providing services in the field of environmental protection**

1. Representation by individuals and legal entities, who perform the work and providing services in the field of environmental protection, the unreliable data in developing of emission standards and environmental measures, the program of industrial ecological control and reporting on them -entails a fine for officials, entrepreneurs in the amount of thirty to fifty, for legal entities - in the amount of one hundred to two hundred monthly calculation indices.

2. Action, provided by first part of this Article, if repeated within one year after the imposition of an administrative penalty, - entails a fine for officials, entrepreneurs in the amount of seventy to one hundred monthly calculation indices with the suspension of the license, for legal entities - in the amount of two hundred and fifty to three hundred monthly calculation indices with the suspension of the license or without it.

3. Committing an offence, provided by parts one and two of this article, which caused heavy damage to the environment, or committed more than three times, and if the act does not contain signs of a criminal offence, - entails a fine for officials, entrepreneurs in the amount of one hundred to one hundred and twenty monthly calculation indices with the deprivation of the license, for legal entities - in the amount of three hundred and fifty monthly calculation indices with the deprivation of the license.

Footnote. The Code is supplemented by Article 306-3 in accordance with the Law of the Republic of Kazakhstan dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Chapter 20. Administrative offences in the field of quarantine regulations, grain market and the storage of grain, cotton industry, seed farming, state veterinary and sanitary control and supervision, and livestock breeding, as well as the formation and use of regional stabilization funds for food**

Footnote. The title of Chapter 20 is in the wording of the Law of the Republic of Kazakhstan dated 21.07.2007 No. 299; as amended by the Law of the Republic of Kazakhstan dated 24.07.2009 No. 190-IV (the order of enforcement see Art. 2), dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 12.01.2012 No. 540-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 10.07.2012 No. 33-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 307. Violation of the rules against quarantine pests, diseases and weeds**

Violation of the rules for protection of the territory of the Republic of Kazakhstan from quarantine facilities, - entails a fine for individuals in the amount from two to five , for officials, entrepreneurs, legal entities of small and medium-sized business - in the amount of twenty to forty, and for legal entities of a large enterprise - in the amount of fifty to one hundred monthly calculation indices.

Footnote. Article 307 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 308. Import and export of materials that have not been in quarantine inspection and proper processing**

Import and export from border crossing points and checkpoints on the border for plant quarantine of the imported and exported plant materials that have not been in quarantine inspection and proper processing, and transportation of these goods without permissive quarantine documents, - entails a fine for individuals in the amount of two to five, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount from twenty to forty, for legal entities of a large enterprise- in the amount of sixty to one hundred monthly calculation indices with confiscation of regulated products or without it.

Footnote. Article 308 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 309. Violation of the rules for pest control, plant diseases and weeds**

Is excluded by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 309-1. Violation of the legislation of the Republic of Kazakhstan on grain**

1. *Is excluded by the Law of the Republic of Kazakhstan dated 11.12.2009 No. 229 -IV (the order of enforcement see Art. 2).*

2. Sale of grain for export and import without proper passports for grain quality - entails a fine for individuals in the amount of five, for entrepreneurs, legal entities of small and medium enterprise - in the amount of fifteen, for legal entities of a large enterprise - in the amount of one hundred and fifty monthly calculation indices.

3. Shipment by cereal receiving points, that store grain of public resources, any number of grains and (or) export of grain by transportation organizations without advance approval of the competent authority, - entails a fine for legal entities of medium-sized enterprise - in the amount of one hundred to one hundred and fifty, for legal entities of a large enterprise - in the amount of one hundred and fifty to two hundred monthly calculation indices.

4. Violation by cereal receiving points the rules of grain quantitative and qualitative accounting, issue, circulation and redemption of grain receipts - entails a fine for legal entities of medium-sized enterprise - in the amount of one hundred and fifty to two hundred, for legal entities of a large enterprise - in the amount of two hundred and fifty to three hundred monthly calculation indices.

5. Implementation by the cereal receiving points of the activity which is not related to the provision of services on warehouse operations with the issuance of grain receipts, other than those permitted by law of the Republic of Kazakhstan "On Grain", issuing guarantees and (or) distribution of its assets as collateral under the commitments of third parties - entails a fine for legal entities of medium-sized business - in the amount of one hundred to one hundred and twenty, for legal entities of a large enterprise - in the amount of two hundred and fifty to three hundred monthly calculation indices with the suspension of the license.

6. Systematic (two or more times during the six consecutive calendar months) distortion by the cereal receiving points of the number and quality of the grain, subject to documentary evidence - entails a fine for legal entities of medium-sized enterprise - in the amount of one hundred and fifty to two hundred, for legal entities of a large enterprise - in the amount of four hundred and fifty to five hundred monthly calculation indices with the suspension of the license.

7. Alienation by cereal receiving points of basic assets, without which the implementation of the provision of services for warehousing activities with the issuance of grain receipts becomes completely impossible or significantly worsen -



entails a fine for legal entities of medium-sized enterprise - in the amount of one hundred to one hundred and twenty, for legal entities of a large enterprise - in the amount of two hundred and fifty to three hundred monthly calculation indices with the suspension of the license.

8. Failure to remedy violations that led to administrative liability under the fifth, sixth, seventh parts of this Article, after a period of suspension of the license - entails a fine for legal entities of medium-sized enterprise - in the amount of two hundred to two hundred and fifty, for legal entities of a large enterprise - in the amount of five hundred to five hundred and fifty monthly calculation indices with the deprivation of the license

9. Improper use by grain processing organizations the grain of the state realizable and state stabilizing grain resources, realized to them by agent in order to regulate the internal market - entails a fine for legal entities of small and medium enterprise - in the amount of one hundred, for legal entities of a large enterprise - in the amount of two hundred and fifty monthly calculation indices.

10. Non-fulfillment by domestic grain producers the obligation on the formation of public resources of grain - entails a fine for entrepreneurs, legal entities of small and medium enterprises - in the amount of one hundred, for legal entities of a large enterprise - in the amount of five hundred monthly calculation indices.

**Footnote.** The Code is supplemented by Article 309-1 in accordance with the Law of the Republic of Kazakhstan dated 05.12.2003 No. 506, in the wording of the Law of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008); as amended by the Law of the Republic of Kazakhstan dated 11.12.2009 No. 229 -IV (the order of enforcement see Art. 2), dated 15.07.2011 No. 461-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

#### **Article 309-2. Violations in the implementation of business activities in the field of seed**

1. The work on the production, sale and use of seeds for sowing in breach of the laws of the Republic of Kazakhstan - entails a warning or a fine for individuals - in the amount of five to ten, for officials, entrepreneurs, legal entities of small and medium-sized business - in the amount of ten to twenty-five, for legal entities of a large enterprise - in the amount of twenty-five to fifty monthly calculation indices.

2. Violation the requirements of the regulations on examination of the quality of seeds by the qualified individual and legal entity s, who provide services to determine the variety and sowing qualities of seeds - entails a warning or a fine for individuals - in the amount of five to ten, for entrepreneurs, legal entities of small and medium enterprises - in the amount of twenty to fifty, for legal entities of a large enterprise - in the amount of one hundred to five hundred monthly calculation indices.

3. Violation of the established by law qualifications, required to work in the field of seed by the qualified individual and legal entity s - entails a warning or a fine for individuals - in the amount of ten to twenty, for entrepreneurs, legal entities of small and medium enterprises - in the amount of twenty-five to fifty, for legal entities of a large enterprise - in the amount of one to two hundred monthly calculation indices.

4. Actions, specified in the third part of this article, committed repeatedly within a year after the imposition of an administrative penalty - entails the deprivation of the certificate of attestation, certifying the subjects' rights for activities in the field of seed production.

**Footnote. Supplemented by Article 309-2 in accordance the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506; as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006 ).**

#### **Article 309-3. Violation of the procedure for phytosanitary accounting**

Failure to submit, as well as the late submission of phytosanitary accounting - entails a fine for individuals in the amount of five, for officials, entrepreneurs, legal entities of small and medium enterprises - in the amount of fifteen, for legal entities of a large enterprise - in the amount of fifty monthly calculation indices.

**Footnote. Chapter is supplemented by Article 309-3 in accordance with the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 309-4. Violation of the legislation of the Republic of Kazakhstan on the development of cotton industry**

1. Violation by the cotton organizations of the established procedure for registration and storage of documents, reflecting transactions made ??with cotton - entails a fine for legal entities of small and medium-sized enterprises - in the amount of ten to fifteen, for legal entities of a large enterprise - in the amount of fifty to seventy monthly calculation indices.

2. Realization of the cleaned cotton without a corresponding passport for quality of the cleaned cotton - entails a fine for individuals in the amount of five, for individual entrepreneurs - in the amount of ten, for legal entities of small and medium enterprises - in the amount of fifteen, for legal entities of a large enterprise- in the amount of one hundred monthly calculation indices.

3. Non-performance or improper performance of the written orders of the authorized body on the violation of the requirements, established by the legislation of the Republic of Kazakhstan on the development of the cotton industry - entails a fine

for individuals in the amount of ten to twenty, for legal entities of small and medium-sized business - in the amount of thirty to fifty, for legal entities of a large enterprise - in the amount of one hundred to one hundred and twenty monthly calculation indices.

4. Avoidance of participation in the system of guaranteeing the performance of obligations by the cotton receipts, - entails a fine for legal entities of small and medium-sized business - in the amount from thirty to fifty, for legal entities of a large enterprise - in the amount of one hundred to one hundred and twenty monthly calculation indices with the suspension of the license.

5. Implementation by a cotton organization the business activity forbidden by the law of the Republic of Kazakhstan on the development of the cotton industry sector, issuing guarantees and (or) provision of its assets as collateral for the obligations of third parties in violation of the law of the Republic of Kazakhstan on the development of the cotton industry, and the cotton organization's alienation of the property, without which the implementation of the provision of services by warehousing activity with issuance of cotton receipts becomes completely impossible or significantly worsen, - entails a fine for legal entities of small and medium-sized business - in the amount of one hundred to one hundred and twenty, for legal entities of a large enterprise - in the amount of two hundred and fifty to three hundred monthly calculation indices with the suspension of the license.

6. Systematic (two or more times during the six calendar months) distortions of the quantity and quality of cotton upon the applications of the holders of the cotton receipts, providing their documentary evidence, - entails a fine for legal entities of small and medium-sized business - in the amount of fifty to eighty, and for legal entities of a large enterprise - in the amount of one hundred to one hundred and fifty monthly calculation indices with the suspension of the license.

7. Licensees false information to obtain a license, - entails a fine for legal entities of small and medium-sized business - in the amount of twenty to thirty, for legal entities of a large enterprise - in the amount of fifty to seventy monthly calculation indices with the suspension of the license.

8. Violation of the law of the Republic of Kazakhstan on the development of the cotton industry by the members of the commission for the temporary management or temporary administration during the temporary management by the cotton organization , - entails a fine for individuals and officials in the amount of fifty to eighty, and for legal entities of small and medium enterprises - in the amount of eighty to one hundred, for legal entities of a large enterprise - in the amount of one hundred and fifty to two hundred monthly calculation indices.

9. Failure to remedy violations that led to an administrative liability provided by the fourth, fifth, sixth, seventh parts of this Article, after a period of suspension of the license, entails a revocation of the license.

Footnote. Chapter 20 is supplemented by Article 309-4 in accordance with the Law of the Republic of Kazakhstan dated July 21, 2007 No. 299 as amended by the Law of the Republic Kazakhstan dated 15.07.2011 No. 461-IV (shall be enforced upon expiry of thirty calendar days after its first official publication) .

**Article 309-5. Violation of the legislation of the Republic of Kazakhstan in the formation and use of regional stabilization food funds**

1. Improper use of regional stabilization food funds, exercising the commodity interventions on crop production during the harvest season, and failure to observe the formation and use of regional stabilization funds for food products, - entails a fine for officials - in the amount of fifty to one hundred, for legal entities - in the amount of one hundred to two hundred monthly calculation indices.

2. Failure to comply with fixed prices during the purchase of food to the regional stabilization food funds and their realization from the regional stabilization funds for food products, - entails a fine for legal entities - in the amount of one hundred and fifty to two hundred and fifty monthly calculation indices.

Footnote. Chapter 20 is supplemented by Article 309-5 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2012 No. 33-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 310. Violation of the legislation on veterinary**

Violation of the legislation on veterinary, committed as follows:

1) failure to conduct mandatory veterinary and sanitary arrangements and violation of the terms of their performance;

2) non-compliance with the conditions and requirements of the quarantine and restrictive measures;

3) untimely or incomplete conducting of veterinary and sanitary measures on liquidation of the infectious animals;

4) the spread of infectious animals;

5) non-compliance with veterinary and sanitary rules during the reproduction of animals;

6) failure to comply with regulations on the protection of the Republic from the importation of infectious animal diseases;

7) violation of the veterinary and sanitary rules during the transportation (stretch) of the animals;

8) non-compliance with veterinary (veterinary and sanitary) rules and veterinary standards on the objects of internal trade, on the objects in production, performing the raising of animals, harvesting (slaughter), storage, processing and marketing of animals, products and raw materials of animal origin, as well as in organizations for production, storage and sale of veterinary medicines, feed and feed additives, warehouses, quarantine bases, loading and unloading areas and vehicles;

8-1) the use of new, advanced veterinary drugs without a conclusion of the authorized state body in the field of veterinary medicine;

8-2) failure to build and maintain the veterinary and sanitary facilities;

9) violation of other regulations in the field of veterinary medicine, which is not entailing epizootic or other grave consequences, and decisions of local executive bodies and representative bodies of regions, the republican importance city and the capital on the fight against animal diseases -

entail a fine for individuals of up to five, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of up to fifty, for legal entities of a large enterprise - in the amount of up to one hundred monthly calculation indices.

**Footnote. Article 310 as amended by the Law of the Republic of Kazakhstan dated 05.12.2003 No. 506, dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 24.07. 2009 No. 190-IV (the order of enforcement see Art. 2), dated 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 310-1. Violation of the legislation of the Republic of Kazakhstan on livestock breeding**

1. Violation of the legislation of the Republic of Kazakhstan on livestock breeding, committed as follows:

1) realization by the subjects in the field of breeding the livestock breeding production (material), which has not passed appraisal;

2) realization by the subjects in the field of livestock breeding the pedigree production (material) without issuing a certificate of pedigree;

3) the failure of subjects in the field of livestock breeding for accounting data and reporting;

4) non-performance of the acts of state inspectors on livestock breeding by the subjects in the field of livestock breeding;

5) the use by subjects in the field of livestock breeding the semen and embryos, obtained from breeding animals, which are not registered in accordance with the legislation of the Republic of Kazakhstan on livestock breeding;

6) the use by subjects in the field of livestock breeding for reproductive purposes of breeding animals, that have not undergone appraisal;

7) falsification by the subjects in livestock breeding the appraisal results of breeding animals;

8) *excluded by Law of the Republic of Kazakhstan of 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

9) *excluded by Law of the Republic of Kazakhstan of 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);*

10) failure of individuals and legal entities from reporting on breeding animals, purchased at the cost of the budget through the development programs for livestock breeding for their registration in the state register of breeding animals.

11) violation by individuals and legal entities of the using order of breeding animals, purchased for breeding at the cost of the budget through the development programs for livestock breeding, - entails a fine for individuals - in the amount of ten, for officials, entrepreneurs, legal entities of small and medium enterprises - in the amount of fifty, for legal entities of a large enterprise - in the amount of one hundred monthly calculation indices.

1-1. Failure to comply by the individual and legal entity s, operating in the field of livestock breeding with the obligations, subject to notification, established by the Law of the Republic of Kazakhstan "On livestock breeding",- entails a fine for individuals in the amount of ten, for officials, entrepreneurs, legal entities of small and medium enterprises - in the amount of fifty, for legal entities of a large enterprise - in the amount of one hundred monthly calculation indices with the suspension of activities of the legal entities in the field of livestock breeding or without it.

2. Actions (inaction), provided by the first and 1-1 parts of this Article, if repeated within a year after the imposition of an administrative penalty, as well as failure to remedy violations provided by the first and 1-1 parts of this Article, bringing to administrative responsibility, - entail the prohibition of activities in the field of livestock breeding.

**Footnote. Chapter 20 is supplemented by Article 310-1 in accordance with the Law of the Republic of Kazakhstan dated 12.01.2012 No. 540-IV (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 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 311. Violation of the rules for keeping dogs and cats**

1. Violation by the local representative bodies of regions, the republican importance city and the capital of the rules for keeping dogs in cities and other areas, - entails a warning or a fine in the amount of up to three monthly calculation indices.



2. Violation by the local representative bodies of the rules for keeping cats in cities and other areas, - entails a warning or a fine in the amount of up to one monthly calculation index.

3. The same actions that caused damage to health or property of individuals, - entails a fine in the amount of up to ten monthly calculation indices.

**Footnote.** Article 311 as amended by the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 20-1. Administrative offences in the field of Education**

**Footnote.** The Code is supplemented by Chapter 20-1 in accordance with the Law of the Republic of Kazakhstan dated July 27, 2007 No. 320 (shall be enforced from August 9, 2007).

### **Article 311-1. Violation of the legislation of the Republic of Kazakhstan in the field of education**

1. Non-performance or improper performance of duties and standards of the pedagogical ethics by a teaching employer, - entails a fine for individuals in the amount of three to five, for officials in the amount of five to ten monthly calculation indices.

2. Non-performance or improper performance of duties under the legislation of the Republic of Kazakhstan in the field of education, by parents or other legal representatives, - entails a fine for individuals in the amount of three to ten monthly calculation indices.

3. Non-performance or improper performance of duties by manager or other officers of the educational organizations due to negligent or dishonest attitude to them, if this caused bodily harm to the pupils, students and employees of educational institutions during the educational process, - entails a fine for officials in the amount of twenty to fifty monthly calculation indices.

4. Violation by the licensee of the requirements of model rules for admission to educational organizations, standard rules of educational organizations, translation and restoration of students - entails a fine for officials in the amount of twenty to fifty, and for legal entities in the amount of seventy to one hundred monthly calculation indices with the suspension of the license.

5. Establishment and activity of the organizational structures of political parties in the educational institutions, - entails a fine for officials in the amount of twenty to fifty, and for legal entities in the amount of fifty to one hundred monthly calculation indices.

6. Nonconformity of educational services to the requirements of state educational standards, and other violations of the state compulsory education standards, - entails a fine for officials in the amount of twenty to fifty, and for legal entities in the amount of fifty to one hundred monthly calculation indices with the suspension of the license.

7. Actions (inaction), specified in the first - the sixth parts of this Article, committed repeatedly within a year after the imposition of an administrative penalty - entail a fine for individuals in the amount of ten to fifteen, for officials in the amount of fifty to one hundred, for legal entities in the amount of one hundred to two hundred monthly calculation indices with the deprivation of the license.

**Footnote. Article 311-1 as amended by the Law of the Republic of Kazakhstan dated 11.10.2011 No. 484-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Chapter 21. Administrative offences entrenching on public safety and public health**

### **Article 312. Violation or failure to comply with the regulation of fire Safety**

1. Violation or non-performance in organizations, public places, warehouses, dormitories and residential area of the fire protection requirements, provided by fire regulations, building codes and regulations for the design and construction of buildings and structures, national standards and rules for the use and maintenance of firefighting equipment, fire inventory, equipment, automatic detection and suppression of fires, fire automation, - entails a warning or a fine for individuals of up to three, for officials, entrepreneurs, legal entities of small and medium enterprises - in the amount of up to twenty-five, and for legal entities of a large enterprise - in the amount of up to fifty monthly calculation indices.

2. Violation of the fire safety rules, committed by a person responsible for implementing it, if it causes a fire, caused harm to human health or serious damage, in the absence of the corpus delicti - entails a fine in the amount of up to fifty monthly calculation indices.

Note. For the purpose of this article, a considerable amount of damage shall be the amount exceeds fifty monthly calculation indices at the time of committing an administrative offence.

**Footnote. Article 312 as amended by the Law of the Republic of Kazakhstan dated 05.12.2003 No. 506, dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006), dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 312-1. Violation of the legislation of the Republic of Kazakhstan in the field of fire safety during the independent evaluation of the risks**

1. Failure to submit or late submission to the territorial division of the authorized body in the field of fire safety the copy of the results of an independent risk evaluation - entails a fine for the expert organization in the amount of twenty to thirty monthly calculation indices.

2. Submission of the conclusion on the results of an independent evaluation of risks in the field of fire safety, containing false information on compliance (non-compliance) of the object with fire safety - entails a fine for the expert organization in the amount of forty to fifty monthly calculation indices.

3. Actions (inaction), provided in the first and second parts of this Article, if committed repeatedly within a year after the imposition of an administrative penalty, and submission of a false conclusion on the results of an independent evaluation of risk in the field of fire safety - entails a fine for expert organizations in the amount of one hundred to one hundred and fifty monthly calculation indices with the deprivation of accreditation certificate.

**Footnote.** The Code is supplemented by Article 312-1 in accordance with the Law of the Republic of Kazakhstan dated 28.06.2010 No. 295-IV (shall be enforced upon expiry of six months after its first official publication).

#### **Article 313. Manufacture and sale of products not conforming the fire safety requirements**

Manufacture and sale of products not conforming to the requirements of explosion and fire safety, except for the requirements of technical regulations, or failure to comply with regulations of the state fire service on the suspension or prohibition of the organization, the production site, the unit, if they did not cause injury or major property damage - entails a fine for officials, entrepreneurs, legal entities of small and medium enterprises, in the amount of thirty to fifty, for legal entities of a large enterprise - in the amount of seventy to one hundred monthly calculation indices.

Note. For the purpose of this Article of this Code, large amount shall be the amount exceeding one hundred monthly calculation indices at the time of committing of an administrative offence.

**Footnote.** Article 313 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008), dated 26.05.2008 No. 34-IV (the order of enforcement see Art. 2).

#### **Article 314. Violation or non-fulfillment of the safety rules in reservoirs**

Violation or non-fulfillment of the safety rules in reservoirs, by a person responsible for their compliance, if this caused harm to human health or serious damage in the absence of essential elements of a crime - entails a fine for individuals in

the amount of five to ten, for officials, entrepreneurs, legal entities of small and medium-sized business - in the amount of ten to twenty, and for legal entities of a large enterprise - in the amount of forty to sixty monthly calculation indices.

**Footnote. Article 314 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 315. Violation of the requirements of the radiation safety when using Atomic Energy**

Illegitimate or deliberate release of radioactive substances into the air, water and mineral resources that exceed the levels established by the authorized government agencies; drawing into the commercial circulation for use and consumption by people the products and materials, irradiated or containing radioactive substances, without the permission of the authorized government agencies; permit to work on a nuclear facility of persons, who are not properly trained or have no documents proving their qualifications, and the persons under eighteen years of age or who have medical conditions, contrary to the requirements to accounting and control of radioactive materials and sources of ionizing radiation, if these actions do not contain evidence of a crime -

entail a fine for individuals in the amount of up to ten, for officials, entrepreneurs, legal entities of small and medium-sized business - in the amount of fifty to seventy, for legal entities of a large enterprise - in the amount of one hundred to two hundred monthly calculation indices or revocation of the license for a certain of activity in the field of nuclear energy.

**Footnote. Article 315 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 316. Violation of the requirements of the nuclear nonproliferation regime**

Violation of the established rules for nuclear exports and imports, violation of the requirements for the physical protection of nuclear materials, nuclear facilities, violation of the requirements to nuclear materials accounting and control, if these actions do not contain evidence of a crime - entails a fine for individuals in the amount of up to ten, for officials, entrepreneurs, legal entities of small and medium-sized business - in the amount of fifty to seventy, for legal entities of a large enterprise - in the amount of one hundred to two hundred monthly calculation indices or revocation of the license for a certain of activity in the field of nuclear energy.

**Footnote. Article 316 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

## **Article 317. Violation of the legislation of the Republic of Kazakhstan in the field of technical regulation**

1. Violation of the legislation of the Republic of Kazakhstan in the field of technical regulation, committed as follows:

1) production and sale of products, inconsistent with the requirements of technical regulations;

2) release in the wholesale and retail trade to the markets the products, which are not meeting the requirements of the normative document on standardization;

3) import and (or) sales of products, which are subject to mandatory conformity, without a certificate of conformity, a mark of conformity or a declaration of conformity, as well as in the event of their forgery, termination or suspension of the validity period;

4) violation of the order of performance of the work on conformity assessment and accreditation;

5) unwarranted issuing or confirmation of the certificate of conformity, as well as the unjustified adoption or registration of the declaration of conformity, the statements of the declaration;

6) performance of the works in the field of conformity in the state system of technical regulation without accreditation - entails a fine for individuals in the amount of thirty, and for legal entities and individual entrepreneurs - in the amount of fifty, for legal entities of small or medium-sized business or non-profit organizations - in the amount of one hundred, for legal entities of a large enterprise - in the amount of two hundred monthly calculation indices with the suspension of accreditation certificate, certificates of expert auditors on conformity, accreditation for a period of six months.

2. Non-performance or improper performance of the requirements of the agencies, exercising the state control over the compliance with the requirements of the legislation of the Republic of Kazakhstan in the field of technical regulation, except the cases provided by Article 317-1 of this Code - entails a fine for individuals in the amount of thirty, and for legal entities and individual entrepreneurs - in the amount of sixty, for legal entities of small or medium-sized business or non-profit organizations - in the amount of one hundred and fifty, for legal entities of a large enterprise - in the amount of three hundred monthly calculation indices with the deprivation of the accreditation certificate, certificates of expert auditors on conformity, accreditation.

3. Actions (inaction), specified in the first and second parts of this Article, if committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals in the amount of forty-five, and for legal entities and individual entrepreneurs - in the amount of one hundred, for legal entities of small or medium-sized business or non-profit organizations - in the amount of two hundred, for

legal entities of a large enterprises - in the amount of four hundred monthly calculation indices with the deprivation of the accreditation certificate, certificates of expert auditors on conformity, accreditation.

**Footnote.** Article 317 is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 317-1. Violation of the legislation in the field of safety of certain products**

Non-cessation by the person of fulfilling the processes of life cycle of the product from the discovery of non-compliance with the safety regulations set by the legislative acts on the safety of food products, chemicals, machinery and equipment, toys and technical regulations, as well as non-performance of the government regulations on security - entails a fine for individuals in the amount of one hundred and fifty to one hundred and sixty, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of three hundred to three hundred and ten, and for legal entities of a large business - in the amount of one thousand five hundred to one thousand six hundred monthly calculation indices with the suspension of the activity or without it with the confiscation of goods or without it.

Note.

For the purpose of this article, under the subjects are recognized the persons responsible for the safety of the product in accordance with the laws of the safety of food products, chemicals, machinery and equipment and toys.

**Footnote.** Article 317-1 is supplemented by the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

#### **Article 317-2. Violation of the order of issuance of the certificate on the origin of the product and form conclusions of the Customs Union product or a foreign product**

1. Drafting by audit experts to determine the country of origin of the goods, status of the goods of the Customs Union or foreign goods and the issuance by the expert organization acts of examination of the origin of the goods to determine the status of the goods of the Customs Union or foreign goods, where the data on product falsified and (or) unreliable - entails a fine for expert auditors to determine the country of origin, status of the goods of the Customs Union or foreign goods in the amount of ten monthly calculation indices with the suspension of certificates of expert auditors to determine the country of origin, status of the goods of the Customs Union or foreign goods for a period of six months, for expert organizations - in the amount of thirty monthly calculation indices with the suspension of activity for a period of six months.



2. Refusal to issue a certificate of origin of the goods in case of submission of the duly executed act of the examination of the origin of the goods and documents, proving the origin of the goods on the list, approved by the authorized body in the field of technical regulations, documents confirming the origin of the goods for domestic circulation, or refusal to issue of the conclusion forms of the goods of the Customs Union or foreign goods, when presented a valid act of expertise to determine the status of the goods of the Customs Union or foreign goods and the information, documents confirming the status of the goods of the Customs Union or foreign goods - entails a fine for the territorial Chambers of Commerce and Industry, the agencies (organizations), authorized to issue a certificate of origin for domestic circulation, conclusions forms of the goods of the Customs Union or foreign goods in the amount of fifty monthly calculation indices.

3. Issuance by the territorial Chamber of Commerce and Industry of the certificate of origin, by the agencies (organizations) authorized to issue a certificate of origin for domestic circulation the conclusions form of the goods of the Customs Union or foreign goods, a certificate of origin for domestic circulation, conclusions form of the goods of the Customs Union or foreign goods, where data on product falsified and (or) ill-founded - entails a fine for territorial Chamber of Commerce and Industry, for the agencies (organizations), authorized to issue a certificate of origin for domestic circulation, conclusions form of the goods of the Customs Union or foreign goods in the amount of thirty monthly calculation indices.

4. Violation by the territorial Chamber of Commerce and Industry, the agencies (organizations) authorized to issue a certificate of origin for domestic circulation, conclusions form of the goods of the Customs Union or foreign goods, of the period of issue of the certificate of origin, certificate of origin for domestic circulation, the conclusions form of the goods of the Customs Union or foreign goods, as well as the written reasoned decision on refusal of their issuance - entails a fine for territorial Chamber of Commerce and Industry, the bodies (organizations), authorized to issue a certificate of origin for domestic circulation, conclusions form of the goods of the Customs Union or foreign goods in the amount of thirty monthly calculation indices.

5. Presentation of the falsified and (or) ill-founded documents, confirming the origin of the goods on the list, approved by the authorized body in the field of technical regulation, to obtain a certificate of origin, the documents confirming the origin of goods for domestic circulation, to obtain a certificate of origin for domestic circulation, as well as the data, documents confirming the status of the goods of the Customs Union or foreign goods, to obtain conclusions form of the goods of the Customs Union or foreign goods - entails a fine for individual entrepreneurs in the amount of ten, for legal entities of small and medium enterprises - in the amount of twenty, for legal entities of a large enterprise - in the amount of thirty monthly calculation indices.

6. Actions (inaction), stipulated in the first, second, third and fourth parts of this Article, if committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for expert auditors to determine the country of origin, status of the goods of the Customs Union or foreign goods in the amount of forty monthly calculation indices with the deprivation of passports of the audit experts to determine the country of origin of the goods, status of the goods of the Customs Union or foreign goods, for territorial Chambers of Commerce and Industry, the agencies (organizations), authorized to issue a certificate of origin for domestic circulation, conclusions form of the goods of the Customs Union or foreign goods - in the amount of one hundred monthly calculation indices, for the expert organizations - in the amount of one hundred monthly calculation indices with the suspension of activity for a period of six months.

Footnote. The Code is supplemented by Article 317-2 in accordance with the Law of the Republic of Kazakhstan dated 11.07.2009 No. 184 (the order of enforcement see Art. 2), as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 317-3. Violation of the national standards for producing the Flag of the Republic of Kazakhstan and the State Emblem of the Republic of Kazakhstan and material objects with their image**

1. Producing the National Flag of the Republic of Kazakhstan and the National Emblem of the Republic of Kazakhstan, as well as material objects with their images not meeting with national standards, - entails a fine for individuals in the amount of fifty, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of one hundred and fifty, for legal entities of a large enterprise - in the amount of four hundred monthly calculation indices.

2. Action, specified in the first part of this Article, if repeated within one year after the imposition of an administrative penalty, - entails a fine for individuals in the amount of eighty, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of two hundred, for legal entities of a large enterprise - in the amount of five hundred monthly calculation indices.

Footnote. Chapter 21 is supplemented by Article 317-3 in accordance with the Law of the Republic of Kazakhstan dated 28.06.2012 No. 24-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 317-4. Violation of the legislation of the Republic of Kazakhstan on the measurement assurance**

1. Violation of the legislation of the Republic of Kazakhstan on the measurement assurance, committed as follows:

1) assumption the inconsistency of the quantity of packaged goods, contained in packages of any kind at their packaging, sale and import, the value indicated on the packaging;

2) assumptions of inconsistency in determining the mass, volume, flow or other quantities, characterizing the number of goods, alienated when fulfilling trading operations, to the quantity of goods specified in the control (commercial) check or other document, proving the purchase of the goods inspected;

3) calibration of measuring instruments and metrological certification of procedure of measurement without accreditation;

4) issuance, use, sale and advertising of the measuring instruments and standard samples, subject to state metrological control, failed the test for the purpose of the approval or metrological certification and calibration of not including in the register of the state system for ensuring uniform measurement;

5) application of the procedure of measurements, subject to state metrological control and not passed the metrological certification and registration in the register of the state of the system for ensuring the uniform measurement - entails a fine for individuals in the amount of thirty, and for legal entities and individual entrepreneurs - in the amount of fifty, for legal entities of small or medium-sized business or non-profit organizations - in the amount of one hundred, for legal entities of a large enterprise - in the amount of two hundred monthly calculation indices with the suspension of accreditation certificate, a certificate of a technical expert in the area of ? measurement assurance, a certificate of a verification officer for a period of six months.

2. Non-performance or improper performance of the requirements of the agencies, exercising the state control over observance of the legislation of the Republic of Kazakhstan on the assurance of measurement - entails a fine for individuals in the amount of thirty, and for legal entities and individual entrepreneurs - in the amount of sixty, for legal entities of small or medium-sized business or non-profit organizations - in the amount of one hundred and fifty, for legal entities of a large enterprise - in the amount of three hundred monthly calculation indices with the deprivation of accreditation certificate, a certificate of a technical expert in the area of ?? measurement assurance, a certificate of a verification officer.

3. Actions (inaction), specified in the first and second parts of this Article, if committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals in the amount of forty-five, and for legal entities and individual entrepreneurs - in the amount of one hundred, for legal entities of small or medium-sized business or non-profit organizations - in the amount of two hundred, for

legal entities of a large enterprise - in the amount of four hundred monthly calculation indices with the deprivation of accreditation certificate, a certificate of a technical expert in the area of ??measurement assurance, a certificate of a verification officer.

**Footnote. Chapter 21 is supplemented by Article 317-4 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 318. Failure to take action for the destruction of wild cannabis**

Failure to take action for the destruction of wild cannabis in agricultural crops, gardens, vineyards, nurseries and parks, roadside fields, irrigative and irrigation and ameliorative networks, on the waysides of roads and railways, in the territory of organizations, in the land of inhabitants of cities, towns and other communities, as well as in the lands of the state forest and water reserves of the national reserve and assigned to the organizations after the regulations - entails a fine for individuals of up to ten, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of fifty to seventy, for legal entities of a large enterprise - in the amount of seventy to one hundred monthly calculation indices.

**Footnote. Article 318 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 319. Failure to take measures to ensure the safety of the narcotic crops**

Failure to take actions to ensure the established regime of protection of the crops of hemp, poppy or other plants containing narcotic substances, the places of storage and processing of the harvest of these crops, as well as the failure to the destruction of crop residues and wastes, containing narcotic substances - entails a fine for officials, entrepreneurs, legal entities of small and medium enterprises - in the amount of one hundred, for legal entities of a large enterprise - in the amount of two hundred monthly calculation indices.

**Footnote. Article 319 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 319-1. Failure to take measures to suppression of the sale and (or) non-medical use of narcotic drugs, psychotropic substances and precursor**

1. Failure of an official and (or) the owner of an entertainment place, and educational organization to take measures to suppression of the sale and (or) non-medical use of narcotic drugs, psychotropic substances and precursors - entails a fine for officials, and (or) individual entrepreneurs in the amount of fifty to one hundred and fifty, for legal entities of small or medium-sized business or non-profit

organizations - in the amount of two hundred to three hundred, for legal entities of a large enterprise, - in the amount of seven hundred to one thousand monthly calculation indices with the suspension of the activity.

2. Actions (inaction), provided in the first part of this article, committed repeatedly within a year after the imposition of an administrative penalty - entail a fine for officials and (or) individual entrepreneurs in the amount of two hundred to three hundred monthly calculation indices with the prohibition of the individual entrepreneur activity, for legal entities of small or medium-sized business or non-profit organizations - in the amount of three hundred fifty to four hundred monthly calculation indices with the prohibition of the legal entity activity, for legal entities of a large enterprise - in the amount of one thousand five hundred to two thousand monthly calculation indices with the prohibition of the legal entity.

Note. Entertainment places specified in the Code include casinos, night clubs, cafes, bars, restaurants, internet cafes, computer, pool, bowling clubs, cinemas, theater and entertainment facilities and other purpose buildings, premises, facilities, providing services of entertainment and leisure, theater and entertainment, sporting, cultural and leisure destination.

Footnote. Article 319-1 is in the wording of the Law of the Republic of Kazakhstan dated 27.06.2008 No. 50-IV (the order of enforcement see Art. 2).

#### **Article 320. Illegal treatment with narcotic drugs, psychotropic substances and precursors without the purpose of their sale**

1. Illegal manufacture, processing, purchase, storage, transportation or transfer without the purpose of sale of narcotic drugs, psychotropic substances and precursors, having no evidence of a crime - entails a fine for individuals in the amount of five to ten or administrative arrest for up to ten days, and for legal entities and individual entrepreneurs - in the amount of fifteen to twenty monthly calculation indices or administrative arrest for up to fifteen days, for legal entities of small or medium-sized business or non-profit organizations - in the amount of twenty-five to thirty, for legal entities of a large enterprise - in the amount of forty to fifty monthly calculation indices.

1-1. Illegal purchase, transportation or storage of narcotic drugs or psychotropic substances in large amount without a purpose of selling - entails a fine for individuals of up to two hundred monthly calculation indices or administrative arrest for up to forty-five days.

2. The actions, specified in the first part of this article, committed by juveniles under the age of 16 years - entails a fine for parents or guardians, up to two monthly calculation indices.

Note. The person who had voluntarily delivered his (her) narcotic drugs, psychotropic substances and precursors, what he (she) manufactured, processed, acquired, stored, transported or mailed without the purpose of sale, shall be exempt from liability.

Footnote. Article 320 as amended by the Laws of the Republic of Kazakhstan dated 05.12.2003 No. 506, dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006), dated 27.06.2008 No. 50-IV (the order of enforcement see Art. 2 ), dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 321. Propaganda and illegal advertising of narcotic drugs, psychotropic substances and precursors**

1. Propaganda of narcotic drugs, psychotropic substances and precursors, as well as their illegal advertising - entail a fine for officials, entrepreneurs in the amount of twenty to forty, and for legal entities of small and medium-sized business - in the amount of one hundred to three hundred, for legal entities of a large enterprise - in the amount of three hundred to five hundred monthly calculation indices.

2. Advertising of drugs and psychotropic substances, included in the list of narcotic drugs, psychotropic substances and precursors, subject to control in the Republic of Kazakhstan, in unspecialized print publications, intended for medical and pharmaceutical workers, as well as distribution for advertising the samples of medicinal products, containing narcotic drugs and psychotropic substances - entails a fine for officials, entrepreneurs in the amount of twenty to twenty-five, for legal entities of small and medium-sized business - in the amount of two hundred to four hundred, and for legal entities of a large enterprise - in the amount of five hundred to seven hundred monthly calculation indices with the deprivation of a license for a specific activity, or without it.

Note.

1. Under the propaganda of drugs, psychotropic substances and precursors in this article should be understood the activity of individual and legal entity s, aimed to dissemination of information on the means, methods of design, producing and use, the places of purchase of narcotic drugs, psychotropic substances and precursors, as well as the production and distribution of books products, media products, the spread in the computer networks of the information or other actions to this end.

2. Under the illegal advertising of drugs, psychotropic substances and precursors in this article should be understood the activity of individuals and legal entities on the distribution and placement in any form, by any means any information which has impact on the unconscious perception and instincts, creates or maintains his (her) interest of narcotic drugs, psychotropic substances and precursors.



Footnote. Article 321 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 322. Illegal medical and (or) pharmaceutical activities**

1. Exercising the illegal medical and (or) pharmaceutical activities by a person without a certificate and (or) licenses for this of activity - entails a fine for individuals in the amount of one to five, for officials - in the amount of five to fifteen, for legal entities of a small and medium enterprise - in the amount of twenty to fifty, for legal entities of a large business - in the amount of fifty to seventy monthly calculation indices.

2. Provision for a fee of the guaranteed free medical care in health care organizations, providing it - entails a fine for individuals in the amount from five to ten , for officials - in the amount of twenty to thirty, for legal entities of small and medium-sized business - in the amount of thirty to fifty, for legal entities of a large business - in the amount of three hundred to four hundred monthly calculation indices.

3. Repeated commitment of the offence, provided by first and second parts of this article within a year after the imposition of an administrative penalty,- entails a fine for individuals in the amount of twenty to thirty with the deprivation of the specialist certificate, for officials - in the amount of sixty to seventy, for legal entities of small and medium enterprises - in the amount of eighty to one hundred, for legal entity s of a large-scale enterprise - in the amount of six hundred to seven hundred monthly calculation indices with the confiscation of proceeds obtained as a result of an administrative offence.

4. Conducting the mass healing sessions (two or more persons), including the use of mass media - entails a fine in the amount of one hundred and fifty monthly calculation indices.

5. Participation of medical workers, qualified to prescribe medicinal products, in advertising of medicines, sales of medicines by medical workers in the workplace, except the cases, provided by law, and also the direction in certain pharmacies or others of organizations, and other forms of cooperation with them in order to obtain compensation - entails a fine for individuals in the amount of fifty to one hundred with the deprivation of the specialist certificate, for officials - in the amount of one hundred to three hundred monthly calculation indices.

Footnote. Article 322 is in the wording of the Law of the Republic of Kazakhstan dated July 7, 2006 No. 171 (the order of enforcement see Art. 2); as amended by the Law of the Republic of Kazakhstan dated 16.07.2009 No. 186-IV; dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 323. Violation of the legislation in the field of sanitary and epidemiological welfare of the population and hygienic standards**

1. Violation of the regulations in the field of sanitary and epidemiological welfare of the population and hygienic standards, except the cases provided by Article 317-1 of this Code and not causing carelessly the mass disease or poisoning of the people, or death of a person - entails a fine for individuals in the amount of up to five, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of up to thirty, for legal entities of a large enterprise - in the amount of up to one hundred monthly calculation indices.

2. Action (inaction), provided by first part of this article, which can cause harm to human health, if the action does not contain evidence of a crime - entails a fine for individuals in the amount of two hundred, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of four hundred, for legal entities of a large enterprise - in the amount of two thousand monthly calculation indices with the suspension of the activity or without it.

**Footnote. Article 323 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006). Article as amended by the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

### **Article 324. Violation of the rules of pharmaceutical activities**

1. Violation of the rules of registration and re-registration, production and quality control, testing (research), procurement, transportation, storage, labeling, sale, use, maintenance, destruction, advertising of medicines, health products and medical equipment, if it did not cause damage to human health - entails a fine for individuals in the amount of seventy, for officials and entrepreneurs - in the amount of one hundred, for legal entities of small and medium enterprises - in the amount of two hundred, for legal entities of a large enterprise - in the amount of one thousand monthly calculation indices with the suspension of the pharmaceutical activity.

2. Production, purchase, transportation, storage, sale, advertising of unregistered, fake, forbidden to use medicines, health products and medical equipment, if they did not cause harm to human health - entails a fine for individuals in the amount of one hundred, and for legal entities and individual entrepreneurs - in the amount of one hundred and fifty, for legal entities of small and medium enterprises - in the amount of three hundred, for legal entities of a large enterprise - in the amount of one thousand fifteen hundred monthly calculation indices with the suspension of the activity and

confiscation of the medical and similar means, healthful and dietary meals products and nutritional supplements, and cosmetics, which are the direct subjects of an administrative offence and income, received as a result of an administrative offence.

3. Acts, stipulated in the first or second parts of this article, caused harm to human health if they do not contain evidence of a crime- entails a fine for individuals in the amount of two hundred, and for legal entities and individual entrepreneurs - in the amount of three hundred, for legal entities of small and medium-sized business - in the amount of four hundred, for legal entities of a large enterprise - in the amount of two thousand monthly calculation indices with confiscation of medicines, health products and medical equipment, healthful and dietary meals products and nutritional supplements, and cosmetics, which are the direct subjects of an administrative offence and income, received as a result of an administrative offence, and the prohibition of their activities.

Footnote. Article 324 is in the wording of the Law of the Republic of Kazakhstan dated July 7, 2006 No. 171 (the order of enforcement see Art. 2). Article as amended by the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008), dated 16.07.2009 No. 186-IV.

**Article 324-1. Illegal medical activities and unlawful issuance or forgery of prescriptions or other documents, granting the right to obtain narcotic drugs or psychotropic substances**

Exercising the medical or pharmaceutical activity by a person without a certificate and (or) licenses for this activity, if it caused by negligence the moderate damage to human health - entails a fine in the amount of one hundred to five hundred monthly calculation indices or administrative arrest for up to forty-five days.

Footnote. The Code is supplemented by Article 324-1 in accordance with the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 324-2. Violation of the requirements of the technical strengthening of facilities and buildings in the area of traffic of Narcotic Drugs and Psychotropic substances and precursors**

1. Violation of the requirements of the technical strengthening of facilities and buildings in the area of traffic of narcotic drugs, psychotropic substances, precursors - entails a fine for legal entities of medium-sized enterprise - in the amount of fifty, for legal entities of a large enterprise - in the amount of one hundred monthly calculation indices with the suspension of the legal entity.

2. Action (inaction), specified in the first part of this article, if repeated within one year after the imposition of an administrative penalty - entails a fine for legal entities of medium-sized business - in the amount of three hundred and fifty, for legal entities of a

large enterprise - in the amount of two thousand monthly calculation indices with the prohibition of the activity of the legal entity.

Footnote. Chapter 21 is supplemented by Article 324-2 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 325. Inaccurate advertising in the Healthcare Service**

Footnote. Title of Article 325 is in the wording of the Law of the Republic of Kazakhstan dated 16.07.2009 No. 186-IV.

Dissemination by advertiser of the advertising of medical services, methods and techniques for prevention, diagnosis, treatment and rehabilitation, without a license to carry out the relevant activity, and advertising of dietary supplements without their state registration, if the action does not contain evidence of a crime, - entails a fine for individuals in the amount of up to ten, for officials - in the amount of up to twenty-five, for legal entity s - in the amount of up to two hundred monthly calculation indices.

Footnote. Article 325 is in the wording of the Law of the Republic of Kazakhstan dated July 7, 2006 No. 171 (the order of enforcement see Art. 2); as amended by the Law of the Republic of Kazakhstan dated 16.07.2009 No. 186-IV; dated 15.07.2011 No. 461-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

#### **Article 326. Avoidance of the medical examination and treatment of the persons who are in contact with HIV-infected, people with AIDS, venereal diseases, tuberculosis, and people who use narcotics or psychotropic substances without prescription**

1. Avoidance of the medical examination and treatment of the persons, who are in contact with people with HIV, AIDS, venereal diseases, tuberculosis, continued after the written warning, made ??by health institutions - entails a fine in the amount of up to five monthly calculation indices.

2. Avoidance of the medical examination and treatment of the persons, who recognized as diseased with alcoholism, drug addiction and toxicomania or in respect to whom there is sufficient evidence that they without a medical prescription use narcotic drugs or psychotropic substances - entails a fine in the amount of up to ten monthly calculation indices.

Footnote. Article 326 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 327. Avoidance of treatment of the persons with illnesses dangerous to others**

1. Rejection of medicines and other avoidance of treating of the people with diseases dangerous to others, the list of which is determined by the Government of the Republic of Kazakhstan, as well as those who were in contact with them, and in need of preventive treatment, continued after the written warning made by public health agencies, - entails a fine in the amount of up to five monthly calculation indices.

2. Evasion of parents or persons replacing them, from the treatment of minor children with diseases, dangerous to others, the list of which is determined by the Government of the Republic of Kazakhstan - entails a fine for individuals in the amount of up to ten monthly calculation indices.

**Footnote. Article 327 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 328. Concealment by people with diseases, dangerous to others, the source of infection and those who were in contact with them**

Concealment by people with diseases, dangerous to others, the source of infection and those who were in contact with them, creating a risk of infection with these diseases to others - entails a fine in the amount of up to five monthly calculation indices.

**Article 328-1. The provision by subjects of healthcare service the false facts and information in obtaining consent documents to engage in medical activities**

1. The provision by subjects of healthcare service the false facts and information in obtaining consent documents to engage in medical activities, including the falsification of the documents, if this does not contain evidence of a crime- entails a fine for individuals in the amount of five to ten monthly calculation indices, for officials - in the amount of ten to twenty monthly calculation indices.

2. The same act, committed repeatedly within one year after the imposition of an administrative penalty - entails a fine for individuals in the amount of ten to twenty monthly calculation indices, for officials - in the amount of twenty to fifty monthly calculation indices.

**Footnote. Chapter is supplemented by Article 328-1 in accordance with the Law of the Republic of Kazakhstan dated July 7, 2006 No. 171 (the order of enforcement see Art. 2).**

**Article 329. Issue or sale of goods, works or services, not meeting the safety requirements**

**Is excluded - by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Chapter 22. Administrative offences entrenching on public order and morality**

## **Article 330. Disorderly conduct**

1. Disorderly conduct, that is, swearing in public place, humiliating harassment to individuals, the desecration of premises, pollution of public spaces, parks, squares, including the release of municipal waste in unauthorized places, and other similar actions, expressing contempt to others, violating the public order and tranquility of individuals -entails a fine in the amount of three to ten monthly calculation indices or administrative arrest for up to ten days.

2. The actions, specified in the first part of this article committed repeatedly within a year after the imposition of an administrative penalty - entails administrative arrest for up to fifteen days.

**Footnote.** Article 330 as amended by the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 22.07.2011 No. 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 330-1. Disobedience to the lawful request of a person, involved in ensuring public order**

1. Disobedience to the lawful request of a person, involved in ensuring public order , - entails a fine in the amount of up to five monthly calculation indices.

2. Action (inaction), specified in the first part of this article, if repeated within a year after the imposition of an administrative penalty - entails a fine in the amount of five to ten monthly calculation indices or administrative arrest for up to five days.

**Footnote.** Article 330-1 as amended by the Laws of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

## **Article 331. Hooliganism committed by minors**

Disorderly conduct or hooliganism, provided by first part of Article 257 of the Criminal Code of the Republic of Kazakhstan, committed by a minor under the age of fourteen to sixteen years old - entails a fine for parents or guardians, in the amount of two to five monthly calculation indices.

**Footnote.** Article 331 as amended by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 176-IV (the order of enforcement see Art. 2).

## **Article 332. Gunfire, explosion of pyrotechnics in settlements**

1. Shooting from gas weapons, homemade weapons or adapted weapons in populated areas and in non-designated areas, disturbing the individuals and the



established order - entails a fine in the amount of up to three monthly calculation indices with the confiscation of weapons or without it.

2. The explosion of special and homemade pyrotechnics in populated areas and in non-designated areas, disturbing the individuals, the established order and resulted in major property damage - entails a fine in the amount of up to three monthly calculation indices with the confiscation of fireworks and devices.

3. The same actions committed by juveniles under the age of sixteen, - entails a warning or a fine on parents or guardians - in the amount of up to two monthly calculation indices with the confiscation of pyrotechnic devices.

4. Actions, specified in the first and second parts of this article, committed repeatedly within a year after the imposition of an administrative penalty, and by a person who was liable during a year for an administrative offence under Article 333 of this Code, - entails a fine in the amount of up to ten monthly calculation indices or administrative arrest for a term of ten to fifteen days.

**Footnote. Article 332 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 333. Violation of quietness**

1. Violation of quietness at night time (from 23 to 6 am), including the holding in a residential area and out of them the work accompanied by the noise, not related to the urgent necessity that prevents the normal rest and tranquility of individuals - entails a warning or a fine for individuals in the amount of two, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of ten, for legal entities of a large enterprise - in the amount of forty monthly calculation indices.

2. The same action, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals in the amount of five, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of twenty, for legal entities of a large enterprise - in the amount of eighty monthly calculation indices.

**Footnote. Article 333 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 334. Deliberately false call of the special services**

1. Deliberately false call of the state fire service, police, ambulance, emergency services - entails a fine of up to twenty monthly calculation indices.

2. The actions, specified in the first part of this Article committed repeatedly within a year after the imposition of an administrative penalty or committed during the liquidation of the accident, fires, natural disasters - entails a fine in the amount of up to fifty monthly calculation indices.

3. Actions, specified in the first and second parts of this article committed by juveniles under the age of fourteen to sixteen - entails a warning or a fine on parents or guardians in the amount of up to ten monthly calculation indices.

Footnote. Article 334 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated 26.05.2008 No. 34-IV (the order of enforcement see Art. 2).

#### **Article 334-1. Deliberately false information about the fact of corruption**

Informing deliberately false information about the fact of corruption to the anti-corruption agency, - entails a fine in the amount of one hundred to two hundred monthly calculation indices or administrative arrest for up to thirty days.

Footnote. The Code is supplemented by Article 334-1 in accordance with Law of the Republic of Kazakhstan dated July 21, 2007 No. 308.

#### **Article 335. Manufacture and sale of the home production alcoholic drinks**

Footnote. Title of Article 335 as amended by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 176-IV (the order of enforcement see Art. 2).

Illegal manufacture in order to distribute samogon, chacha, mulberry vodka, home brew and other alcoholic beverages, as well as sale of these alcoholic beverages - entails a fine in the amount of thirty monthly calculation indices with the confiscation of alcoholic beverages, devices, raw materials and equipment for their production, as well as obtained from the sale of money and other valuables.

Footnote. Article 335 as amended by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 176-IV (the order of enforcement see Art. 2), dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

#### **Article 336. Drinking alcohol or appearance in public places in a drunken state**

Footnote. Title of Article 336 as amended by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 176-IV (the order of enforcement see Art. 2).

1. Drinking alcohol in the streets and other public places, except for organizations of trade and catering, where the sale of alcoholic beverages by the glass allowed by the local executive body, or appearance in public in a drunken state, offending human dignity and public morality - entails a fine in the amount of two monthly calculation indices.

1-1. The appearance in public in a drunken state of persons, under eighteen years of age, as well as the drinking of them alcoholic beverages - entails a fine for parents or guardians in the amount of one monthly calculation index.

2. Actions, specified in the first and 1-1 parts of this Article, if repeated within one year after the imposition of an administrative penalty - entails a fine in the amount of five monthly calculation indices.

3. Actions, specified in the first and 1-1 parts of this Article, if committed by a person, who twice during the year is subject to administrative punishment for drinking alcohol or appearance in public in a drunken state, - entails an administrative arrest for up to fifteen days.

**Footnote.** Article 336 as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from January 1, 2008), dated 10.07.2009 No. 176-IV (the order of enforcement see Art. 2), dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 336-1. Violation of the prohibition to smoke in certain public places**

1. Smoking in certain public places, where it is banned by the legislation of the Republic of Kazakhstan- entails a fine in the amount of one monthly calculation index.

2. Action, specified in the first part of this Article, if repeated within one year after the imposition of an administrative penalty - entails a fine in the amount of two to five monthly calculation indices.

3. Violation by the employer of the legislation of the Republic of Kazakhstan providing for the allocation of special smoking areas, as well as the failure to take measures to smokers, who do not smoke in special places for this - entails a fine for an official up to ten, for legal entities - up to forty monthly calculation indices.

**Footnote.** Supplemented by Article 336-1 in accordance with the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506; Article as amended by the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

#### **Article 336-2. Non-medical use of narcotic drugs, psychotropic substances and precursor in public places**

1. Non-medical use of narcotic drugs, psychotropic substances and precursors in public places - entails a fine in the amount of five monthly calculation indices.

2. Action, set forth in the first part of this Article, if repeated within one year after the imposition of an administrative penalty - entails a fine in the amount of ten monthly calculation indices.

3. Action, set forth in the first part of this Article, committed by a person, who twice during the year is subject to an administrative penalty for non-medical use of narcotic drugs, psychotropic substances and precursors in public places - entails an administrative arrest for fifteen days.

Footnote. Chapter is supplemented by Article 336-2 in accordance with the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), in the wording of the Law of the Republic of Kazakhstan dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 336-3. Staying of Minors in the Entertainment Places at Night**

1. Staying of minors in the entertainment places at night unaccompanied by legal representatives (from 22 to 6 am) - entails warning for the legal representatives.

2. Action, set forth in the first part of this Article, if repeated within one year after the imposition of an administrative penalty - entails a fine for the legal representatives in the amount of five to ten monthly calculation indices.

Footnote. Chapter 22 is supplemented by Article 336-3 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2009 No. 176-IV (the order of enforcement see Art. 2).

#### **Article 336-4. Staying of minors unaccompanied by legal representatives outside the home**

1. Staying of minors unaccompanied by legal representatives outside the home, from 23 to 6:00 am - entails warning for legal representatives.

2. Action, set forth in the first part of this Article, if repeated within one year after the imposition of an administrative penalty - entails a fine for legal representatives in the amount of five monthly calculation indices.

Footnote. Chapter is supplemented by Article 336-4 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 337. Appearance of minors in a drunken state in the public places**

Is excluded - by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 338. Games of chance**

1. Gambling (for money, clothes and other valuables) in non-designated areas, as well as acceptance of bets on sporting and other competitions by persons without special permission - entails a fine in the amount of two hundred monthly calculation indices or an administrative arrest for up to ten days with the confiscation of playing accessories, money, possessions and other valuables.

2. Involvement and admission of the citizens of the Republic of Kazakhstan under the age of twenty-one in the gambling and (or) betting on the money, clothes and other valuables - entail a fine in the amount of three hundred monthly calculation indices.

**Footnote. Article 338 as amended by the Law of the Republic of Kazakhstan dated January 12, 2007 No. 220 (the order of enforcement see Art. 2).**

#### **Article 338-1. Violation of the legislation of the Republic of Kazakhstan on gambling**

1. Failure to meet the requirement on the location of gambling venue, betting offices or bookmaker's offices in the nonresidential buildings and their placement in the buildings of industrial companies and their complexes, and other industrial, municipal and warehouse facilities, religious buildings (structures), the buildings of state bodies and institutions, educational organizations, health, culture, airports, stations, and stations and stops of all public transport and urban commuter - entails a fine for individuals in the amount of one hundred, for officials in the amount of two hundred, for individual entrepreneurs and legal entities of medium-sized business in the amount of three hundred, for legal entities of a large-scale enterprise in the amount of one thousand monthly calculation indices with the suspension of the license.

2. Organization and conducting of gambling in sites are not established by the legislation of the Republic of Kazakhstan on gambling, or the implementation of activities in the gambling business without a license - entail a fine for individuals in the amount of one hundred, for officials in the amount of two hundred, for individual entrepreneurs and legal entities of medium-sized business in the amount of three hundred, for legal entities of a large-scale enterprise in the amount of one thousand monthly calculation indices with the confiscation gaming equipment, regardless of affiliation, legitimizing signs, money and other income received as a result of an administrative offence.

3. Failure to meet the requirements on the percentage of winning, technologically embedded in the gaming machine - entails a fine for individuals in the amount of one hundred, for officials in the amount of two hundred, for individual entrepreneurs and legal entities of medium-sized business in the amount of three hundred, for legal entities of a large-scale enterprise in the amount of one thousand monthly calculation indices with the confiscation of income received as a result of an administrative offence, and with the suspension of a license or without it.

4. Non-fulfillment by the organizer of gaming activity the conditions to build, ensure the placement of required reserves and their use on the terms and conditions determined by the Laws of the Republic of Kazakhstan - entails a fine for officials in the amount of two hundred, for individual entrepreneurs and legal entities of medium-sized business in the amount of three hundred, for legal entities of a large-scale enterprise in the amount of one thousand monthly calculation indices with the suspension of the license.

5. Installation of gaming machines or their parts to the walls, windows and doors - entails a fine for individuals in the amount of one hundred, for officials in the amount of two hundred, for individual entrepreneurs and legal entities of medium-sized business in the amount of three hundred, for legal entities of a large-scale enterprise in the amount of one thousand monthly calculation indices with the suspension of the license.

6. Implementation by the organizer of gambling industry the activities in the gaming business, not provided by the legislation, and the organization and conducting of online casinos in the Republic of Kazakhstan or organization of gambling and (or) betting, involving the property other than money - entails a fine for individuals in the amount of one hundred, for officials in the amount of two hundred, for individual entrepreneurs and legal entities of medium-sized business in the amount of three hundred, for legal entities of a large-scale enterprise in the amount of one thousand monthly calculation indices with the confiscation of gaming equipment, legitimizing marks, money and other income received as a result of an administrative offence.

7. Non-compliance by the organizer of gambling industry the requirements for equipment funds and gaming seats of gambling establishments with video recording system or violation of the terms of storage the recorded information or fixation conditions - entails a fine for officials in the amount of two hundred, for individual entrepreneurs and legal entities of medium-sized business in the amount of three hundred, for legal entities of a large-scale enterprise in the amount of one thousand monthly calculation indices with the suspension of the license.

8. Failure to establish in a casino at least twenty table games, in the gaming machines hall at least fifty gaming machines - entails a fine for officials in the amount of two hundred, for individual entrepreneurs and legal entities of medium-sized business in the amount of three hundred, for legal entities of a large-scale enterprise in the amount of one thousand monthly calculation indices with the suspension of the license.

9. The use of organizer of gambling industry the gaming machines in violation of the laws of the Republic of Kazakhstan on technical regulation - entails a fine for officials in the amount of two hundred, for individual entrepreneurs and legal entities of medium-sized business in the amount of three hundred, for legal entities of a



large-scale enterprise in the amount of one thousand monthly calculation indices with the suspension of the license.

9-1. Breach of duty to implement and ensure through the hardware-software complex and other gaming equipment the reception, unified registration of total sum, made rates, processing rates of participants and payment of winning bets or breach of duty to establish gaming equipment that allows participants to observe the development of betting and outcome of the event, to the result of which their rates were made - entails a fine for officials in the amount of two hundred, for individual entrepreneurs and legal entities of medium-sized business - in amount of three hundred , for legal entities of a large enterprise - in the amount of one thousand monthly calculation indices with the suspension of the license or without it.

10. Committing the acts, specified in the first, fourth, fifth, seventh, eighth, ninth, 9 -1 parts of this Article, repeatedly during the year after the imposition of an administrative penalty - entails a fine for individuals in the amount of two hundred, for officials in the amount of three hundred, for individual entrepreneurs and legal entities of medium-sized enterprise in the amount of four hundred, for legal entities of a large-scale enterprise in the amount of two thousand monthly calculation indices with the deprivation of the license.

11. Committing the acts, specified in the second and six parts of this Article, repeatedly during the year after the imposition of an administrative penalty - entails a fine for individuals in the amount of two hundred, for officials - in the amount of three hundred, for individual entrepreneurs and legal entities of medium-sized business - in the amount of four hundred, for legal entities of a large enterprise - in the amount of two thousand monthly calculation indices with the confiscation of gambling equipment , legitimizing marks, money and other income received as a result of an administrative offence.

12. Committing the acts, specified in the third part of this Article, repeatedly within one year after the imposition of an administrative penalty - entails a fine for individuals in the amount of two hundred, for officials - in the amount of three hundred, for individual entrepreneurs and legal entities of medium-sized business - in the amount of four hundred, for legal entities of a large enterprise - in the amount of two thousand monthly calculation indices with the confiscation of income obtained as a result of an administrative offence, and with the revocation of the license or without it.

**Footnote.** The Code is supplemented by Article 338-1 in accordance with Law of the Republic of Kazakhstan dated 12.01.2007 No. 220 (the order of enforcement see Art. 2) as amended by the Law of the Republic of Kazakhstan dated 04.05.2009 No. 157-IV (the order of enforcement see Art. 2), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 339. Advertising the products of erotic content**

Sale, distribution or advertising of the products of erotic in non-designated places - entails a fine up to twenty monthly calculation indices with the confiscation of the products of erotic content.

### **Article 340. Violation of the rules for protection and use of historical and cultural monuments**

Violation of rules for protection and use of historical and cultural monuments protected by the State - entails a fine for individuals - up to five, for officials - up to ten monthly calculation indices.

**Footnote. Article 340 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

### **Article 341. Desecration of historical and cultural monuments or natural site**

1. Desecration of historical and cultural monuments and natural sites, protected by the state, if the action does not have elements of a criminal offence - entails a fine in the amount of five to ten monthly calculation indices.

2. The same actions, as well as the desecration of burial places of people committed by juveniles under the age of sixteen, - entails a fine for parents or guardians - up to ten monthly calculation indices.

## **Chapter 23. Administrative offences in the field of press and information**

### **Article 342. Violation of the legislation of the Republic of Kazakhstan on mass media**

1. Dissemination of the media products, as well as communications and materials of the news agency without registration or after the decision on the suspension of their issue (broadcast) or the recognition of the certificate of registration as invalid - entails a fine for officials in the amount of five to ten, for the owners of the media, legal entities of small and medium-sized business - in the amount of ten to fifty, for legal entities of a large enterprise - in the amount of two hundred to three hundred monthly calculation indices with the confiscation of mass media products.

2. Dissemination of programs on broadcasters channels in the official language of the time less than the total volume of transfers in other languages ??- entails a fine for officials in the amount of five to ten, for the owners of the media, legal entities of small and medium-sized business - in the amount of ten to fifty, for legal entities of a large enterprise - in the amount of two hundred to three hundred monthly calculation indices with the confiscation of printed or other products and with the suspension of the issue ( broadcast) of the media for up to three months.

3. Action, provided by second part of this Article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for officials in the amount of twenty to fifty, for the owners of the media, legal entities of small and medium-sized business - in the amount of one hundred and fifty to two hundred and fifty, for legal entities of a large enterprise - in the amount of five hundred to a thousand monthly calculation indices with the deprivation of the license for television and (or) radio and the prohibition of the issue (broadcast) of the media.

4. Production, manufacturing, printing and (or) distribution of the media products, as well as communications and materials of the news agency without reassessment in the cases of change of the ownership or its legal form, the name and the name of the media, change the language of publication or broadcast, the distribution territory, the main thematic focus, frequency of issue - entail a fine for officials in the amount of twenty to forty, for the owners of the media, legal entities of small and medium-sized business - in the amount of one hundred to two hundred, for legal entities of a large enterprise - in the amount of eight hundred to a thousand monthly calculation indices with the suspension of issue (broadcast) of the media for up to three months.

5. The actions, specified by fourth part of this Article, committed repeatedly within a year after the imposition of an administrative penalty - entails the prohibition of the issue (broadcast) of the media.

6. Rebroadcast of the television and radio programs of foreign media in violation of legislation - entails a fine for officials in the amount of forty to fifty, for the owners of the media, legal entities - in the amount of seventy to one hundred monthly calculation indices.

7. Action, provided by sixth part of this Article, if repeated within one year after the imposition of an administrative penalty - entails a fine for officials in the amount of seventy to one hundred, for the owners of the media, legal entities - in the amount of one hundred and fifty to two hundred monthly calculation indices with the suspension the issue of (broadcast) the media for up to three months.

**Footnote.** Article 342 is in the wording of the Law of the Republic of Kazakhstan dated July 8, 2005 No. 67 (the order of enforcement see Art. 2); as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 5, 2006 No. 156 (the order of enforcement see Art. 2 ), dated June 19, 2007 No. 264 (the order of enforcement see Art. 2 of the Law), dated 06.02.2009 No. 123-IV (the order of enforcement see Art. 2).

#### **Article 342-1. Violation of the legislation of the Republic of Kazakhstan on broadcasting**

1. Violations of the legislation of the Republic of Kazakhstan on broadcasting by TV and radio companies, committed as follows: Broadcasting by the national TV and

radio channels the domestic radio and television programs less than the established norm;

Broadcasting on TV channel the news program, without providing sign language interpretation or translations as subtitles;

Broadcasting on the channel additional information, exceeding fifteen per cent of the frame - entails a fine for individual entrepreneurs, officials - in the amount of twenty to fifty, for legal entities of small or medium-sized business or non-profit organizations - in the amount of one hundred to one hundred and fifty, for legal entities of a large enterprise - in the amount of two hundred to three hundred monthly calculation indices.

2. Actions, provided by first part of this Article, if repeated within one year after the imposition of an administrative penalty - entail a fine for individual entrepreneurs and officials - in the amount of fifty to one hundred, for legal entities of small or medium-sized business or non-profit organizations - in the amount of one hundred and fifty to two hundred, for legal entities of a large enterprise - in the amount of three hundred to four hundred monthly calculation indices.

3. Violations of the legislation of the Republic of Kazakhstan on broadcasting by the broadcasting operators, committed as follows: organization of the system of collective reception without the written consent of the owners of the building and (or) buildings;

non-dissemination by broadcasting operators the mandatory television and radio channels;

violation of the conditions of rebroadcast of TV and radio channels by the broadcasting operators - entails a fine for individual entrepreneurs, officials - in the amount of twenty to fifty, for legal entities of small or medium-sized business or non-profit organizations - in the amount of one hundred to one hundred and fifty, for legal entities of a large enterprise - in the amount of two hundred to three hundred monthly calculation indices.

4. Actions, specified in the third part of this Article committed repeatedly within a year after the imposition of an administrative penalty - entail a fine for individual entrepreneurs and officials - in the amount of fifty to one hundred, for legal entities of small or medium-sized business or non-profit organizations - in the amount of one hundred and fifty to two hundred, for legal entities of a large enterprise - in the amount of three hundred to four hundred monthly calculation indices.

5. Violation of the legislation of the Republic of Kazakhstan on broadcasting by TV and radio broadcasters and operators, committed as follows:

distribution of TV programs, which are likely to impair the physical, mental, healthy, moral and spiritual development of children and adolescents, as well as

movies, indexed in accordance with the law of the Republic of Kazakhstan "On Culture" by index "E 18", in the period from 06.00 to 22.00 local time;

late distribution within fifteen minutes by the broadcasting operators and TV and radio companies the public alert about the threat to the life, health and the operating procedures in the current circumstances in natural and man-made emergency situations , as well as in the interests of defense, national security and law enforcement;

using the technical means of broadcasting, which have not undergone conformity assessment procedures;

interfering the radio transmitter and (or) radio receiving communications through individual ground satellite receiving equipment;

distribution by broadcasting operators of foreign TV and radio channels, which are not registered in the authorized agency - entails a fine for individual entrepreneurs, officials - in the amount of twenty to fifty, for legal entities of small or medium-sized business or non-profit organizations - in the amount of one hundred to one hundred and fifty, for legal entities of a large enterprise - in the amount of two hundred to three hundred monthly calculation indices.

6. Actions, specified in the fifth part of this Article, committed repeatedly within a year after the imposition of an administrative penalty - entail a fine for individual entrepreneurs and officials - in the amount of fifty to one hundred, for legal entities of small or medium-sized business or non-profit organizations - in the amount of one hundred and fifty to two hundred, for legal entities of a large enterprise - in the amount of three hundred to four hundred monthly calculation indices.

**Footnote. Chapter 23 is supplemented by Article 342-1 in accordance with the Law of the Republic of Kazakhstan dated 18.01.2012 No. 546-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).**

#### **Article 343. Giving the permit for publication in the media the materials, aimed to incitement of national hatred**

Giving the permit to publish in print and other media the information and materials aimed at inciting racial, ethnic, social and religious hatred, advocating exclusivity, war, calling for the violent overthrow of the constitutional order and the violation of the territorial integrity of the Republic - entails a fine for officials in the media in the amount of one hundred to four hundred monthly calculation indices or an administrative arrest for up to fifteen days with the confiscation of printed materials.

**Footnote. Article 343 as amended by the Law of the Republic of Kazakhstan dated July 8, 2005 No. 67 (the order of enforcement see Art. 2).**

#### **Article 344. Manufacture, storage, import, transport, spread on the territory of the Republic of Kazakhstan the products of the media and other products**

1. Manufacture, storage, import, transport in the Republic of Kazakhstan of the media products, containing information and materials aimed at propaganda or agitation to change the constitutional order, violation of the integrity of the Republic of Kazakhstan, undermining state security, war, incitement of social, racial, national, religious, and tribal strife, the cult of cruelty, violence and pornography - entails a fine for individuals of up to twenty, for officers, entrepreneurs - in the amount of up to twenty-five, and for legal entities of small or medium-sized business or non-profit organizations - in the amount of fifty to one hundred, for legal entities of a large enterprise - in the amount of one hundred to two hundred monthly calculation indices with the confiscation of the media products.

2. Spread in the territory of the Republic of Kazakhstan of media products that contains information and materials aimed at propaganda or agitation to change the constitutional order, violation of the integrity of the Republic of Kazakhstan, undermining state security, war, incitement of social, racial, national, religious, and tribal strife, propaganda and justification of extremism and terrorism, as well as revealing the techniques and tactics of anti-terrorist operations in the period of their execution, if these actions do not contain elements of a criminal offence - entails a fine for individuals in the amount of up to twenty, for officers, entrepreneurs - in the amount of up to twenty-five, and for legal entities of small or medium-sized business or non-profit organizations - in the amount of fifty to one hundred, for legal entities of a large enterprise - in the amount of one hundred to two hundred monthly calculation indices with the confiscation of the media products.

3. Actions, specified in the first and second parts of this Article, committed repeatedly within one year after the imposition of an administrative penalty - entail a fine for individuals in the amount of fifty to one hundred, and for legal entities and individual entrepreneurs - in the amount of one hundred to two hundred, for legal entities of small or medium-sized business or non-profit organizations - in the amount of two hundred to three hundred, for legal entities of a large enterprise - in the amount of one thousand to one thousand five hundred monthly calculation indices with the deprivation of the license for the organization of television programs and (or) radio, and prohibition of the activity of the legal entity.

4. Manufacture, storage, import, transport, distribution in the territory of the Republic of Kazakhstan other products, which are not related to the media, containing the information and materials aimed at propaganda or agitation to change the constitutional order, violation of the integrity of the Republic of Kazakhstan, undermining state security, war, incitement social, racial, national, religious, and tribal strife, the cult of cruelty, violence and pornography, if these actions do not contain elements of a criminal offence - entail a fine for individuals - in the amount of fifty to two hundred monthly calculation indices, for officials - in the amount of one hundred



to two hundred monthly calculation indices or an administrative arrest for up to fifteen days, and for legal entities of small or medium-sized business or non-profit organizations - in the amount of two hundred to three hundred, for legal entities of a large enterprise - in the amount of one thousand to one thousand five hundred monthly calculation indices with the confiscation of products.

5. Actions, specified in the third and fourth parts of this Article, committed repeatedly within a year after the imposition of an administrative penalty - entail a fine for individuals in the amount of two hundred to two hundred and fifty monthly calculation indices, for officials - in the amount of two hundred to three hundred, for legal entities of small or medium-sized business or non-profit organizations - in the amount of three hundred to four hundred, for legal entities of a large enterprise - in the amount of one thousand five hundred to two thousand monthly calculation indices with the deprivation of the license for television and (or) radio, and prohibition of the activity of the legal entity.

Footnote. Article 344 is in the wording of the Law of the Republic of Kazakhstan dated July 8, 2005 No. 67 (the order of enforcement see Article 2); as amended by the Laws of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006); dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008), dated 08.04.2010 No. 266-IV (the order of enforcement see Article 2), dated 12.01.2012 No. 537-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 345. Violation of the right to refute the information and to publish a response by mass media**

Is excluded - by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 346. The impact on the court by the media**

Prejudging in the mass media of the results of the trial on any case or impact to the court prior to the entry into force of a judicial act - entails a fine for officials - in the amount of up to twenty-five monthly calculation indices.

Footnote. Article 346 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 347. Giving false information and materials to the media**

Giving the false information and materials to the media - entails a fine for individuals in the amount of up to fifteen, for officials - in the amount of up to twenty-five monthly calculation indices.

Footnote. Article 347 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 348. Violation of the order of granting the compulsory free copies of the periodic printed publications, recording, storage of the materials of TV and radio programs**

1. Violation of the order of granting the compulsory free copies of periodicals, as well as recording and storing of the materials of television and radio programs -entails a fine of up to ten monthly calculation indices.

2. The actions, specified in the first part of this Article, committed repeatedly within a year after the imposition of an administrative penalty - entail a fine in the amount of up to fifteen monthly calculation indices and the suspension of the production (broadcast) of media for up to three months.

Footnote. Article 348 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 349. Violation of the legislation of the Republic of Kazakhstan on advertising**

1. Production, distribution, placement and use of advertising of the products (works and services), banned to advertising by laws of the Republic of Kazakhstan - entail a fine for individuals in the amount of fifty to one hundred, for individual entrepreneurs, officials - in the amount of seventy to one hundred, for legal entities of small and medium business or non-profit organizations - in the amount of one hundred to one hundred and fifty, for legal entities of a large enterprise - in the amount of two hundred to four hundred monthly calculation indices.

2. Violation of the requirements of laws of the Republic of Kazakhstan for languages of advertising - entails a fine for individuals in the amount from ten to twenty, for individual entrepreneurs, officials - in the amount of fifty to seventy, for legal entities of small and medium-sized business or non-profit organizations - in the amount of one hundred to two hundred, for legal entities of a large enterprise - in the amount of two hundred to four hundred monthly calculation indices.

3. The same actions, committed with the use of the mass media - entail a fine for individuals - in the amount of seventy to one hundred, for individual entrepreneurs and officials - in the amount of one hundred to one hundred and fifty, for legal entities of small and medium-sized business or non-profit organizations - in the amount of one hundred and fifty to two hundred, for legal entities of a large enterprise - in the amount of three hundred to five hundred monthly calculation indices.

4. The actions, specified in the first, second and third parts of this Article, if committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals - in the amount of one hundred to one hundred and fifty, for individual entrepreneurs and officials - in the amount of one hundred and fifty to one hundred and seventy, for legal entities of small and medium business or non-profit organizations - in the amount of two hundred to three hundred , for legal entities of a large enterprise - in the amount of four hundred to six hundred monthly calculation indices with the suspension of production (broadcast) of the media for up to three months.

Footnote. Article is in the new wording of the Law of the Republic of Kazakhstan dated June 19, 2007 No. 264 (the order of enforcement see Art. 2 of the Law).

#### **Article 349-1.**

Footnote. Article 349-1 is excluded in accordance with the Law of the Republic of Kazakhstan dated June 19, 2007 No. 264 (the order of enforcement see Art. 2 of the Law).

#### **Article 350. Violation of the order of announcement of date-line**

1. Issue of the periodical without installed date-line, broadcasting of television and radio programs of electronic media without announcing on the air its name, as well as with unclear or obviously false imprint - entail a fine in the amount of up to twenty monthly calculation indices with the confiscation of circulation of the media products, or without it.

2. The actions, specified in the first part of this Article, committed repeatedly within a year after the imposition of an administrative penalty - entail a fine in the amount of up to fifty monthly calculation indices with the confiscation of circulation of the products and equipment, used for the production and distribution of media products or without it, or the suspension of the issue (broadcast) of the media for up to three months.

Footnote. Article 350 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated 06.02.2009 No. 123-IV (the order of enforcement see Art. 2).

#### **Article 351. Violation of privacy of authorship and source of information**

Disclosure the secrets of authorship and source of information by the official of media, who in writing obligated to hold it confidential - entails a fine in the amount of up to fifty monthly calculation indices.

Footnote. Article 351 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506.

#### **Article 352. Impeding to legal professional activity of a journalist**

1. The creation of conditions, preventing the fulfillment by a journalist the legal professional activity or completely deprives him (her) of this opportunity - entails a fine for up to fifty monthly calculation indices.

2. Unjustified refusal or failure to submit within the terms the information requested by the journalist - entails a fine for officials in the amount of up to fifty monthly calculation indices.

Footnote. Article 352 is in the wording of the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506.

#### **Chapter 24. Administrative offences against the established order of administration**

#### **Article 353. Promulgation and application of illegal normative legal act**

1. Promulgation by official of the government body of illegal normative legal act affecting the rights, freedom and responsibilities of individuals and the legitimate interests of business entities and state, contrary to the Constitution or other legislative acts - entails a fine in the amount of up to fifteen monthly calculation indices.

2. Deliberate illegal application by officials of the central executive and other government agencies, as well as by local representative and executive agencies the normative legal acts, expired according to the established procedure and found incompetent by the court, officially unpublished in the prescribed manner, or the effect of which is suspended by the authorized bodies, and failed to pass the state registration in the justice agency - entails a fine in the amount of up to twenty monthly calculation indices.

Footnote. Article 353 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

#### **Article 354. Violation of the rules for state registration of normative legal acts**

1. Violation by officials of the rules, established by legislation on the state registration of normative legal acts, affecting to the rights, freedom and duties of citizens - entails a fine in the amount of up to twenty monthly calculation indices.

2. Action, specified in the first part of this Article, if repeated within a year after the imposition of an administrative penalty - entails a fine - in the amount of twenty to twenty-five monthly calculation indices.

Footnote. Article 354 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 354-1. Violation of the order of using of National Flag of the Republic of Kazakhstan, National Emblem of the Republic of Kazakhstan and use and execution of the National Anthem of the Republic of Kazakhstan**

1. Illegal use of the National Flag of the Republic of Kazakhstan, the National Emblem of the Republic of Kazakhstan and their images, as well as the use and execution of the National Anthem of the Republic of Kazakhstan in violation of the requirements of laws of the Republic of Kazakhstan - entails a fine - in the amount of two hundred monthly calculation indices.

2. Failure to use the national symbols, in the cases where their use is mandatory - entails a fine for officials in the amount of two hundred monthly calculation indices.

3. Actions, specified in the first and second parts of this Article, committed repeatedly within a year after the imposition of an administrative penalty - entails a fine in the amount of four hundred monthly calculation indices.

Footnote. Chapter 24 is supplemented by Article 354-1 in accordance with the Law dated 05.12.2003 No. 506, in the wording of the Law of the Republic of Kazakhstan dated 28.06.2012 No. 24-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 354-2. Violation of the order of subsequent official publication of the texts of normative legal acts**

Violation of the order of subsequent official publication of the texts of normative legal acts - entails a fine for individual entrepreneurs in the amount of twenty to thirty, and for legal entities - in the amount of fifty to one hundred monthly calculation indices with the confiscation of the circulation of the products or without it.

Footnote. Chapter is supplemented by Article 354-2 in accordance with the Law of the Republic of Kazakhstan dated October 21, 2005 No. 80.

**Article 354-3. Violation of the deadline for state registration of rights on real estate**

Footnote. Title of Article 354-3 as amended by the Law of the Republic of Kazakhstan dated 25.03.2011 No. 421-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Violation of the deadline for the state registration of rights to real estate, established by the Law of the Republic of Kazakhstan "On the state registration of

rights on real estate"- entails a fine for individuals in the amount of ten, for legal entities - in the amount of twenty monthly calculation indices.

Footnote. The Code is supplemented by Article 354-3 in accordance with the Law of the Republic of Kazakhstan dated 26.07.2007 No. 311 (shall be enforced upon expiry of ten calendar days after the official publication) as amended by the Law of the Republic of Kazakhstan dated 25.03.2011 No. 421-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 355. Non-fulfillment of the regulations or malignant disobeying to a lawful order or demand of an official of the Prosecution, Interior affairs (police), National security, Security service of the President of the Republic of Kazakhstan, Financial and Military police, the Customs body, the Border service of the National Security Committee of the Republic of Kazakhstan, the State Fire Service and the Authorized body in the field of industrial safety**

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Failure to comply with the regulations and other legal requirements of an official of the Prosecution, the Interior Affairs (Police), National Security, Security Service of the President of the Republic of Kazakhstan, financial and military Police, Customs body, the Border Service of the National Security Committee of the Republic of Kazakhstan, the State Fire Service and the authorized in the field of industrial safety - entails a fine for officials, entrepreneurs - in the amount of up to fifty, for legal entities of small and medium-sized business - in the amount of one hundred to two hundred, for legal entities of a large enterprise - in the amount of two hundred to five hundred monthly calculation indices.

2. Malignant disobedience of a lawful order or demand, as well as an insult or threat of violence against an official of the prosecution, the Interior Affairs (police), National Security, financial and military Police, Security Service of the President of the Republic of Kazakhstan, the Customs body, the Border Service of the National Security Committee of the Republic of Kazakhstan, the State Fire Service and the authorized body in the field of industrial safety in the performance of their official duties - entails a fine in the amount of up to fifty monthly calculation indices or an administrative arrest for up to fifteen days.

Footnote. Article 355 as amended by the Law of the Republic of Kazakhstan dated 12.07.2001 No. 240, dated 09.08.2002 No. 346, dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006), dated 26.05.2008 No. 34-IV (the order of enforcement see Art. 2), dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).



## **Article 355-1. Violation of the protective order**

Violation of a protective order, passed by Internal Affairs body - entails a fine in the amount of up to five monthly calculation indices.

Footnote. Chapter 24 is supplemented by Article 355-1 in accordance with the Law of the Republic of Kazakhstan dated 29.04.2010 No. 272-IV (the order of enforcement see Art. 2).

## **Article 356. Impeding to officers of the state inspections and agencies of the state control and supervision in the performance of their duties, non-fulfillment the regulations, instructions and other requirements**

Footnote. Title of Article 356 is in the wording of the Law of the Republic of Kazakhstan dated 13.01.2012 No. 542-IV (shall be enforced from 26.07.2012).

1. Impeding to officers of the State inspections and Agencies of the State control and supervision in the performance of their duties in accordance with their competence , expressed in refusal to submit the required documents, records, statistics (except for the basic statistics) and other information, information about the activities, income, fitting with metered energy resources, the amount of consumption and loss of energy resources, water, on calculation and payment of insurance premiums, the use of nuclear energy, in refusing for admission for conducting by the decision of the authorized body the audit, inspection, inventory, expertise and other actions under legislation, or the creation of other obstacles to their implementation, or submission of false information - entails a fine for individuals in the amount of three, for officials - in the amount of two hundred monthly calculation indices.

2. The actions, specified in the first part of this Article, committed repeatedly within a year after the imposition of an administrative penalty - entail a fine for individuals in the amount of seven, for officials - in the amount of four hundred monthly calculation indices.

**Note of the RCL!**

There are changes to paragraph 3 of the Law of the Republic of Kazakhstan dated 04.07.2012 No. 25-V (shall be enforced from 01.01.2017).

3. Non-performance or improper performance of the legal requirements or orders, reports, regulations issued by the Agencies of State control and supervision (officials), public officials within their competence, except the cases provided in Articles 130, 147 -9, 172-1, 172 2, 216, 219, 219-10, 305, 313, 317, 317-1, 317-4, and Articles 317-1, 362, 381, 474, 486, 522, 528 of this Code - entails a fine for individuals in the amount of up to five, for officials and entrepreneurs -in the amount of up to fifteen monthly calculation indices.

4. Disruption of the stamp (seal), imposed by an official of the authorized body, except the cases specified in the second part of Article 481, the first part of Article 482 of this Code - entails a fine for individuals in the amount of up to five, for officials - in the amount of up to ten monthly calculation indices.

Footnote. Article 356 as amended by the Laws of the Republic of Kazakhstan dated 05.12.2003 No. 506, dated 09.12.2004 No. 10, dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 29.12.2008 No. 116-IV (shall be enforced from 01.01.2009), dated 19.03.2010 No. 258-IV; dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after the first official publication), dated 13.01.2012 No. 542-IV (shall be enforced from 26.07.2012), dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication), dated 10.07. 2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 356-1. Illegal transfer of control and supervision functions**

Illegal transfer of control and supervision functions by public officials to unauthorized persons - entails a fine in the amount of twenty to fifty monthly calculation indices.

Footnote. Chapter is supplemented by Article 356-1 in accordance with the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 356-2. Unwarranted appropriation of title of a representative of the authority or an official of the public office**

1. Unwarranted appropriation of title of a representative of the authority or an official of the public office, in order to obtain power, if the act does not contain the elements of a criminal offence - entails a fine for individuals in the amount of thirty to fifty monthly calculation indices.

2. Action, specified in the first part of this Article, if repeated within a year after the imposition of an administrative penalty - entails a fine for individuals in the amount of fifty to one hundred monthly calculation indices.

Footnote. Chapter is supplemented by Article 356-2 in accordance with the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

#### **Article 357. Arbitrariness**

Arbitrariness that is illegal, contrary to order established by law any act, commitment by a person, the validity of which is disputed by another person or organization, if such action has no sign of a criminal offence - entails a warning or penalty for individuals of up to five, for officials - up to twenty monthly calculation indices.

**Footnote. Article 357 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 357-1. Engagement in Business or Other Activities, and the Implementation of Actions (Operations) without Registration or License, Special Permit, Qualification Certificate (certificate), Another Resolution, Notice**

**Footnote. Title of Article is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

1. Out business or other activities, and the implementation of actions (operations) without registration or license, special permit, qualification certificate (certificate), another permit, notification in cases where authorization, license, qualification certificate (certificate), the notice required if these acts do not contain elements of a criminal offence, - entails a fine on individuals for up to twenty, for officials, entrepreneurs, legal entities of small and medium-sized businesses - in the amount of thirty to forty, for legal entities agents of big business - in the amount of one hundred to two hundred monthly calculation indices with confiscation of objects and (or) the instrumentalities of administrative offences or without it, and entrepreneurial or other activity without a license in addition results in confiscation of income (dividends), money, securities, obtained as a result of an administrative offence.

2. The actions specified in paragraph one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entail a fine for individuals for up to fifty, for officials, entrepreneurs, legal entities of small and medium-sized businesses - in the amount of fifty to one hundred, on legal entities of a large enterprise - in the amount of three hundred to seven hundred monthly calculation indices with confiscation of objects and (or) the instruments of an administrative offence, and engaging in entrepreneurial activities without a license in addition results in confiscation of income (dividends), money, securities received as a result of an administrative offence.

Note. Liability under this section is not subject to the notification of currency transactions carried out in accordance with the Law of the Republic of Kazakhstan "On Currency Regulation and Currency Control", as well as the notification made in accordance with the Law of the Republic of Kazakhstan "On natural monopolies and regulated markets."

Footnote. Chapter is supplemented by Article 357-1 in accordance with the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006). Article as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008); dated 10.07.2012 No. 36-V ( shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 357-2. Violation of the rules for licensing**

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No. 461-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

1. Violation of the laws of the Republic of Kazakhstan licensing standards, including inconsistency qualification requirements to licensed activities - entails a fine for individuals in the amount of ten to twenty, to entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of fifty to one hundred, on legal entities of a large enterprise - in the amount of one to two hundred monthly calculation indices to suspend the license for a particular activity or not.

2. Licensees knowingly false information to obtain a license, and actions (inaction), provided the first part of this Article committed repeatedly within a year after the imposition of an administrative penalty, as well as failure to eliminate violations of licensing that led to administrative responsibility, upon the expiration of the suspension of license - entails a fine for individuals in the amount of twenty to forty, to entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of one hundred to one hundred and fifty, for legal entities of a large enterprise - in the amount of two hundred to three hundred monthly calculation indices, deprivation of license for a certain of activity.

Footnote. Chapter is supplemented by Article 357-2 in accordance with the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006) as amended by the Laws of the Republic of Kazakhstan dated July 27, 2007 No. 320 (shall be enforced from August 9, 2007), dated July 27, 2007 No. 314 ( shall be enforced from January 1, 2008), dated 15.07.2011 No. 461-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

#### **Article 357-3. Violation of the order and term of issuance of license, special permit, qualification certificate (certificate) for business activity**

1. Breach of the term license, special permit, qualification certificate (certificate) to engage in a certain of business - entails a fine on officials in the amount of up to fifty monthly calculation indices.

2. Issuance of a license, a special permit, qualification certificate (certificate) in violation of the procedure established by law - entails a fine on officials in the amount of up to fifty monthly calculation indices.

3. Actions described in paragraphs one and two of this Article committed repeatedly within one year after the imposition of an administrative penalty - entails a fine on officials in the amount of sixty to seventy monthly calculation indices.

Footnote. Chapter is supplemented by Article 357-3 in accordance with the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006). Article as amended by the Law of the Republic of Kazakhstan dated January 12, 2007 No. 222 (shall be enforced upon expiry of six months from the date of its publication).

**Article 357-4. Violation of Kazakhstan' legislation on state registration of legal entities and registration of branches and representative offices**

Footnote. Title of Article 357-4 is in the wording of the Law of the Republic of Kazakhstan dated 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Activity without re-registration of legal entity, branch or representative office in the cases stipulated by law - entails a fine for legal entities of small or medium-sized business or non-profit organizations, in the amount of twenty, for legal entities of a large enterprise - in the amount of forty monthly calculation indices.

2. Late notification of the registering authority to change the location of the legal entity - entails a fine for legal entities of small or medium-sized business or non-profit organizations, in the amount of ten, for legal entities of a large enterprise - in the amount of thirty monthly calculation indices.

Footnote. Chapter is supplemented by Article 357-4 in accordance with the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 357-5. Failure to return the license and (or) the application for license, the licensor**

Failure to return the license and (or) the application for a license to the licensor by the licensee within ten working days of the termination of the license and (or) the application for a license - entails a fine for individuals in the amount of up to ten, for officials - in the amount of up to twenty, for legal entities - for up to two hundred and monthly calculation indices.

Footnote. Chapter is supplemented by Article 357-5 in accordance with the Law of the Republic of Kazakhstan dated January 12, 2007 No. 222 (shall be enforced upon expiry of six months from the date of its publication).

**Article 357-6. Violation of the legislation of the Republic of Kazakhstan on the national registers of identification numbers**

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008).

1. Disclosure of information contained in the national registers of identification numbers that cannot be disclosed, as well as a violation of the laws of the Republic of Kazakhstan on the national registry identification numbers - entail a fine on officials in the amount of ten to twenty monthly calculation indices.

2. Actions envisaged in part one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine on officials in the amount of twenty to thirty monthly calculation indices.

Footnote. The Code is supplemented by Article 357-6 in accordance with the Law of the Republic of Kazakhstan dated 12.01.2007 No. 224 (shall be enforced from 01.01.2012), dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008).

**Article 357-7. Violation of the requirements for the activities of the installation, adjustment and maintenance of intruder alarm**

1. Violation by individuals or legal entities of requirements of Law of the Republic of Kazakhstan "On the security activity" to the activities of the installation, commissioning and maintenance of intruder alarms, - entails a fine for individuals in the amount of ten, the entrepreneurs, legal entities of small or medium enterprises - in the amount of one hundred, on legal entities of large enterprises - in the amount of one hundred and fifty monthly calculation indices.

2. Action set forth in the first paragraph, if repeated within a year after the imposition of an administrative penalty, as well as failure to remedy violations under part one of this Article, which caused to administrative responsibilities - entail a fine for individuals in the amount of forty, entrepreneurs, legal entity s who are the subjects of small and medium enterprises - in the amount of one hundred and fifty, for legal entities of large enterprises -in the amount of three hundred monthly calculation indices to prohibited activities.

Footnote. Chapter 24 is supplemented by Article 357-7 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 358. Failure to comply with local bodies and other competent bodies of responsibilities established by the tax legislation**

1. Non-transfer, untimely or incomplete transfer of local bodies or authorized agencies of taxes and other obligatory payments to the budget, to be transferred to the



budget in accordance with the tax law bodies referred to in this part - entails a fine on officials in the amount of thirty monthly calculation indices.

2. Failure to submit, untimely, misleading or incomplete view of local bodies and other competent bodies with information specific tax legislation for submission to the tax bodies - entails a fine on officials in the amount of thirty monthly calculation indices.

3. Failure to issue and (or) the issuance of once-only coupon below the cost of local bodies or authorized agencies, as well as failure to comply with tax requirements imposed on the organization of work on the issue of one-off coupons - entails a fine on officials in the amount of thirty monthly calculation indices.

4. Actions (inaction), stipulated in the first, second and third paragraphs of this Article, if committed repeatedly within a year after the imposition of an administrative penalty - entails a fine on officials in the amount of sixty monthly calculation indices.

**Footnote.** Article 358 is in the wording of the Law of the Republic of Kazakhstan dated December 13, 2004 No. 11 (shall be enforced from January 1, 2005); as amended by the Laws of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated December 11, 2006 No. 201 (shall be enforced from January 1, 2007), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

#### **Article 358-1. Violation of the rules for recording and further use of the property, received to the state on separate grounds, in cases of legislation**

1. Incomplete and (or) late transfer to the authority of the property, received to the state on separate grounds, in the cases stipulated by legislative acts, - entails a fine for individuals in the amount of eight, on officials - in the amount of fifteen, for legal entities - in the amount of forty-five monthly calculation indices.

2. Failure to comply with the treatment, storage, evaluation and sale of property, received to the state on separate grounds, in the cases stipulated by legislative acts and late transfer to the state budget amounts from the sale of such property - entails a fine on officials in the amount of fifteen, for legal entity s - in the amount of forty-five monthly calculation indices.

**Footnote.** Supplemented by Article 358-1 in accordance with the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506. As amended dated December 11, 2006 No. 201 (shall be enforced from January 1, 2007).

#### **Article 359. Disclosure of information constituting tax secret**

Disclosure of information constituting tax secret, without professional or official duty by persons who become aware of such information in accordance with the laws of

the Republic of Kazakhstan, - entails a fine in the amount of twenty to forty monthly calculation indices.

Footnote. Article 359 as amended by the Laws of the Republic of Kazakhstan dated July 12, 2001 No. 240, dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009).

**Article 360. Implementation bodies (organizations) authorized by the government, an action without the collection of taxes and other obligatory payments to the budget, as well as without the statements of such payment**

1. Implementation bodies (organizations) authorized by the government, legal actions under the legislation of the Republic of Kazakhstan without levying taxes and other obligatory payments to the budget - entails a fine on officials in the amount of thirty monthly calculation indices.

2. Implementation bodies (organizations) authorized by the government, legal actions under the legislation of the Republic of Kazakhstan, without the document confirming the payment of taxes and other obligatory payments to the budget, in cases where the receipt of the document confirming the legislative acts, - entails a fine on officials in the amount of thirty monthly calculation indices.

3. Actions described in paragraphs one and two of this Article committed repeatedly within one year after the imposition of an administrative penalty - entails a fine on officials in the amount of seventy monthly calculation indices.

Footnote. Article 360, as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated December 11, 2006 No. 201 (shall be enforced from January 1, 2007).

**Article 361. Denial of tax registration or violation of the terms of tax registration**

1. Denial of the taxpayer for registration or registration of the taxpayer as a payer of value added tax, as well as violation by the tax authority the tax legislation timing of such registration (registration) - entails a fine on the head of the tax authority in the amount of from ten to twenty monthly calculation indices.

2. The actions specified in paragraph one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entails fine on the head of the tax authority in the amount of twenty to forty monthly calculation indices.

Footnote. Article 361 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 362. Violation of a state of emergency**

Violation of or failure to comply with established public authority in connection with the declaration of a state of emergency, in part:

- 1) special regime of entry and exit;
- 2) prohibition for certain individuals to leave for a fixed period certain region, the apartment (house), and the regulations on expelling troublemakers who are not residents of the area, at their own expense to the place of permanent residence or outside the localities where a state of emergency;
- 3) a ban on holding meetings, rallies, marches and demonstrations, as well as entertainment, sports and other public events;
- 4) the prohibition of the right to strike;
- 5) restrictions or prohibitions on arms, strong chemical and toxic substances, as well as alcohol and alcohol-containing substances;
- 6) of the quarantine and other mandatory anti-epidemic measures;
- 7) restricting or prohibiting the use of copying equipment, as well as radio and television broadcasting equipment, audio and video recording equipment, orders seizure sound-amplifying equipment, measures to ensure the control of the media;
- 8) special rules of usage;
- 9) limit the movement of vehicles and of their search;
- 10) The prohibition of finding individuals during the curfew without specially issued passes and documents certifying their identity, on the streets or in other public places, or stay out of their homes without identity documents - entail a warning or a fine in the amount of up to ten monthly calculation indices or administrative arrest for up to fifteen days.

**Footnote. Article 362 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006), dated 10.07.2009 No. 176-IV (the order of enforcement see Art. 2).**

#### **Article 362-1. Violation of the legal regime in the area of anti-terrorist operations**

Breach or non-fulfillment of the legal regime of the requirements established in connection with the announcement of the anti-terrorist operation, in part:

- 1) special regime of entry and exit;
- 2) prohibition of finding individuals to particular areas of land and facilities, as well as obstruction of towing vehicles;
- 3) obstruction of verification of identity documents of individuals, conduct a personal inspection and examination of the luggage of the individual, inspecting vehicles;
- 4) special rules of usage;
- 5) removal of obstruction of vehicles delivered to those in need of urgent medical treatment in hospitals, transportation to the place of an act of terrorism and for the

prosecution and detention of persons suspected of having committed an act of terrorism , if the delay could jeopardize the life or health people;

6) suspension of hazardous production facilities;

7) obstruction to temporary resettlement of individuals residing in the territory where the state of the legal regime of anti-terrorist operations;

8) quarantine, the sanitary-epidemiological, veterinary measures and activities on plant quarantine;

9) impeding the penetration of residential and other premises owned by or in the possession and use of individual and legal entity s, and on the land belonging to them by right of private property or land use rights;

10) restrictions or prohibitions on arms, ammunition, explosives, strong chemical and toxic substances, establish a special regime trafficking of drugs, narcotics, psychotropic substances and precursors, ethyl alcohol and alcoholic beverages -entails a fine for individuals in the amount of ten to twenty monthly calculation indices or administrative arrest for up to fifteen days, for officials, entrepreneurs - a fine in the amount of thirty to fifty, for legal entities of small or medium-sized business or non-profit organizations - in the amount of one hundred to one hundred and fifty, for legal entities of a large enterprise - in the amount of two hundred to two hundred and fifty monthly calculation indices with the suspension of the hazardous production facilities.

**Footnote.** Chapter 24 is supplemented by Article 362-1 in accordance with the Law of the Republic of Kazakhstan dated 08.04.2010 No. 266-IV (the order of enforcement see Art. 2).

### **Article 363. Actions that provoke breach of law and order in a state of emergency**

Actions which cause violation of law and order or incite ethnic and religious strife, active obstruction of individuals and officials of their legal rights and responsibilities, as well as willful disobedience of a lawful order or demand of the bodies of internal affairs, national security, military, government officials, or the public, perform employment or social duty to protect public order, or actions that violate public order and tranquility of individuals, as well as a violation of the law on administrative supervision, committed in areas where a state of emergency - entails a fine in the amount of up to ten monthly calculation indices or administrative detention for up to thirty days.

**Footnote.** Article 363 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

### **Article 364. Violation of the rules for recording, storage or use of color copying, improper opening of stamp-engraving business**

1. Violation of the rules for recording, storage, or use of color copying (quick printers, copiers, drip-jet, laser printers, and scanners) - entails a fine for legal entities of small or medium-sized business or non-profit organizations in the amount of ten to twenty, for legal entities of a large enterprise - in the amount of thirty to forty monthly calculation indices.

2. Violation of legal rules and officials open stamp-engraving business - entails a fine in the amount of ten to twenty monthly calculation indices.

**Footnote.** Article 364 as amended by the Laws of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008 ).

**Article 365. Failure of the action taken and (or) the failure to eliminate the causes and conditions which led to the commission of the offence**

**Footnote.** Title of Article 365 as amended by the Law of the Republic of Kazakhstan dated 29.04.2010 No. 272-IV (the order of enforcement see Art. 2).

Failure of an authorized person and the other officers of the measures taken, as well as taking measures to eliminate the causes and conditions that led to the commission of crimes or administrative offences, according to representations of bodies (officials) that examined the case - entails a fine on officials in the amount of up to ten monthly calculation indices.

**Footnote.** Article 365 as amended by the Law of the Republic of Kazakhstan dated 29.04.2010 No. 272-IV (the order of enforcement see Art. 2).

**Article 366. Violation of legislation on administrative supervision**

1. Violation of legislation on administrative supervision by the person to whom surveillance was installed - entails a warning or a fine in the amount of one and two monthly calculation indices.

2. The actions specified in paragraph one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine in the amount of two to five monthly calculation indices, and in cases where the circumstances of the case and taking into account the individual offender application of these measures will be inadequate - administrative arrest of up to fifteen days.

**Footnote.** Article 366 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 367. Transfer to persons detained in the criminal-executive system, pre-trial detention, illegal substances and items**

1. Hidden from inspection of transfer or attempt to transfer any way to those in the criminal-executive system, detention centers, alcohol, drugs and other substances with a narcotic effect, money, food, goods and other items prohibited for storage and use in these institutions - entails a warning or a fine in the amount of up to two monthly calculation indices with confiscation of the object, which appeared instrument or subject of an administrative offence.

2. The actions specified in paragraph one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine calculation indices of five to ten monthly calculation indices or administrative arrest for up to thirty days.

**Footnote. Article 367 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 15.02.2012 No. 556-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 368. Violation of the order of acquisition, storage, carrying, sale or transfer of weapons by individuals civil**

1. The purchase, possession, carrying, transfer to other persons or individuals selling civilian weapons without permission of the Interior - entails a fine in the amount of one to five monthly calculation indices and confiscation of weapons or without it.

2. The actions specified in paragraph one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine in the amount of five to ten monthly calculation indices and confiscation of weapons or without.

Note. A person who voluntarily surrendered civilian weapons, released from liability if his actions do not make it an offence otherwise.

**Footnote. Article 368 as amended by the Laws of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008 ).**

#### **Article 368-1. Violation of the order of storage, keeping, use, transportation, destruction, import, export, civil pyrotechnic substances and products with their application**

1. Violation of the order of storage, keeping, use, transportation, destruction, import, export, civil pyrotechnic substances and products with their use of individual and legal entity s having a license to trade, exhibiting them - entails a fine for individuals in the amount of up to one, for legal entities of small or medium-sized



business or non-profit organizations - in the amount of five to seven, and on legal entities of a large enterprise - in the amount of twenty to twenty-five monthly calculation indices with forfeiture civil pyrotechnic substances and products with their application .

2. Action (inaction), referred to in part one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals in the amount of two to three, and on legal entities of small or medium-sized business or non-profit organizations - in the amount of ten to fifteen, for legal entities of a large enterprise - in the amount of thirty to thirty-five monthly calculation indices with confiscation civil pyrotechnic substances and products with their application.

**Footnote. Article 368-1 is supplemented by the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

#### **Article 369. Violation of the rules of acquisition, storage, use or transportation of civil and service weapons, ammunition**

1. Violation of the rules of acquisition, storage, use or transportation of civilian weapons, ammunition by individuals who have permission from the Interior to keep, carry weapons - entails a fine in the amount of one to five monthly calculation indices.

2. Violation of the rules of acquisition, storage, or transportation service weapons, ammunition workers organizations responsible for their safety, as well as use their service weapons and ammunition for other purposes - entails a fine in the amount of five to fifteen monthly calculation indices with compensated seizure of civil weapons or not.

**Footnote. Article 369 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008 ).**

#### **Article 370. Misuse of the gas weapon**

1. Illegal use of gas weapons - entails a fine in the amount of five to ten monthly calculation indices.

2. Action set forth in the first paragraph, if repeated within a year after the imposition of an administrative penalty - entails a fine in the amount of ten to fifteen monthly calculation indices and confiscation of weapons or without.

**Footnote. Article 370 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

## **Article 371. Violation of the order of registration (re-registration) of civilian and service weapons or order of its registration statement**

1. Violation of the order of registration (re-registration) of civilian and service weapons or the rules for its registration, expressed in violation of the terms:

1) register and obtain an individual permit for storage and (or) to carry weapons after purchase;

2) treatment of the individual to the authority of the Interior to extend the permit for storage and (or) the wearing of civilian weapons;

3) notice of the wielder of internal affairs body of the loss or theft of weapons belonging to him;

4) treatment of the individual in the Internal Affairs for the production of weapons registered a change of residence;

5) registration in the police service and the entity (or) civilian weapons after purchase - entails a fine for individuals of five, for officials, legal entities of small business - in the amount of ten, for legal entities being subject to medium-sized businesses - in the amount of twenty, for legal entities of a large enterprise - in the amount of forty monthly calculation indices.

2. The actions specified in paragraph one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entails fine on individuals of ten with compensated seizure of the weapons, the officials, legal entities of small business - in the amount of fifteen, for legal entities of medium-sized businesses - in the amount of thirty, for legal entities of a large enterprise - in the amount of seventy monthly calculation indices.

**Footnote. Article 371 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 372. Evading to implement civilian weapons, ammunition**

Evading to implement civilian weapons, ammunition by individuals who have the internal affairs bodies canceled permission for their storage, - entails a fine in the amount of three to five monthly calculation indices with compensated seizure of the weapons.

**Footnote. Article 372 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

## **Article 373. Violation of the legislation on the organization and holding of peaceful assemblies, meetings, demonstrations, pickets and demonstrations**

1. Violation of the laws of the Republic of Kazakhstan on the order of organization or holding meetings, rallies, marches, pickets, demonstrations or other public event, or hindering their organization or conduct of, or participation in illegal gatherings, meetings, rallies, demonstrations or other public event, if these actions no signs of a criminal offence - entails a warning or a fine for individuals of up to twenty monthly calculation indices, on officials - a fine of up to fifty monthly calculation indices.

2. Providing by top-officials and other officials of the organizations to participating unauthorized meeting, rally, picketing, demonstrations or other public event premises or other property (communication, copy machines, equipment, vehicles) or creating other conditions for the organization and conduct of such activities - entails fine in the amount of twenty monthly calculation indices.

3. The same actions, if repeated within a year of application of administrative punishment or organizer of meetings, rallies, marches, demonstrations, - entails a fine in the amount of up to fifty monthly calculation indices or administrative arrest for up to fifteen days.

**Footnote. Article 373 as amended by the Law of the Republic of Kazakhstan dated July 8, 2005 No. 67 (the order of enforcement see Art. 2), dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 374. Violation of the legislation on associations**

1. Commission by the leaders, members of associations or voluntary association of action beyond the goals and objectives defined by the charter of the associations - entail a warning or fine on the head of a public association in the amount of up to fifty monthly calculation indices, members of associations - a fine in the amount of up to twenty monthly calculation indices on public union - in the amount of up to two hundred and monthly calculation indices.

2. Commission by the leaders, members of associations or voluntary association acts that violate the law of the Republic of Kazakhstan, - entails a fine by the leaders of the public association in the amount of up to one hundred monthly calculation indices, members of the public association - a fine in the amount of up to fifty monthly calculation indices with the suspension of the public association for period of three to six months.

3. The actions specified in paragraph one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine by the leaders of the public association in the amount of up to one hundred and fifty monthly calculation indices, members of associations - a fine in the amount of up to one hundred monthly calculation indices to suspend activities public association for a period of three to six months.

4. Actions envisaged in part two of this Article committed repeatedly within one year after the imposition of an administrative penalty, as well as failure to eliminate violations specified in part three of this Article - entails fine on the head of a public association in the amount of two hundred to four hundred monthly calculation indices, members of associations - a fine in the amount of one hundred to two hundred monthly calculation indices with the prohibition of the public association.

5. The funding of political parties by foreign legal entities and international organizations, legal entities with foreign participation, public bodies and organizations, charitable organizations - entails a fine on officials in the amount of four hundred monthly calculation indices and confiscation of illegal donations to foreign legal entities - in the amount of two thousand monthly settlement with confiscation of illegal donations.

6. The funding of political parties by foreigners and stateless persons - entails a fine in the amount of two hundred monthly calculation indices, with confiscation of illegal donations and administrative deportation from the Republic of Kazakhstan.

7. The adoption of a political party illegal donations - entails a fine on the head of a political party in the amount of four hundred monthly calculation indices and confiscation of illegal donations and administrative arrest for up to fifteen days or without with a prohibition of political parties.

8. Failure to publish an annual report on the financial activities of a political party within the period and to the extent established by the legislation of the Republic of Kazakhstan, - entails a fine on the head of the party in the amount of one hundred to two hundred monthly calculation indices with the suspension of the political party for up to six months.

9. Implementation of the activities of a political party and its structural subdivisions (branches and representative offices) without re-registration in the cases stipulated by the legislation of the Republic of Kazakhstan, - entails a fine to the head of the party in the amount of one hundred to two hundred monthly calculation indices with prohibition of political parties.

Footnote. Article 374 is in the wording of the Law of the Republic of Kazakhstan dated 08.07.2005 No. 67 (the order of enforcement see Art. 2); as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 N 123 (shall be enforced from January 1, 2006), dated 11.10.2011 No. 484-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 374-1. Leading, participating in the activity of not registered according to the laws of the Republic of Kazakhstan of social, religious associations and in financing of their activities**

1. Managing of activity of not registered according to the laws of the Republic of Kazakhstan of social, religious associations, as well as in the activities which have been suspended or banned - entails a fine in the amount of one hundred and monthly calculation indices.

2. Participation in the activities of not registered according to the laws of the Republic of Kazakhstan of social, religious associations, as well as in the activities which have been suspended or banned - entails a fine in the amount of fifty monthly calculation indices.

3. Financing activities of non-registered according to the legislation of the Republic of Kazakhstan of public order, religious associations, as well as the activities have been suspended or banned - entails a fine in the amount of two hundred and monthly calculation indices.

**Footnote. Supplemented by Article 374-1 in accordance with the Law of the Republic of Kazakhstan dated July 8, 2005 No. 67 (the order of enforcement see Art. 2 ).**

#### **Article 375. Violation of legislation on religious activities and religious associations**

1. Violation of the laws of the Republic Kazakhstan concerning requirements to: the performance of religious rites, ceremonies, and (or) assembly; charitable activities;

import, production, publication, and (or) distribution of religious literature and other religious materials (destination), religious items;

construction of religious buildings (structures), conversion (changing functionality) buildings (structures) religious buildings (structures)- entails a fine on individuals in the amount of fifty monthly calculation indices, for officials and leaders of religious groups - in the amount of one hundred monthly calculation indices for legal entity s - two hundred monthly calculation indices to suspend operations for a period of three months.

2. Obstruction of lawful religious activities, as well as violating the civil rights of individuals based on religion or insult their religious feelings or desecration esteemed followers of a particular religion objects, buildings or places, if all the above steps do not contain elements of a criminal offence, - entails a fine for individuals in the amount of fifty monthly calculation indices, on officials - of one hundred and monthly calculation indices, for legal entities - in the amount of two hundred and monthly calculation indices.

3. Implementation by the citizens of the Republic of Kazakhstan, foreigners and stateless persons missionary activity without registration (re-registration), as well as the use by the missionaries of religious literature, informational materials of religious content and religious items without a positive conclusion religious expertise - entails a

fine of citizens of the Republic of Kazakhstan in the amount of one hundred monthly calculation indices for foreigners and stateless persons - in the amount of one hundred monthly calculation indices to administrative deportation from the Republic of Kazakhstan.

4. Implementation by the religious union of activities not specified in its charter (regulations), - entails a fine on the officials and heads of religious associations in the amount of two hundred and monthly calculation indices, for legal entities - in the amount of three hundred and monthly calculation indices to suspension of activity for a period of three months.

5. Lesson religious union political activities, as well as participation in political parties and (or) provide them with financial support, intervention in the government or the assignment of functions of state bodies or their officials, members of religious groups - entails a fine on individuals of one hundred monthly calculation indicators on the heads of religious associations - in the amount of two hundred monthly calculation indices, for legal entities - in the amount of three hundred and monthly calculation indices to suspension of activity for a period of three months.

6. Institution-building of religious organizations in state bodies, organizations and institutions, educational institutions and health care - entails a fine on officials in the amount of one hundred and monthly calculation indices, the heads of state agencies, organizations and institutions - of two hundred and monthly calculation indices.

7. Leadership of the religious organization by the person appointed by foreign religious centers without agreement with the competent authority, as well as the failure to take by the head of a religious association measures to prevent involvement and (or) the involvement of minors in the activities of religious associations, with the objection of a parent of a minor or another of its legal representatives - entails a fine on the citizens of the Republic of Kazakhstan in the amount of fifty monthly calculation indices, on foreigners and stateless persons - in the amount of fifty monthly calculation indices to administrative deportation from the Republic.

8. Implementation of the religious organization in any activity prohibited by the legislative acts of the Republic of Kazakhstan, as well as failure to remove the religious association in due time violations that led to the suspension of its activities - entails a fine of officials and for leaders of religious organizations in the amount of three hundred monthly calculation indices, for legal entities - in the amount of five hundred monthly calculation indices with the prohibition of their activities.

9. Actions (inaction), stipulated in the first, second, third, fourth, fifth and seventh of this Article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine on individuals in the amount of two hundred and



monthly calculation indices, for the leaders of religious communities - in the amount of three hundred and monthly calculation indices, for legal entities - in the amount of five hundred monthly calculation indices with the prohibition of their activities.

**Footnote. Article 375 is in the wording of the Law of the Republic of Kazakhstan dated 11.10.2011 No. 484-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 376. Violation of the rules of civil status**

Hiding circumstances preventing marriage, or false statements of the civil status - entails a warning or a fine in the amount of two to five monthly calculation indices.

#### **Article 377. Residence in the Republic of Kazakhstan without registration or without identity documents**

1. Residence of nationals of the Republic of Kazakhstan without identification card or with an invalid identification card or without residence registration, except for the cases established by law of the Republic of Kazakhstan "On Migration" - entails a fine in the amount of five monthly calculation indices.

2. The act provided the first paragraph, if repeated within a year after the imposition of an administrative penalty - entails a fine in the amount of ten monthly calculation indices.

3. Permanent residence in the Republic of Kazakhstan of the foreigners and stateless persons without a residence permit or without identification card or with invalid residence permit, a certificate of a stateless person for a period exceeding ten days, as well as untimely notice of internal affairs on the loss of passport, residence permit or of identification card of a stateless person - entails a fine in the amount of twenty monthly calculation indices.

4. Actions envisaged in part three of this Article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine in the amount of fifty monthly calculation indices.

**Footnote. Article 377 is in the wording of the Law of the Republic of Kazakhstan dated 22.07.2011 No. 478-IV (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 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 378. Violation by the owner of the dwelling or other persons in charge of housing, building and (or) premises of registration rules for internal migrants**

1. Assumption owner of the dwelling, or other persons in charge of housing, building and (or) the premises and registration of individuals who do not actually live in the homes, buildings, and (or) the premises belonging to the owner or under the authority of others, - entails a fine for individuals in the amount of five, on entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of fifteen, for legal entities of a large enterprise - in the amount of twenty monthly calculation indices.

2. The act provided the first part of this Article, if repeated within a year after the imposition of an administrative penalty - entails fine for individuals of ten, on the entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of twenty-five , for legal entities of a large enterprise - in the amount of thirty monthly calculation indices.

3. The failure of the owner of the dwelling, or other persons in charge of housing, building and (or) premises to remove from the register of individuals registered and living in homes, buildings, and (or) the premises belonging to the owner or under the authority of others - entails a fine on officials in the amount of ten, on entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of twenty, for legal entities of a large enterprise - in the amount of forty monthly calculation indices.

4. Action envisaged in part three of this Article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine on officials in the amount of twenty, on entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of forty, the legal entities of a large enterprise - in the amount of eighty monthly calculation indices.

**Footnote. Article 378 is in the wording of the Law of the Republic of Kazakhstan dated 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 379. Unlawful withholding of passports, identity cards or taking them to pledge**

1. Illegal removal of citizens passports, identity cards or taking them to the pledge - entails a warning or a fine in the amount of five monthly calculation indices.

2. The actions specified in part one of this Article committed repeatedly within a year after the imposition of an administrative penalty -entail a fine in the amount of ten monthly calculation indices.

**Footnote. Article 379 is in the wording of the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

#### **Article 380. Submission of deliberate false information to the bodies of the Republic of Kazakhstan in obtaining identity documents or when applying for a permit for permanent**

**residence in the Republic of Kazakhstan or the granting of citizenship of the Republic of Kazakhstan or restoration of citizenship of the Republic of Kazakhstan**

1. Submission of false information to the bodies of the Republic of Kazakhstan in obtaining identity documents, - entails a fine for individuals of five, on officials - in the amount of ten monthly calculation indices.

2. Submission of a foreigner or a stateless person of false information to the bodies of the Republic of Kazakhstan to apply for a permit for permanent residence in the Republic of Kazakhstan or the granting of citizenship of the Republic of Kazakhstan or restoration of citizenship of the Republic of Kazakhstan - entails administrative deportation from the Republic of Kazakhstan.

Footnote. Article 380 is in the wording of the Law of the Republic of Kazakhstan dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 380-1. Illegal receipt of sheet and (or) the certificate of temporary disability**

1. Illegal receipt of sheet and (or) the certificate of temporary incapacity due to illness simulation - entails a fine for individuals in the amount of five to ten monthly calculation indices.

2. The same act committed repeatedly within one year after the imposition of an administrative penalty - entails a fine for individuals in the amount of ten to twenty monthly calculation indices.

Footnote. Chapter is supplemented by Article 380-1 in accordance with the Law of the Republic of Kazakhstan dated July 7, 2006 No. 171 (the order of enforcement see Art. 2).

**Article 380-2. Violation of the law on citizenship of the Republic of Kazakhstan**

1. Use of passport and (or) the identity of a citizen of the Republic of Kazakhstan person who lost citizenship of Kazakhstan, - entails a fine for individuals in the amount of fifty monthly calculation indices.

2. The same acts committed by persons in the public service, as well as persons exercising functions of a power or perform management or administrative functions in state bodies - entails a fine in the amount of two hundred and monthly calculation indices or administrative deportation from the Republic of Kazakhstan.

Footnote. The Code is supplemented by Article 380-2 in accordance with the Law of the Republic of Kazakhstan dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 381. Violation of the order of presentation of primary statistical data**

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 19.03.2010 No. 258-IV.

1. Late submission, submission of incorrect basic statistics to the relevant bodies of the state statistics - punishable by a warning to individuals and businesses.

2. Failure to provide basic statistics to the relevant bodies of state statistics and the actions specified in part one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine on individuals of five, on entrepreneurs, legal entities of small or medium-sized business - in the amount of ten, for legal entities of a large enterprise - in the amount of forty monthly calculation indices.

Footnote. Article 381 is in the wording of the Law of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008) as amended by the Law of the Republic of Kazakhstan dated 19.03.2010 No. 258-IV.

#### **Article 381-1. Failure, non-representation, late presentation, concealment and other distortion of registry data of legal statistics and special accounts**

1. Failure, failure to transfer to the state agency working in the field of legal statistics and special accounts, data, legal statistics and special accounts, presenting them with the required deadline, concealment, registration, other intentional misrepresentation of legal statistics and special accounts, as well as hindering in any - obtaining some form of legal statistics and special accounting information - entail a fine on officials in the amount of up to twenty monthly calculation indices.

2. The same acts committed in the field of health care - entails a fine on officials in the amount of fifty to two hundred and monthly calculation indices.

Footnote. Chapter is supplemented by Article 381-1 in accordance with the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006) as amended by the Law of the Republic of Kazakhstan dated 07.07.2006 No. 171 (the order of enforcement see Art. 2).

#### **Article 381-2. Violation of the order of presentation of administrative data**

1. Late submission, submission of incorrect administrative data to the authorized body in the field of statistics - entail a warning on officials of administrative sources.

2. Failure to provide administrative data to the authorized body in the field of statistics, and the actions specified in part one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine on the officials of administrative records in the amount of seven monthly calculation indices.

Footnote. Chapter is supplemented by Article 381-2 in accordance with the Law of the Republic of Kazakhstan dated 19.03.2010 No. 258-IV.

## **Article 382. Rejection of statistical surveys**

**Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 19.03.2010 No. 258-IV.**

Refusal of the officials from fulfilling their public responsibilities for statistical surveys or delay their implementation - entails a warning or a fine in the amount of up to ten monthly calculation indices.

## **Article 383. Loss, sale, transfer or other sale, transfer or other unlawful disclosure of primary statistical data, statistical information and (or) databases by the official**

Loss, sale, transfer or other unlawful disclosure of primary statistical data, statistical information and (or) database for the identification of the respondent, by the official of state statistics bodies, if these actions do not contain signs of criminal offence - entails a fine in the amount of up to ten monthly calculation indices.

**Footnote. Article 383 is in the wording of the Law of the Republic of Kazakhstan dated 19.03.2010 No. 258-IV.**

## **Article 384. Collection of primary statistical data on unapproved statistical form**

Collection of primary statistical data on unapproved statistical form - entails a warning or a fine on officials in the amount of up to ten monthly calculation indices.

**Footnote. Article 384 is in the wording of the Law of the Republic of Kazakhstan dated 19.03.2010 No. 258-IV.**

### **Article 384-1. Administrative data collection on outstanding form**

Administrative data collection on outstanding form - entails a warning or a fine on officials in the amount of five monthly calculation indices.

**Footnote. Chapter is supplemented by Article 384-1 in accordance with the Law of the Republic of Kazakhstan dated 19.03.2010 No. 258-IV.**

## **Article 385. Violation of rules for determining and establishing the degree of secrecy of information**

1. Violation of rules for determining and establishing the degree of secrecy of the information, if these actions do not contain evidence of a crime, - entails a fine on officials in the amount of up to twenty monthly calculation indices.

2. The same acts committed in order to conceal violations of law - entail a fine on officials in the amount of ten to fifty monthly calculation indices.

## **Article 386. Violation of the rules to ensure the secrecy**

1. Violation of the rules of access to state secrets - entails a fine in the amount of five to twenty monthly calculation indices.

2. Violation of the rules to ensure the secrecy officials when dealing with information secrecy and their carriers, if these actions do not contain evidence of a crime, - entails a fine in the amount of five to twenty monthly calculation indices.

3. The same actions that caused the disclosure of secret information, or loss of confidential information and its carriers, but not containing state secrets - entail a fine in the amount of ten to twenty-five monthly calculation indices deprivation of a special permit for a certain activity, or without it.

**Footnote. Article 386 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506.**

**Article 387. Violation of the rules of territorial development of cities and towns and the destruction of infrastructure, the destruction and damage of green spaces of cities and towns**

1. Violation of rules of territorial development of cities and towns, and the destruction of infrastructure, the destruction and damage of green spaces of cities and towns - entails a warning or a fine on individuals in the amount of up to twenty, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of twenty to forty, and on legal entities of a large enterprise - in the amount of fifty to one hundred monthly calculation indices.

2. The actions specified in part one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entail a fine for individuals in the amount of twenty to thirty, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of thirty to fifty, for legal entities of large enterprises - in the amount of one hundred to three hundred monthly calculation indices.

**Footnote. Article 387 as amended by the Laws of the Republic of Kazakhstan dated 05.12.2003 No. 506, dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006), dated 27.07.2007 No. 314 (shall be enforced from January 1, 2008); dated 10.07.2009 No. 180-IV.**

**Article 388. Trespassing on protected objects**

Trespassing on objects protected under the laws of the Republic of Kazakhstan Presidential Security Service, the Republican Guard, the bodies and organs of the Committee of National Security, Ministry of Interior, Ministry of Defense, - entails a fine in the amount of ten to fifteen monthly calculation indices or administrative arrest for to fifteen days.



## **Chapter 25. Administrative offences against the established order of the state border of the Republic of Kazakhstan and the order of stay on the territory of the Republic of Kazakhstan**

### **Article 389. Violation of the border regime in the border zone and the order of stay in some areas**

1. Violation of the rules of entry (passage), temporary residence or movement in the border area - entails a warning or a fine in the amount of three to five monthly calculation indices.

2. Running a business, commercial or other activity, content, or grazing, mass socio-political, cultural and other activities in the border area without the permission of the authorized state body, or in violation of the established order - entail a fine on individuals in the amount of three to five, on officials - in the amount of five to ten monthly calculation indices.

3. Violation of the order of stay in certain areas defined by law - entails a fine of up to ten monthly calculation indices.

**Footnote.** Article 389 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), by the Law of the Republic of Kazakhstan dated December 19, 2007 No. 11-IV (the order of enforcement see Art. 2).

### **Article 389-1. Violation of the restrictions established in the forbidden Zone at the arsenals, bases and warehouses of the armed forces of the Republic of Kazakhstan, other troops and military formations of the Republic of Kazakhstan and the forbidden area in the arsenals, bases and warehouses of the armed forces of the Republic of Kazakhstan, other troops and military formations of the Republic of Kazakhstan**

1. Finding individuals in the forbidden zone at the arsenals, bases and warehouses of the Armed Forces of the Republic of Kazakhstan, other troops and military formations of the Republic of Kazakhstan - entails a fine in the amount of three to five monthly calculation indices.

2. Construction and carrying out any work, except for work carried out in order to ensure anti-sabotage and fire safety in the forbidden zone at the arsenals, bases and warehouses of the Armed Forces of the Republic of Kazakhstan, other troops and military formations of the Republic of Kazakhstan - entail a fine for individuals in the amount of five to ten, and on legal entities and individual entrepreneurs, legal entities of small and medium-sized businesses - in the amount of ten to twenty, and on legal entities of a large enterprise - in the amount of thirty to fifty monthly calculation indices.

3. Gunfire, the use of fireworks, as well as device shooting ranges, stands and shooting in a forbidden area with arsenals, bases and warehouses of the Armed Forces

of the Republic of Kazakhstan, other troops and military formations of the Republic of Kazakhstan - entails a fine on individuals in the amount of five ten, for officials, entrepreneurs, legal entities of small and medium-sized businesses - in the amount of ten to twenty, and on legal entities of a large enterprise - in the amount of thirty to fifty monthly calculation indices.

**Footnote.** The Code is supplemented by Article 389-1 in accordance with the Law of the Republic of Kazakhstan dated 18.04.2011 No. 429-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 390. Violations of the territorial sea (the sea) and internal waters rules of the Republic of Kazakhstan**

1. Violation of the territorial waters (sea) and internal waters rules of the Republic of Kazakhstan, the Kazakh part of border rivers, lakes and other bodies of water accounting rules, the content, the output of the items home and return to the outstations , stay on the water Kazakh small size self-propelled and non-self (surface and submerged) ships (assets) and vessels (means) movement on the ice - entails a fine for individuals in the amount of five to ten, for officials - in the amount of ten to twenty monthly calculation indices.

2. Keeping in territorial waters (sea) and internal waters of the Republic of Kazakhstan, the Kazakh part of border rivers, lakes and other bodies of water harvesting, research, survey or other activity without the permission of the authorized state body in breach of the laws of the Republic of Kazakhstan - entails a fine for individuals in the amount of five to ten, on officials - in the amount of ten to twenty-five monthly calculation indices and confiscation of vehicles and other items which are direct objects of the administrative offence, or without it.

**Footnote.** Article 390 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008), Title of Article and Article as amended by the Law of the Republic of Kazakhstan dated December 19, 2007 No. 11-IV (the order of enforcement see Art. 2).

#### **Article 391. Violation of the checkpoints across the state border of the Republic of Kazakhstan**

1. Violation by a citizen of the Republic of Kazakhstan of the regime checkpoints across the state border of the Republic of Kazakhstan - entails a fine in the amount of three to five monthly calculation indices.

2. The same actions committed by a foreigner or a stateless person - entails a fine in the amount of three to five monthly calculation indices with administrative deportation from the Republic of Kazakhstan or not.

#### **Article 391-1. Violation of the state border of the Republic of Kazakhstan**

1. Violation of the state border of the Republic of Kazakhstan, except as specified in part two of this Article - entails a fine for individuals ranging from five to ten, for officials, entrepreneurs, legal entities of small and medium enterprises - in the amount of ten to twenty, for legal entities of a large enterprise - in the amount of thirty to fifty monthly calculation indices.

2. Keeping on the state border of the Republic of Kazakhstan commercial, research, survey or other activity without the permission of the authorized body - entails a fine for individuals in the amount of five to ten, for officials, entrepreneurs, legal entities of small and medium enterprises -in the amount of one hundred to three hundred, on legal entities of a large enterprise - in the amount of five hundred to one thousand monthly calculation indices with the confiscation of vehicles and other objects that are the immediate subject of an administrative offence, or without it.

3. Actions described in paragraphs one and two of this Article committed by a foreigner or a stateless person - entail a fine in the amount of up to one hundred forty monthly calculation indices or administrative arrest for up to ten days with an administrative deportation from the Republic of Kazakhstan with the confiscation of vehicles and other commodities being direct objects of the administrative offence, or without it.

**Footnote. Supplemented by Article 391-1 in accordance with the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506; is amended dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

#### **Article 392. Smuggling across the state border of the Republic of Kazakhstan**

1. The failure of transportation or other organization engaged in international transport, measures to prevent the unauthorized entry of persons in the vehicle and use it for illegal crossing of the state border of the Republic of Kazakhstan, which has involved illegal crossing or attempting to illegally cross the state border of the Republic of Kazakhstan one or more offenders, - entails a fine in the amount of two hundred to five hundred monthly calculation indices.

2. The failure of an employee of an organization of transport in international traffic within his/her duty measures to prevent the unauthorized entry of persons in the vehicle and use it for illegal crossing of the state border of the Republic of Kazakhstan,

which has involved the illegal crossing of the state border of the Republic of Kazakhstan, if that act does not constitute aiding of a crime or an attempt to illegally cross the state border of the Republic of Kazakhstan one or more offenders - entails a fine in the amount of ten to twenty-five monthly calculation indices.

3. The failure of a person crossing on private business, the state border of the Republic of Kazakhstan, measures to prevent the use of their vehicle managed by another person for the illegal crossing of the state border of the Republic of Kazakhstan, which has involved illegal crossing or attempting to illegally cross the state border of the Republic of Kazakhstan one or more offenders, - entails a fine in the amount of five to ten monthly calculation indices.

**Article 393. Disobeying a lawful order or requirement of a military man in connection with the performance of his duties for the protection of the state border of the Republic of Kazakhstan**

Disobeying a lawful order or requirement of a military man in connection with the performance of his duties for the protection of the state border of the Republic of Kazakhstan - entails a fine in the amount of five to ten monthly calculation indices or administrative arrest for up to fifteen days.

**Article 394. Violation by a foreigner or a stateless person of the rules of stay in the Republic of Kazakhstan**

1. Violation by a foreigner or a stateless person, of the rules of stay in the Republic of Kazakhstan, expressed in non-compliance with the legislation of the Republic of Kazakhstan or the registration of the order of movement or choice of residence - entails a fine in the amount of ten monthly calculation indices.

2. The actions specified in part one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entails an administrative arrest for up to ten days.

3. Violation by a foreigner or a stateless person, of the rules of stay in the Republic of Kazakhstan, as expressed in the illegal entry into the Republic of Kazakhstan, the failure to depart on time, the purpose of entry discrepancy purposes specified in the visa either at check-in migration card, as well as non-compliance of the actual residence address, specified during registration, as well as non-compliance with the rules of transit through the territory of the Republic of Kazakhstan, - entails a fine in the amount of forty monthly calculation indices or administrative arrest for up to ten days.

4. Actions envisaged in part three of this Article committed repeatedly within a year after the imposition of an administrative penalty - entail an administrative arrest of up to fifteen days with administrative deportation from the Republic of Kazakhstan.

Footnote. Article 394 is in the wording of the Law of the Republic of Kazakhstan dated 22.07.2011 No. 478-IV (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 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 394-1. Failure to comply with the decision on expulsion**

Failure to foreigners and stateless persons to fulfill the taken in respect of the decisions on their expulsion from the territory of the Republic of Kazakhstan - entails a fine in the amount of one hundred to five hundred monthly calculation indices or administrative arrest for up to forty-five days.

Footnote. The Code is supplemented by Article 394-1 in accordance with the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 395. Violation of individuals or legal entities of the rules of stay of foreigners in the Republic of Kazakhstan**

1. The failure of a citizen of the Republic of Kazakhstan, a foreigner or a stateless person, the Republic of Kazakhstan to invite foreigners or stateless persons on private business, of the measures to timely registration, registration of documents for their stay in the Republic of Kazakhstan, the movement around the country and exit from the Republic of Kazakhstan at the end of certain period of stay - entails a fine in the amount of five monthly calculation indices.

2. The failure of an individual entrepreneur, officer or legal entity receiving in Kazakhstan foreigners or stateless persons, to take measures to timely registration, registration of documents for their entry into Kazakhstan, stay and movement within the territory and departure from the Republic of Kazakhstan, after a certain period of stay - entails a fine on officials in the amount of ten, on the entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of twenty, for legal entities of a large enterprise - in the amount of thirty monthly calculation indices.

3. Providing home to a foreigner or a stateless person who has arrived in the Republic of Kazakhstan in violation of the rules of stay of foreigners in the Republic of Kazakhstan, expressed in an illegal entry into the Republic of Kazakhstan, the movement on its territory, failure to depart from the Republic of Kazakhstan on time, inconsistency actual residence address, stated in the registration - entails a fine for individuals warning for officials - a fine in the amount of ten, on entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount

of thirty, for legal entities of large businesses - in the amount of fifty monthly calculation indices.

4. The actions referred to in the first, second and third parts of this Article, if committed repeatedly within a year after the imposition of an administrative penalty - entail a fine on individuals in the amount of ten, for officials - entails a fine in the amount of fifteen, on entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of fifty, for legal entities of a large enterprise - in the amount of eighty monthly calculation indices.

5. Commission by the official of deals with a foreigner or a stateless person, who came illegally to the territory of the Republic of Kazakhstan - entails a fine on officials in the amount of ten monthly calculation indices.

6. The actions specified in part five of this Article committed repeatedly within a year after the imposition of an administrative penalty - entail a fine on officials in the amount of fifteen monthly calculation indices.

**Footnote. Article 395 is in the wording of the Law of the Republic of Kazakhstan dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 396. Violation of the rules to attract foreign labor and unlawful exercise of a foreigner or a stateless person work in the Republic of Kazakhstan**

1. Attracting foreign labor force without the permission of the local executive body or the employment of foreigners and stateless persons who do not have a work permit, - entails a fine for individuals of thirty, on officials - in the amount of fifty, to entrepreneurs, legal entity s being subject to a small or medium-sized business or non-profit organizations - in the amount of two hundred, on legal entities of large business-in the amount of one thousand monthly calculation indices.

2. Attracting foreign employee to the position (profession or specialty), not related positions (vocational), specified in the resolution of the local executive body for foreign labor force - entails a fine on officials in the amount of fifty, on entrepreneurs, legal entity s being subject to a small or medium-sized business or non-profit organizations - in the amount of two hundred, on legal entities of large business - amounting thousands monthly calculation indices.

3. Actions described in parts one and two of this Article committed repeatedly within one year after the imposition of an administrative penalty - entails a fine on individuals in the amount of fifty, on the officials - one hundred, to entrepreneurs, legal entities of small or medium business or non-profit organizations - in the amount of three hundred, on legal entities of a large enterprise - in the amount of fifteen hundred monthly calculation indices.



4. Implementation of a foreigner or a stateless person work in Kazakhstan without a work permit, when such permission is a prerequisite for the implementation of the work, staying in the territory of the Republic of Kazakhstan is illegal - entails a fine in the amount of twenty-five monthly calculation indices with administrative expulsion from the Republic of Kazakhstan.

Footnote. Article 396 is in the wording of the Law of the Republic of Kazakhstan dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 397. (Is excluded by the Law of the Republic of Kazakhstan dated July 6, 2007 No. 276).**

**Article 398. Violation of refugee housing rules**

Footnote. Article 398 is excluded by the Law of the Republic of Kazakhstan dated 04.12.2009 No. 217-IV (shall be enforced from 01.01.2010).

**Article 399. Illegal activities of employment of citizens of the Republic of Kazakhstan**

To work on the employment of citizens of the Republic of Kazakhstan abroad with inappropriate advertising or providing incomplete or incorrect information - entails a warning or a fine on individuals in the amount of up to twenty, for officials, entrepreneurs, legal entities of small and medium enterprises - in the amount of twenty to one hundred, on legal entities of a large enterprise - in the amount of three hundred to five hundred monthly estimates.

Footnote. Article 399 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006), dated 02.03.2006 No. 131, dated 15.07.2011 No. 461-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

**Chapter 26. Administrative offences in the field of customs**

**Article 400. Violation of the customs control zone**

Movement of goods, vehicles and people, including government officials (except for customs), cross-border and customs control zone within it, and the implementation in the area of production and other commercial activities without the permission of the customs body of the Republic of Kazakhstan, except in cases the legislation of the Republic of Kazakhstan, or other actions violating the regime of customs control, in the absence of evidence of a crime - entail a warning or a fine for individuals, officials,

entrepreneurs in the amount of five to ten, and on legal entities of small or medium businesses - in the amount of ten to fifteen, for legal entities of a large enterprise - in the amount of twenty to twenty-five monthly calculation indices.

Footnote. Article 400 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 400-1. Violation of the order of activities in the field of customs**

Failure to comply with customs agents or owners of the place of temporary storage, free or bonded warehouse, duty free shop conditions and obligations of such activities in accordance with the Code of the Republic of Kazakhstan "On Customs Affairs in the Republic of Kazakhstan" or failing to rooms or areas designated for the establishment of a place or temporary storage, customs or free warehouse, duty free shop, the requirements established by the customs legislation of the Customs Union and (or) of the Republic of Kazakhstan, entails a fine in the amount of one hundred and monthly calculation indices.

Footnote. Chapter 26 is supplemented by Article 400-1 in accordance with the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

#### **Article 400-2. Violation of the order of activities by customs carrier**

Failure to comply with customs carrier conditions and obligations under the customs legislation of the Customs Union and (or) of the Republic of Kazakhstan to carry out such activities, including the absence or failure of technical equipment in the vehicle, enabling the customs body to determine the location of the vehicle, - entails a fine in the amount of one hundred monthly calculation indices.

Footnote. Chapter 26 is supplemented by Article 400-2 in accordance with the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

#### **Article 401. Failure to notify the customs body of the Republic of Kazakhstan on the entry of goods and vehicles to check-point after crossing the customs border of the customs union**

Failure to notify the customs bodies of the Republic of Kazakhstan to the import of goods and means of transport to the customs territory of the Customs Union on crossing the border of the Customs Union, including failure when crossing the border customs documents in accordance with the customs legislation of the Customs Union and (or) of the Republic of Kazakhstan, the presentation of which is mandatory, except for the movement of goods and vehicles by individuals in a simplified or preferential

order - entails a warning or a fine on individuals of five, on entrepreneurs, legal entities of small and medium enterprises -in the amount of fifteen, for legal entities of a large enterprise - in the amount of twenty-five monthly calculation indices.

**Footnote. Article 401 is in the wording of the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).**

**Article 402. Departure of goods and means of transport outside the customs territory of the customs union without the permission of the customs body of the Republic of Kazakhstan at the check-point**

1. Failure to notify the customs bodies of the Republic of Kazakhstan to the point of crossing the customs border of the intention to export goods and means of transport out of the customs territory of the Customs Union, if the goods and vehicles under customs control or export of goods and vehicles suggests their placement under customs control, including failure on leaving the customs territory of the customs union customs documents in accordance with the customs legislation of the Customs Union and (or) of the Republic of Kazakhstan, the presentation of which is optional, except for the movement of goods and vehicles by individuals in a simplified or preferential order - entails a warning or a fine individuals of five, on entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of fifteen, for legal entities of a large enterprise - in the amount of twenty-five monthly calculation indices.

**Footnote. Article 402 is in the wording of the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).**

**Article 403. Failure to take action in the event of an accident or force majeure**

The failure in the event of an accident or force majeure steps to safeguard accepted for delivery to certain customs body of the Republic of Kazakhstan place or moved in transit of goods and means of transport, the assumption of any unauthorized use, failure to the nearest customs body of the Republic of Kazakhstan on the circumstances , location of such goods and means of transport or failure of their transportation to the nearest customs body of the Republic of Kazakhstan or the delivery of the body of officials to the location of the goods and vehicles - entails a fine for individuals ranging from five to ten, the individual entrepreneurs, legal entities by small and medium-sized businesses - in the amount of ten to fifteen, for legal entities of a large enterprise - in the amount of twenty to twenty-five monthly calculation indices.

**Footnote. Article 403 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 404. Failure to provide the goods and transport means in the place of delivery**

Failure in the delivery of goods and transport means and failure to hand documents to the customs body of the Republic of Kazakhstan - entails a fine for individuals ranging from five to ten, on entrepreneurs, legal entities of small and medium enterprises - the amount of ten to fifteen, for legal entities of a large enterprise - in the amount of twenty to twenty-five monthly calculation indices.

Footnote. Article 404 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 405. Release without permission of the customs body of the Republic of Kazakhstan , the loss or non-delivery of the customs body of the Republic of Kazakhstan goods vehicles and accompanying documents**

1. Release without permission of the customs body of the Republic of Kazakhstan, the loss or non-delivery to a specific place of goods and vehicles under customs control , indicated by customs body of the Republic of Kazakhstan, - entail a fine in the amount of forty monthly calculation indices and confiscation of goods and vehicles, which are the immediate subject of an administrative offence, or without it.

2. The loss or non-delivery made to present to the customs body of the Republic of Kazakhstan customs and other documents for the goods and means of transport subject to customs control - entails a warning or a fine in the amount of ten to twenty monthly calculation indices.

3. Failure to adhere to the customs body of the Republic of Kazakhstan for the delivery of goods, vehicles and documents to them - entails a warning or a fine in the amount of ten to twenty monthly calculation indices.

Footnote. Article 405 as amended by the Laws of the Republic of Kazakhstan dated 05.12.2003 No. 506, dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

#### **Article 406. Not stopping of the vehicle**

Not stopping of a vehicle crossing the customs border of the Customs Union, as well as means of transport conveyed across the customs border of the Customs Union as a commodity, in places defined by the customs body of the Republic of Kazakhstan, except for cases when such not stopping due to a technical malfunction of the vehicle or acts of force majeure - entails a fine in the amount of ten monthly calculation indices

Footnote. Article 406 is in the wording of the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

## **Article 407. Departure of a vehicle without the permission of the customs body of the Republic of Kazakhstan**

Departure under customs control of the vehicle or vehicles moving across the customs border of the Customs Union as a commodity from its parking place without the permission of the customs body of the Republic of Kazakhstan, - entails a fine in the amount of ten monthly calculation indices.

Footnote. Article 407 is in the wording of the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

## **Article 408. Berthing the vessel and other floating under customs control**

Footnote. Article 408 is excluded by the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

## **Article 409. Violation of the order of customs operations involving the placement of goods under the customs procedure and clearance of goods**

Violation of the order of customs operations involving the placement of goods under the customs procedure, and clearance of goods, that is, non-compliance of the requirements, specified by the customs legislation of the Customs Union and (or) of the Republic of Kazakhstan on the placement of goods under the customs procedure, place and time of customs operations, as well as terms of priority areas of certain categories of goods under the customs procedure, except in cases specified in other Articles of this chapter, - entails a fine in the amount of twenty-five monthly calculation indices.

Footnote. Article 409 is in the wording of the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

### **Article 409-1. The violation of order of customs operations**

1. The violation of order of customs operations established by the customs legislation of the Customs Union and (or) of the Republic of Kazakhstan, except as specified in other Articles of this chapter, - entails a fine in the amount of twenty-five monthly calculation indices.

2. According to the first paragraph, repeated within one year after the imposition of administrative penalties-entails a fine in the amount of fifty monthly calculation indices with the exception of a roster of persons working in the field of customs.

Footnote. Chapter 26 is supplemented by Article 409-1 in accordance with the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

**Article 410. Illegal operations, changes in condition, use and (or) disposal of goods in respect of which clearance is not completed**

1. Conduct of operations, changes in condition, use and (or) disposal of goods in respect of which clearance is not completed, in violation of the terms and conditions established by the customs legislation of the Customs Union and (or) of the Republic of Kazakhstan, except as specified in other Articles of this chapter, - entails a fine in the amount of twenty monthly calculation indices and confiscation of goods and vehicles, which are the immediate subject of an administrative offence or without it.

2. The actions specified in paragraph one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine in the amount of twenty-five monthly calculation indices and confiscation of goods and vehicles, which are the immediate subject of an administrative offence, or without it.

**Footnote. Article 410 is in the wording of the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).**

**Article 411. Cargo and other operations conducted without the permission of the customs body of the Republic of Kazakhstan**

Transportation, loading, unloading, handling, repair damage to the packaging, packing, repacking or adoption for the transport of goods and means of transport subject to customs control, taking samples and specimens of goods, opening spaces, containers and other places where there may be the supplies and vehicles without the permission of the customs body of the Republic of Kazakhstan - entail a fine in the amount of five to twenty-five monthly calculation indices.

**Footnote. Article 411 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506.**

**Article 412. Change, deletion, destruction, damage or loss of identification**

Change, deletion, destruction, damage, or loss of identification, the customs bodies of the Republic of Kazakhstan, - entail a fine in the amount of five to ten monthly calculation indices.

**Article 413. Violation of the order of the customs declaration of goods**

Violation by the declarant and (or) customs agents of order of the customs declaration of goods, that is, non-compliance with the requirements of the customs legislation of the Customs Union and (or) of the Republic of Kazakhstan on the order of any customs duties and customs declaration, including preliminary, partial,



periodical and temporary customs declaration of goods for the place of the customs declaration of goods, except as specified in other Articles of this Chapter, - entails a fine in the amount of twenty-five monthly calculation indices.

**Footnote.** Article 413 is in the wording of the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

#### **Article 413-1. Violation of the order of activities in the field of customs by customs agent**

1. Implementation of the customs agent in the field of customs in the interests of a third party without a civil contract with a third party or by the expiration of the contract or after its dissolution - entails a fine in the amount of thirty monthly calculation indices.

2. Action set forth in the first part of this Article, committed by the customs agents repeatedly during the year - entails a fine in the amount of fifty monthly calculation indices.

**Footnote.** Chapter 26 is supplemented by Article 413-1 in accordance with the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

#### **Article 413-2. Violation of the order of activities in the field of customs by authorized economic operator**

Failure to comply with the authorized economic operator requirements of the customs legislation of the Customs Union and (or) of the Republic of Kazakhstan to carry out such activities, - entails a fine in the amount of one hundred and monthly calculation indices.

**Footnote.** Chapter 26 is supplemented by Article 413-2 in accordance with the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

#### **Article 414. Violation of the terms of the customs declaration, documents and information**

Failure to submit the declarant to the customs body of the Republic of Kazakhstan on time customs declarations, documents and information submitted in the customs declaration of goods, except as specified in other Articles of this chapter, in the absence of evidence of a crime - entails a fine in the amount of twenty monthly calculation indices.

**Footnote.** Article 414 is in the wording of the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

#### **Article 415. Failure to submit to the customs body of the Republic of Kazakhstan and the failure to report on procedures for conduct of accounting**

Failure to submit to the customs body of the Republic of Kazakhstan by customs carrier, customs agents or owners of the place of temporary storage, customs or free warehouse, duty free shop, the declarants in the manner and time as defined by the customs legislation of the Customs Union and (or) of the Republic of Kazakhstan, the reporting of imported, exported, declared received, stored, processed, manufactured, purchased and sold goods under customs control or in free customs zones, as well as failure to follow the procedure of accounting for such goods - entails a fine in the amount of twenty-five monthly calculation indices.

**Footnote. Article 415 is in the wording of the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).**

**Article 416. Violation of the terms of temporary storage (Is excluded - by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 417. Violation of the order of placement of goods for storage, and the order of their storage and operations with them**

Violation of the order of placing goods in storage and the order of their storage, established by the customs legislation of the Customs Union and (or) of the Republic of Kazakhstan, the shelf life of a bonded warehouse, order of movement of goods from one warehouse to another, as well as operations with goods in customs warehouses, temporary warehouses storage and free warehouses, - entail a fine in the amount of twenty-five monthly calculation indices.

**Footnote. Article 417 is in the wording of the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).**

**Article 417-1. Violation of the terms of temporary storage of goods**

Violation of terms of temporary storage of goods established by the customs legislation of the Customs Union and (or) of the Republic of Kazakhstan, - entails a fine for individuals of twenty-five, to on entrepreneurs, legal entity s - in the amount of fifty monthly calculation indices.

**Footnote. Chapter 26 is supplemented by Article 417-1 in accordance with the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).**

**Article 418. Violation of the procedure for processing and replacement of refined products**

1. Violation of the procedure for processing, that is, non-compliance with the customs legislation requirements, restrictions and conditions of the obligations of the conditions for processing the order and timing of their processing, the number of

output of processed products of their processing of such goods - entails a fine in the amount of ten to fifty monthly specified rates.

2. Violation of the rules on change the products of domestic goods in other goods - entails a fine of ten to twenty monthly calculation indices.

**Footnote. Article 418 as amended by the Law of the Republic of Kazakhstan dated 05.12.2003 No. 506, dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).**

**Article 419. Violation of the order of business in free customs zones and free warehouses (Is excluded- by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 ( shall be enforced from January 1, 2006).**

**Article 420. Violation of the order of construction of buildings, structures and facilities in free customs zones (Is excluded - by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 421. Not exported outside the customs territory of the customs union or failure to return to the area of goods and vehicles**

1. Not exported outside the customs territory of the Customs Union earlier imported goods and means of transport, and (or) placed under a customs procedure, at the end of which is provided for export in a timely manner, as well as in cases where such export is required, or not returning to the customs territory of the Customs Union previously exported goods and vehicles, and (or) placed under a customs procedure, at the end of which is provided for re-importation in time, and also in cases where such importation is mandatory - entail a fine for individuals of fifteen, on the individual entrepreneurs, legal entities of small and medium-sized businesses - in the amount of thirty, for legal entities of a large enterprise - in the amount of fifty monthly calculation indices and confiscation of goods and vehicles, which are the immediate subject of an administrative offence, or without it.

2. Submitting to the customs bodies of the Republic of Kazakhstan invalid documents, documents, illegally obtained, or documents relating to other goods and transport, as evidence of re-exportation or importation, or failing that, for reasons of destruction or loss of the goods and vehicles by accident or force majeure, normal wear and tear or disposal of their possessions due to the illegal actions of bodies and officials of a foreign state - entails a fine on individuals in the amount of fifteen, to entrepreneurs, legal entities of small and medium-sized businesses - in the amount of thirty, to legal entities of a large enterprise - in the amount of fifty monthly calculation indices and confiscation of goods and vehicles, which are the immediate subject of an administrative offence, or without it.

Footnote. Article 421 is in the wording of the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

**Article 422. Violation of the order of destruction of goods**

Footnote. Article 422 is excluded by the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

**Article 423. Illegal operations, changes in condition, use and (or) disposal of goods and means of transportation placed under a customs procedure**

Conduct of operations, changes in condition, use and (or) disposal of goods and means of transport in accordance with their customs procedures, as well as failure to comply with procedures relating to accounting and reporting and other limitations, requirements and conditions of the customs procedure established by the customs legislation of the Customs Union ( or) of the Republic of Kazakhstan, except in cases specified in other Articles of this Chapter - entail a fine of twenty monthly calculation indices and confiscation of goods and vehicles, which are the immediate subject of an administrative offence, or without it.

Footnote. Article 423 is in the wording of the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

**Article 424. Failure to comply with the application of the prohibitions and restrictions on the movement of goods and vehicles across the customs border of the customs union**

Transportation through the customs border of the Customs Union of the goods and vehicles in violation of the order of application of prohibitions and restrictions established by the customs legislation of the Customs Union and (or) of the Republic of Kazakhstan, in the absence of evidence of a crime - entails a fine for individuals of fifteen, on entrepreneurs, legal entity s being subject to a small or medium business - in the amount of thirty, for legal entities of a large enterprise - in the amount of fifty monthly calculation indices and confiscation of goods and vehicles, which are the immediate subject of an administrative offence or without it.

Footnote. Article 424 is in the wording of the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

**Article 425. Movement of goods across the customs border of the customs union by individuals in violation of simplified or preferential order**

Movement of goods across the customs border of the Customs Union by individuals in violation of simplified or preferential order determined by the customs legislation of the Customs Union and (or) of the Republic of Kazakhstan, including

non-compliance with the Code of the Republic of Kazakhstan "On Customs Affairs in the Republic of Kazakhstan" by writing declaration of goods and vehicles crossing the customs border of the simplified or preferential procedures, and procedures for the movement of goods in unaccompanied baggage, except as specified in other Articles of this Chapter, - entails a fine in the amount of ten monthly calculation indices.

**Footnote.** Article 425 is in the wording of the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

#### **Article 425-1. The violation of the order of movement of goods by international mail**

The violation of the order of movement of goods by international mail, established by the customs legislation of the Customs Union and(or) of the Republic of Kazakhstan,- entails a fine on individuals, officials in the amount of ten, on individual entrepreneurs - in the amount of twenty, for legal entities -in the amount of fifty monthly calculation indices.

**Footnote.** Chapter 26 is supplemented by Article425-1in accordance with the Law of the Republic of Kazakhstan dated 30.06.2010 No.297-IV (shall be enforced from 12.07.2010).

#### **Article 426. Movement of goods and vehicles across the customs border of the customs union without customs control**

**Footnote.** Title of Article 426 as amended by the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

1. Movement of goods and vehicles across the customs border of the Customs Union without customs control, that is, outside of certain customs bodies of the Republic of Kazakhstan in the field of movement of goods across the customs border of the Customs Union or outside the set time of customs bodies of the Republic of Kazakhstan in the area shown in the absence of evidence of a crime - entails a fine for individuals in the amount of ten to twenty, and on legal entities and individual entrepreneurs - in the amount of thirty to forty monthly calculation indices, for legal entities of small and medium enterprises - in the amount of one hundred, on legal entities of a large enterprises - in the amount of two hundred percent of the unsettled tax obligation.

2. The actions specified in paragraph one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entail a fine on individuals in the amount of twenty to twenty-five, and on legal entities and individual entrepreneurs - in the amount of forty to fifty monthly calculation indices on legal entities of small and medium enterprises - in the amount of two hundred, on legal entities of large enterprises - in the amount of three hundred percent of the amount of

unsettled tax obligations with the confiscation of the goods and vehicles, which are the immediate subject of an administrative offence, or without such.

Footnote. Article 426 as amended by the Laws of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008), dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

**Article 427. Hiding from the customs control of goods, transferred across the customs border of the customs union**

Footnote. Title of Article 427 as amended by the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

Hiding from the customs control of goods or transferred across the customs border of the Customs Union, including the use of caches or other ways difficult to detect products, or making one kind of goods, in the absence of other evidence of a crime - entails a fine in the amount of ten to twenty-five monthly calculation indices with confiscation of goods, which were the direct object of the offence, or without it, as well as the confiscation of the goods and vehicles with special hiding places used to move through the customs border of the Customs Union with the concealment of goods and items that are the immediate subject of an administrative offence or without .

Footnote. Article as amended by the Laws of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008), dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

**Article 428. Transportation of goods and vehicles across the customs border of the customs union with the fraudulent use of documents or means of identification**

Footnote. Title of Article 428 as amended by the Law of the Republic of Kazakhstan of 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

Transportation through the customs border of the Customs Union of goods and vehicles with representation of the documents to the customs bodies of the Republic of Kazakhstan as required for customs purposes, invalid documents, documents illegally obtained documents containing false information or documents relating to other goods and vehicles and the use of fraudulent means of identification, or a genuine means of identification belonging to other goods and vehicles, except as specified in other Articles of this chapter, in the absence of evidence of a crime - entail a fine in the amount of ten to twenty monthly calculation indices and confiscation of goods and vehicles, which are direct objects of an administrative offence, or without it.



Footnote. Article 428 as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

**Article 429. Failure to declare or unreliable customs declaration of goods**

1. Failure to declare or unreliable customs declaration of goods transported or transferred across the customs border of the Customs Union, that is undeclared in the prescribed form or statement of the declarant, customs agents authorized economic operator in the customs declaration and other documents required for customs purposes, false information on goods, selected customs procedure, customs value or country of origin of the goods or a statement of other false information, giving the basis for exemption from payment of customs duties and taxes or reduction of their size, and undeclared other information required for customs purposes, except as specified in other Articles of this chapter - entail a fine for individuals in the amount of forty, on individual entrepreneurs and legal entities of small and medium enterprises - in the amount of one hundred, on legal entities of large enterprises - in the amount of two hundred monthly calculation indices.

2. Actions envisaged in part one of this Article committed repeatedly within a year after the imposition of an administrative penalty, entail a fine for individuals in the amount of one hundred, on individual entrepreneurs and legal entities of small and medium enterprises - in the amount of two hundred, on legal entities being subject to large-scale enterprises - in the amount of four hundred monthly calculation indices and confiscation of goods and vehicles, which are the immediate subject of an administrative offence, or without it.

Footnote. Article 429 is in the wording of the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

**Article 430. Transportation, storage, acquisitions, use or disposal of the goods and vehicles imported into the customs territory of the customs union in violation of customs rules**

Footnote. Title of Article 430 as amended by the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

1. Transportation, storage, acquisition, use or disposal of the goods and vehicles imported into the customs territory of the Customs Union without customs control or with concealment of such control, or with fraudulent use of documents or means of identification, or undeclared or declared unreliable, as well as transportation, storage and the purchase of goods and means of transport, which enjoy preferential customs treatment in terms of customs duties and taxes that are used or disposed of without the permission of the customs body of the Republic of Kazakhstan for purposes other than

those for which such benefits were provided - entails a fine for individuals in the amount of five to ten, to entrepreneurs, legal entities of small and medium-sized business - in the amount of fifteen to twenty-five, for legal entities of a large enterprise - in the amount of twenty-five to thirty-five monthly specified rates.

2. The actions specified in part one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine in the amount of twenty to fifty monthly calculation indices and confiscation of goods and vehicles, which are the immediate subject of an administrative offence, or without it.

**Footnote.** Article 430 as amended by the Laws of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008 ), dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

**Article 431. Violation of rules for the use and disposal of conditionally released goods and means of transport and (or) which enjoy customs privileges in terms of customs duties and taxes**

**Footnote.** Title of Article 431 as amended by the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

Use and disposal of conditionally released goods and means of transport, and (or) which enjoy customs privileges in terms of customs duties and taxes for purposes other than those for which such benefits were provided, without the permission of the customs body - entail a fine and on legal entities and individual entrepreneurs in the amount of twenty to twenty-five, for legal entities of small or medium-sized business or non-profit organizations - in the amount of one hundred to four hundred, and on legal entities of a large enterprise - in the amount of five hundred to one thousand monthly calculation indices.

**Footnote.** Article 431 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006), dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

**Article 432. Actions aimed at the illegal exemption from duties and taxes or underreporting**

**Footnote.** Article 432 is excluded by the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

**Article 433. Actions directed to return without cause paid customs duties and taxes, repayments and other compensation or their return**

The customs bodies of the Republic of Kazakhstan of documents containing false information, giving the right to refund of customs payments, repayments and other

benefit or their return or the return is not in full without cause, in the absence of evidence of a crime - entails a fine on officials in the amount of up to twenty-five, for legal entities - in the amount of up to two hundred fifty monthly calculation indices.

**Footnote. Article 433 as amended by the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).**

#### **Article 434. Violation of the terms of payment of customs duties and taxes**

Non-payment by payers, including persons who have the status of customs representative authorized economic operator, of the customs duties and taxes in a timely manner, as well as failure to pay in case of violation of the customs declaration when using conditionally released goods for purposes other than those in connection with which was granted exemption from payment of customs duties for the basic customs declaration, customs duties and taxes, as well as a statement of goods under the customs procedures, provide for periodic payment of customs duties and taxes - entails a fine for individuals, entrepreneurs, officials in the amount of thirty, for legal entities of small or medium-sized business or non-profit organizations - in the amount of forty, for legal entities of a large enterprise - in the amount of fifty percent of the amount of unsettled tax obligation, but not less than two hundred fifty monthly calculation indices with except from the register of customs representatives.

**Footnote. Article 434 is in the wording of the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).**

#### **Article 434-1. Failure to comply with the customs body of the Republic of Kazakhstan on the payment of customs duties, taxes and interest on time**

Non-performance by the bank, insurance company, surety of the customs body of the Republic of Kazakhstan requirements on the payment of the outstanding amounts of customs duties, taxes and interest on time in the event of default by the payer obligation to pay customs duties and taxes in the application of methods of payment of customs payments and taxes - entails a fine on the individual businessmen, officials in the amount of thirty monthly calculation indices, for legal entities of small or medium-sized business or non-profit organizations - in the amount of forty, for legal entities of a large enterprise - in the amount of fifty percent of the amount of default, but not less than two hundred fifty monthly calculation indices.

**Footnote. Chapter 26 is supplemented by Article 434-1 in accordance with the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).**

#### **Article 435. Non-performance by banks and organizations engaged in certain banking operations, making the customs bodies of the Republic of Kazakhstan**

Non-enforcement of the customs bodies of the Republic of Kazakhstan on the collection of customs duties, taxes and penalties or the suspension of withdrawals from the account of the payer of customs duties, taxes and penalties due to the fault of banks and organizations engaged in certain of banking operations - entails a fine on officials in the amount of up to twenty-five, for legal entities - up to two hundred fifty monthly calculation indices.

**Footnote. Article 435 as amended by the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).**

**Article 436. Illegal activity as a customs broker, a specialist, or violation of the terms of such activities (Is excluded - by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 437. Illegal activity as a customs carrier or violation of the terms of such activities (Is excluded - by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 438. Failure to comply with the customs bodies of the Republic of Kazakhstan**

Failure by persons operating in the field of customs, and other persons established by the customs legislation of the Customs Union and (or) the requirements of the Republic of Kazakhstan customs bodies of the Republic of Kazakhstan and their officials in the customs declaration, customs clearance, customs declaration, the customs check, the loading and other operations with goods and vehicles, and other requirements necessary for customs control - entails a fine in the amount of fifty monthly calculation indices.

**Footnote. Article 438 is in the wording of the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).**

**Article 438-1. Failure to comply with the customs body of the Republic of Kazakhstan to eliminate the violations identified by the results of customs inspection**

Failure to fulfill the requirements of the customs body officials of Kazakhstan to eliminate the violations identified by the results of customs inspection in the terms established by the customs legislation of the Customs Union and (or) of the Republic of Kazakhstan, - entails a fine in the amount of fifty monthly calculation indices.

**Footnote. Chapter 26 is supplemented by Article 438-1 in accordance with the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).**

**Chapter 27. Administrative offences in transport, road facilities, communications and information**

Footnote. The title of Chapter 27 is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 439. Violation of rules, ensuring the safety on railways**

1. Violation of rules of passing carting and driving cattle across railroad tracks, grazing rights of way of railways - entails a warning or a fine for individuals in the amount of up to two, for officials - in the amount of up to ten monthly calculation indices.

2. Damage to railway, protective forests, snow barriers and other travel sites, structures and signaling and communications - entails a fine for individuals in the amount of up to five, for officials - up to ten monthly calculation indices.

3. Failure to comply with the established dimensions of loading and unloading of goods - entails a fine on officials in the amount of five to seven monthly calculation indices.

4. Giving, dropping on a railway track or leaving them on items that may cause a disruption of train - entails a fine in the amount of up to five monthly calculation indices.

5. Pass on the railroad tracks in unknown locations - entails a warning or a fine of one-tenth of monthly index.

6. Violation of the requirements of operating rules of railway transport - entails a fine for individuals in the amount of up to three, for officials - in the amount of five to seven, for legal entities of small and medium enterprises - in the amount of eight to ten, for legal entities of a large enterprise - in the amount of twenty to thirty monthly calculation indices.

Footnote. Article 439 as amended by the Laws of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008), dated 10.07.2012 No. 36-V ( shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 440. Violation of the rules of use of rail transport**

1. Illegal travel on freight trains, boarding and alighting on the train, how to get on the bandwagon and the roofs of cars, illegal without the need to stop the train - entails a fine in the amount of up to a monthly calculation index.

2. Dispose of garbage and other objects out of the windows and doors of a train illegally opening front doors of a moving train - entails a warning or a fine in the amount of up to one fifth of a monthly calculation index.

Footnote. Article 440 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 440-1. Operation of rolling stock without state registration or re-registration**

1. Operation of rolling stock without registration or re-registration in the authorized body - entails a fine on individuals of the two, for officials, entrepreneurs, legal entities of small and medium enterprises - the amount of five, for legal entities of large enterprise - in the amount of twenty monthly calculation indices.

2. Action (inaction), referred to in part one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine for individuals in the amount of five, for officials, entrepreneurs, legal entities of small and medium enterprises - in the amount of ten, for legal entities of a large enterprise - in the amount of thirty monthly calculation indices.

Footnote. Article 440-1 is supplemented by the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

#### **Article 441. Damage to public transport vehicles and their internal equipment**

Damage to public transport vehicles, namely, passenger cars and locomotives in rail transport, ships at sea and river transport, buses, trolleybuses, trams, as well as damage to their internal equipment - entail a fine in the amount of three to ten monthly calculation indices.

#### **Article 442. Violation of the order of air space of the Republic of Kazakhstan**

1. Violation of the order of using the air space of the Republic of Kazakhstan to the flight of aircraft, missile launches, in alls of shooting, blasting or other activities associated with the raising, lowering or movements in the airspace of the Republic of Kazakhstan of material objects - entails a fine for individuals in the amount of one to ten, for officials - in the amount of ten to twenty monthly calculation indices with compensated seized items which appeared weapon offence or without it.

2. The actions specified in paragraph one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine on individuals in the amount of ten to fifteen, on officials - in the amount of twenty to twenty-five monthly calculation indices and confiscation of the object, which appeared instrument of the offence or without it.

Footnote. Article 442 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 443. Violation of safety regulations**



1. Accommodation at the aerodrome any signs and devices, similar to the marks, and the devices adopted for the identification of aerodromes, or burning of fireworks without the permission of the airport authority, airport, or a device object, contributed to large flocks of birds hazardous to aircraft operations - entails a fine for individuals in the amount of up to three, for officials - up to ten monthly calculation indices.

2. Failure to comply with the rules on the placement of night and day marks or devices on buildings and facilities - entails a fine for individuals in the amount of up to three, for officials - up to ten monthly calculation indices.

3. Damage to airport equipment, airport signs, aircraft and their equipment - entails a fine in the amount of ten to fifty monthly calculation indices.

4. Pass or travel without permission through the airport (except for air terminals), airfields, facilities and radio light flight support - entails a fine in the amount of up to a monthly calculation index.

5. Violation of safety regulations by the passenger of the aircraft, if the act created a situation that threatens the safety of the flight, - entails a fine in the amount of one hundred to two hundred monthly calculation indices or administrative arrest for up to fifteen days.

**Footnote. Article 443 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 15.07.2010 No. 340-IV (the order of enforcement see Art. 2).**

#### **Article 444. Improper site preparation and clearance work of aviation personnel**

1. Improper site preparation and clearance work of aviation personnel - entails a fine on officials in the amount of five to ten monthly calculation indices.

2. Admission to the control of the aircraft while intoxicated persons - entails a fine on officials in the amount of ten to twenty monthly calculation indices.

#### **Article 445. Control of the aircraft by a person in a state of intoxication**

1. Control of the aircraft by a person in a state of alcoholic, narcotic or toxic intoxication, - entails a fine in the amount of five to fifteen monthly calculation indices or removal of aircraft handling up to one year.

2. The same actions that caused a threat to flight safety - entail a fine in the amount of ten to twenty-five monthly calculation indices or deprivation of the right to operate the aircraft for up to two years.

#### **Article 446. Misconduct on the aircraft**

1. Failure by a person on an aircraft to fulfill the order of the captain of the vessel,

if the actions of the person does not pose a threat to flight safety - entails a warning or a fine in the amount of up to two monthly calculation indices.

2. Violation of rules of photography, film and video, as well as the use of radio communications from the aircraft - entails a warning or a fine in the amount of up to a monthly calculation index with the confiscation of the film and cassettes, radio communications or without it.

**Article 446-1. Falsification of information and (or) a statement of false information in an official assessment of the fitness for the operation of civil aircraft**

1. Compiling by the inspector of organization, which is in the competence of an authorized body in the field of civil aviation, and issuing by the organization, which is run by the authorized body in the field of civil aviation, of the act of assessment of fitness for use of civil aircraft in which an assessment of the operation of civil aircraft falsified, and (or) is doubtful, - entails fine on the inspector organization, which is in the competence of an authorized body in the field of civil aviation, in the amount of twenty to fifty monthly calculation indices, for the organization, which is run by the authorized body in the field of civil aviation - in the amount of one hundred to one hundred fifty monthly calculation indices.

2. Committing of acts specified in part one of this Article, repeated within a year after the imposition of an administrative penalty - entails a fine on the inspector organization, which is in the competence of an authorized body in the field of civil aviation, in the amount of one hundred to one hundred and fifty monthly calculation indices, for the organization, which is run by the authorized body in the field of civil aviation - in the amount of two hundred to three hundred monthly calculation indices.

**Footnote. The Code is supplemented by Article 446-1 in accordance with the Law of the Republic of Kazakhstan dated 15.07.2010 No. 340-IV (the order of enforcement see Art. 2).**

**Article 447. Violation of rules of transport of passengers, baggage and cargo**

1. Violation of the rules of international transport of passengers, baggage and cargo , except for road transport, - entails a fine in the amount of ten to fifty monthly calculation indices.

2. Violation of rules of transport of passengers, baggage and cargo by road - entails a fine for entrepreneurs, legal entities of small and medium enterprises, in the amount of ten to fifteen, for legal entities of a large enterprise - in the amount of twenty to twenty-five monthly calculation indices.

3. Actions envisaged in part two of this Article committed repeatedly within one year after the imposition of an administrative penalty - entails a fine on entrepreneurs,

legal entities of small and medium-sized enterprises, in the amount of fifteen to twenty, and on legal entities of large businesses - in the amount of twenty-five to fifty monthly calculation indices.

Footnote. Article 447 is in the wording of the Law of the Republic of Kazakhstan dated July 3, 2003 No. 464; as amended dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

**Article 447-1. Violation of labor and rest of drivers in road transport of passengers, baggage or cargo**

1. Operating a motor vehicle without a control device registration of work and leisure drivers (tachograph) or turned off by such devices or with blank discs diagrammatic or without the use of electronic cards in the case of electronic (digital) tachograph, as well as free of the daily record sheets of work and leisure drivers for the implementation of:

- 1) the transport of dangerous goods;
- 2) the international transport of passengers, baggage and cargo;
- 3) long-distance of inter-regional, inter-district (intraregional long-distance) and intra-road transport of passengers, baggage, - entails a fine for entrepreneurs, legal entities of small and medium-sized businesses, in the amount of ten to twenty, for legal entities of a large enterprise, - in the amount of twenty to fifty monthly calculation indices.

2. Violation of work and leisure vehicle drivers in road transport of passengers, baggage or cargo - entails a fine of five to ten monthly calculation indices.

Footnote. The Code is supplemented by Article 447-1 in accordance with the Law of the Republic of Kazakhstan dated 03.07.2003 No. 464 as amended by the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 447-2. Implementation of the international transport of passengers, baggage or cargo without permits or special permits**

Implementation of vehicle drivers, foreign-owned or foreign legal entities, international road transport in the Republic of Kazakhstan without permits or special permits in the cases stipulated by the legislation of the Republic of Kazakhstan on road transport, - entails a fine in the amount of ten to twenty-five monthly calculation indices.

Footnote. The Code is supplemented by Article 447-2 in accordance with the Law of the Republic of Kazakhstan dated 03.07.2003 No. 464 as amended by the Law of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from January 1, 2008).

**Article 447-3. Lack of passenger lists for drivers of motor vehicles in the implementation of non-scheduled international passenger and luggage**

Lack of passenger lists for drivers of motor vehicles in the implementation of non-scheduled international passenger and luggage - entails a fine in the amount of three to five monthly calculation indices.

Footnote. The Code is supplemented by Article 447-3 in accordance with the Law of the Republic of Kazakhstan dated 03.07.2003 No. 464.

**Article 447-4. Implementation of road transportation in the Republic of Kazakhstan by vehicles registered in a foreign country**

Carriage of passengers, baggage or cargo by the vehicles registered in a foreign country, including temporarily imported into the territory of the Republic of Kazakhstan, the property of a carrier of a foreign country, between points in the territory of the Republic of Kazakhstan, - entails a fine for individuals in the amount of five to ten, for entrepreneurs, legal entities of small and medium-sized businesses - in the amount of ten to twenty, and on legal entities of a large enterprise - in the amount of twenty-five to forty monthly calculation indices.

Footnote. The Code is supplemented by Article 447-4 in accordance with the Law of the Republic of Kazakhstan dated 03.07.2003 No. 464 as amended by the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006).

**Article 447-5. The lack of motor vehicle drivers in the contract of carriage of occasional transport of passengers and baggage in intra republican movement**

The lack of motor vehicle drivers in the contract of carriage of occasional transport of passengers and baggage in intra republican movement - entails a fine in the amount of five to ten monthly calculation indices.

Footnote. The Code is supplemented by Article 447-5 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 448. Violation of rules to ensure traffic safety in maritime transport**

1. Violation of maritime transport rules for entry and exit of vessels from the port, movement and anchorage in the port waters - entails a fine in the amount of up to seven monthly calculation indices.

2. Carrying without a permit diving works in port waters or irregularity signaling in these works - entails a fine on officials in the amount of five to ten monthly calculation indices.

**Article 449. Damage to the marine transport facilities and signaling and communication**

Damage to the marine transport facilities and signaling and communications - entails a fine for individuals of up to three, for officials - up to ten monthly calculation indices.

**Footnote. Article 449 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 450. Violation of rules to ensure the safety of passengers on board of sea and river transport, and also of the small-sized vessels**

Violation of rules to ensure the safety of passengers when boarding the ships, in the route and landing from ships sea and river transport, and also of the small-sized small boats - entails a fine for individuals in the amount of up to two, for officials - up to ten monthly calculation indices.

Note. Under the small-sized boat in Articles 450-453, 457 of this Code should be understood self-propelled vessels with the main engine capacity of less than 75 hp and self-propelled vessels with a gross tonnage of less than 80 gross tons, belonging to individuals motor boats (regardless of engine power), sailing ships, as well as self-propelled vessels (rowing boats carrying capacity of 100 kilograms and more, kayaking - 150 and more kilograms and inflatable vessels - 225 and more kilograms).

**Footnote. Article 450 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 451. Violation of the rules of the issuance of vessel or the admission to conning people without an advanced degree (certificates, licenses)**

1. Issue (direction) of the vessel (except small size) to sea without documents proving identity of the vessel, its suitability for swimming, with understaffed crew, by the non-technical condition of the vessel available documents, in violation of the loading rules, norms, passenger capacity, constraints on area and navigation conditions as well as the right to drive a ship or its machinery and equipment people without an advanced degree (certificates, licenses) - entails a fine on officials in the amount of ten to twenty monthly calculation indices.

2. Release in the swimming small vessels not registered in the prescribed manner or without technical inspection (inspection), or having a problem, which is prohibited operation, or unmanned equipment, or converted without authorization, as well as admission to the management of small vessels of persons not having the right to operate these vessels - entail a fine on the officials responsible for the operation of small vessels in the amount of the twenty-five to fifty monthly calculation indices.

**Footnote. Article 451 as amended by the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

**Article 452. Inappropriate use of vessels as well as management of the vessel by a person without the right to drive**

1. Control of the vessel (including the small size) is not registered in the prescribed manner or not passed inspection (examination), or not carrying a flight numbers and symbols or reconstructed without a permit, or having defect with which its operation is prohibited, or in violation loading rules standards of passenger capacity, restrictions and conditions of the swimming area - entails a warning or a fine in the amount of up to five monthly calculation indices.

2. Control of the vessel (including the small-sized) by a person who is not allowed to drive the vessel, or the transfer of control over such a boat to a person who does not have the right to drive, - entail a fine in the amount of up to three monthly calculation indices.

**Article 453. Violation of rules of the road, loading and unloading ships**

1. Violation by the skippers of vessels (except small-sized) of traffic rules and give audio and visual signals, incurring ship lights and shapes, rules of loading and unloading, as well as damage of the port and hydraulic structures and equipment - entail a fine in the amount of three to five monthly calculation indices.

2. Excess by the craft navigators of small-sized vessels of the set speed, breach of navigational signs, intentional stopping or parking in prohibited areas of the vessel, damage of hydraulic structures or facilities and signs of navigational, improper maneuvering, service of alarm sounds, incurring side lights and signs - entail a warning or a fine of up to two monthly calculation indices or deprivation of the right to drive small-sized boat for up to one year.

3. Violation of small craft navigators other rules for using small vessels - entail a warning or a fine in the amount of up to a monthly calculation index.

**Article 454. Driving of the vessel by the skipper or other person in a state of intoxication**



1. Driving of the vessel by the skipper in a state of alcohol, drugs or toxic intoxication, as well as the transfer of driving over such a vessel by the skipper in a state of alcohol, drugs or toxic intoxication, - entail a fine in the amount of five to fifteen monthly calculation indices or removal of right to drive the vessel for a period of up to one year.

2. The same actions that caused a security risk passengers - entail a fine of ten to twenty-five monthly calculation indices or removal right to drive the vessel for a period of two years.

3. Evasion of the skippers from trainee in accordance with the established procedure for certification of alcohol, drugs and toxic substances - entails a fine in the amount of three to ten monthly calculation indices or removal of right to drive the vessel up to one year.

4. Driving of the vessel on inland waterways by the person who is not allowed to drive the ship or in a state of alcoholic, narcotic or toxic intoxication, - entails a fine in the amount of ten to fifteen monthly calculation indices.

5. Admission to driving of the vessel by the persons in a state of alcoholic, narcotic or toxic intoxication, - entail a fine on the officials responsible for the operation of vessels, in the amount of ten to fifty monthly calculation indices.

**Footnote. Article 454 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506.**

#### **Article 455. Violation of rules to ensure the safe operation of vessels on inland waterways**

1. Conducting without proper authorization diving or irregularity signaling during this work, the violation of the installation and equipment of holding grounds and forest harbors, equipment of stake nets and other devices for fishing in undesignated for this purpose without the consent of the relevant bodies - entail a fine for individuals in the amount of up to three, for officials - up to ten monthly calculation indices.

2. Destruction, damage, failure, illegal displacement floating and coastal navigation aids, communication and alarm systems, improper maintenance, operation and adjusted mode of navigation equipment on bridges, dams and other hydraulic structures, the installation without proper authorization (approval) of signs, structures, sources of sound and light signals, interfering in recognition of navigation signs and signals - entail a fine on individuals in the amount of up to three, for officials - up to ten monthly calculation indices.

3. Emission overboard garbage and other items - entails a warning or a fine of up to one-third of a monthly calculation index.

**Footnote. Article 455 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 456. Violation of the rules of loading, unloading and storage of cargo in the river ports and harbors**

Violation of the rules of loading, unloading and storage of cargo in the river ports and harbors - entails a fine in the amount of up to two monthly calculation indices.

**Article 457. Violation of rules on use of bases (facilities) for parking of small-sized vessels**

Operation bases (facilities) for parking of small-sized vessels without the permission of the bodies or violation of the standards on basing of small-sized vessels, conditions and technical requirements for the safe operation of the bases (structures), as well as the maintenance on these bases (structures) not registered in the prescribed manner of small-sized vessels - entail a fine for officials, entrepreneurs, legal entities of small and medium-sized business, in the amount of ten to twenty, for legal entities of a large enterprise - in the amount of twenty to thirty monthly calculation indices.

**Footnote. Article 457 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

**Article 458. Violation of Rules on Registration and Recording the Vessels and the Rules of Construction, Technical Operation of Vessels**

1. Violation of rules on registration and recording the vessels - entails a warning or a fine on individuals in the amount of up to two, for officials - in the amount of up to ten monthly calculation indices.

2. Violation of the rules of construction, technical operation of vessels - entails a fine for individuals of up to ten, on the entrepreneurs, legal entities of small and medium enterprises - in the amount up to twenty, for legal entities of a large enterprise - in the amount of up to thirty monthly calculation indices.

**Footnote. Article 458 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 459. Smoking in undesignated places on transport**

Smoking in unauthorized places, in the trains of local and long-distance movement, on ships of the air, sea and river transport, and in the salons of the city coaches, taxis and city transport - entails a warning or a fine of in the amount of up to one-third of the monthly calculation index.

**Article 460. Violation of fire safety in transport**

1. Violation of the transport of fire safety regulations - entails a fine for individuals in the amount of up to two, for officials - in the amount of up to five monthly calculation indices.

2. The actions specified in part one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entail a fine on individuals in the amount of up to three, for officials - in the amount of up to ten monthly calculation indices.

**Footnote. Article 460 is in the wording of the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 461. Violation of the Rules on Operation of transport Means**

**Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).**

1. Driving of registered vehicles with non-readable or established in violation of the standards of the state registration number signs (sign) - entails a fine in the amount of five monthly calculation indices.

2. Driving a vehicle without state registration plates (sign) or after banning its use, or not registered in the prescribed manner, - entails a fine in the amount of ten monthly calculation indices.

3. Installation on the vehicle knowingly false or counterfeit state registration plates (sign) - entails a fine for individuals of fifteen, for officials responsible for the operation of vehicles - in the amount of fifty, on entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of two hundred, on legal entities of a large enterprise - in the amount of one thousand monthly calculation indices.

3-1. Driving a vehicle with fake or counterfeit state registration number signs (sign) - entails a fine in the amount of twenty monthly calculation indices or removal of driving for one year.

4. Driving the vehicles that do not meet the rules of road safety, except as provided in part five of this Article - entails a fine in the amount of five monthly calculation indices.

5. Driving of the having defect in the braking system, steering, trailer hitch, - entails a fine in the amount of fifteen monthly calculation indices.

6. Driving of the transport, reconstructed without permission - entails a fine in the amount of fifteen monthly calculation indices.

Note. Under the vehicle in this Chapter of the Code must be understood all kinds of cars, tractors and other self-propelled cars, trams, trolley buses and motorcycles and other motor vehicles.

6-1. Driving of the bus, microbus, do not pass inspection before the voyage, in the implementation of regular or irregular transportation of passengers and baggage - entails a fine individual entrepreneurs in the amount of five to ten, on officials in the amount of ten to twenty-five monthly calculation indices.

7. Driving of the transport, not having passed a state or compulsory technical inspection, - entails a fine in the amount of three monthly calculation indices.

8. The actions referred to in the first, fourth and fifth parts of this Article committed repeatedly within a year after the imposition of an administrative penalty - entails a fine in the amount of twenty monthly calculation indices.

**Footnote. Article 461 as amended by the Laws of the Republic of Kazakhstan dated 03.07.2003 No. 464, dated 09.12.2004 No. 10, dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2), dated 24.01.2011 No. 399-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 461-1. Use in a driving of a vehicle of the telephone or radio by the driver**

1. Use in a driving a vehicle of the telephone or radio station by the driver -entails a fine in the amount of five monthly calculation indices.

2. Action set forth in the first part of this Article, if repeated within a year after the imposition of an administrative penalty - entails a fine in the amount of seven monthly calculation indices.

Note. While driving a vehicle is allowed to use the telephone or radio through the use of headphones or speakerphone.

**Footnote. Chapter 27 is supplemented by Article 461-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).**

#### **Article 462. Exceeding of installed speed by vehicle drivers**

1. Exceeding of installed speed by vehicle drivers from ten to twenty miles an hour - entails a fine in the amount of five monthly calculation indices.

2. Exceeding the established speed of the vehicle by the set from twenty to forty miles an hour - entails a fine in the amount of ten monthly calculation indices.

3. Exceeding the established speed of the vehicle by the set of more than forty miles an hour - entails a fine in the amount of fifteen monthly calculation indices.

4. The actions referred to in the second and third parts of this Article, if committed repeatedly within a year after the imposition of an administrative penalty - entails a fine in the amount of twenty monthly calculation indices.

Footnote. Article 462 as amended by the Laws of the Republic of Kazakhstan dated 09.12.2004 No. 10, dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).

**Article 463. Failure to comply with the rules by drivers of vehicles stopping route vehicles, traffic in residential areas, transportation of passengers and cargo and other serious traffic violations**

1. Failure to comply with the rules by drivers of vehicles stopping route vehicles, traffic in residential areas, transportation of passengers and cargo, using safety belts when driving on a vehicle equipped with them, when a motorcycle crash helmets and transporting them passengers, towing vehicles, use of lighting in the at night or in poor visibility conditions - entails a fine in the amount of five monthly calculation indices.

1-1. *(Deleted - by the Law of the Republic of Kazakhstan of 04.07.2008 N 55-IV (order of entry into force see Art. 2)).*

2. Transportation of dangerous goods by vehicles or specialized vehicles in violation of the rules, as well as without a special permit for the transportation of dangerous goods of es 1, 6 and 7 - entails a fine for individuals in the amount of five to ten, on the individual entrepreneurs, legal entities by small and medium-sized businesses - in the amount of ten to thirty, for legal entities of a large enterprise - in the amount of thirty to fifty monthly calculation indices.

3. Passage of large-overall and (or) heavyweight vehicles, as well as transportation of indivisible large-overall and (or) heavyweight goods by specialized vehicles with the breach of the rules, as well as without a special permit - entails a fine on individuals in the amount of five to ten, on the individual entrepreneurs and legal entities of small and medium-sized businesses - in the amount of ten to thirty, for legal entities of a large enterprise - in the amount of thirty to fifty monthly calculation indices.

4. Action set forth in the first part of this Article, if repeated within a year after the imposition of an administrative penalty - entails a fine in the amount of ten monthly calculation indices.

Footnote. Article 463 as amended by the Laws of the Republic of Kazakhstan dated 03.07.2003 No. 464, dated 09.12.2004 No. 10, dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006), dated 27.07.2007 No. 314 (shall be enforced from January 1, 2008), dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2), dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 463-1. Violation of rules of passage of crossroads or crossing the roadway**

1. Driving to crossroads or crossing the roadway when foul that led to the creation of obstacles (mash) for the traffic in the transverse direction, - entails a fine in the amount of five monthly calculation indices.

2. Failure to observe requirements of the traffic to give way to vehicles using the right of crossing of crossroads, - entails a fine in the amount of five monthly calculation indices.

3. Actions described in parts one and two of this Article committed repeatedly within one year after the imposition of an administrative penalty - entail a fine in the amount of fifteen monthly calculation indices.

**Footnote. Chapter 27 is supplemented by Article 463-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).**

#### **Article 463-2. Violation of the rules of maneuvering**

1. Failure to submit a traffic signal before moving, readjustment, turning, turning or stopping - entails a fine in the amount of three monthly calculation indices.

2. Turn or backing up in places where such maneuvers are prohibited, - entails a fine in the amount of five monthly calculation indices.

3. Failure to observe requirements of the traffic to give way to the vehicle, a preferential right to movement, except as specified in paragraph two of Article 463-1 and Article 463-5 of the Code - entails a fine in the amount of five monthly calculation indices.

4. The actions referred to in the second and third parts of this Article, if committed repeatedly within a year after the imposition of an administrative penalty - entail a fine in the amount of fifteen monthly calculation indices.

**Footnote. Chapter 27 is supplemented by Article 463-2 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).**

#### **Article 463-3. Violation of a rule of the vehicle on the roadway, passing oncoming traffic or overtaking**

1. Movement on pedestrian paths, sidewalks or roadsides in violation of the rules of the traffic - entails a fine in the amount of seven monthly calculation indices.

2. Violation of a rules on placing of the vehicle on the roadway, passing oncoming traffic or overtaking without going to the side of the roadway designated for oncoming traffic, as well as the crossing of an organized transport or walking columns or occupation of the place in it - entails a fine in the amount of seven monthly calculation indices.



3. Driving to the side of the roadway designated for oncoming traffic, in cases where it is prohibited by the rules of the traffic, - entails a fine in the amount of fifteen monthly calculation indices.

4. Actions described in parts one and two of this Article committed repeatedly within one year after the imposition of an administrative penalty - entail a fine in the amount of fifteen monthly calculation indices.

5. Action set forth in the third part of this Article, if repeated within one year after the imposition of administrative penalties - entails disqualification for driving the vehicles for six months.

**Footnote. Chapter 27 is supplemented by Article 463-3 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).**

#### **Article 463-4. Violation of rules of stopping off or parking of vehicles**

1. Violation of rules of stopping off or parking of vehicles, except as provided in part one of Article 463, Article 466 of this Code and parts of the second - the third of this Article - entails a fine in the amount of five monthly calculation indices.

2. Violation of rules of stopping off or parking of vehicles on the sidewalk, as well as stopping or parking of vehicles on beds, nursery or playground - entails a fine in the amount of six monthly calculation indices.

3. Violation of rules of stopping off or parking of vehicles on the roadway, which caused obstruction of the movement for other vehicles - entails a fine in the amount of seven monthly calculation indices.

4. The actions referred to in the first, second and third parts of this Article, if committed repeatedly within a year after the imposition of an administrative penalty - entails a fine in the amount of fifteen monthly calculation indices.

**Footnote. Chapter 27 is supplemented by Article 463-4 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).**

#### **Article 463-5. Non-providing the Benefits in Moving to the Vehicles of operation and Special Services with the included special light and sound signals**

1. Non-providing the benefits of in moving to the vehicles of operation and special services while integrating a special flashing light and sound signal - entails a fine in the amount of seven monthly calculation indices.

2. Non-providing the benefits of in moving to the vehicles of operation and special services having applied to the outer surface of the special color flowcharts, signs and

symbols, both included with flashing light and a special sound signal - entails a fine in the amount of ten monthly calculation indices.

3. Actions described in parts one and two of this Article committed repeatedly within one year after the imposition of an administrative penalty - entail a fine in the amount of fifteen monthly calculation indices.

Footnote. Chapter 27 is supplemented by Article 463-5 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).

#### **Article 463-6. Crossing the road to the red light or to prohibiting movement of the traffic controller**

1. Crossing the road to the red light or to prohibiting movement of the traffic controller, except as provided in part one of Article 466 of this Code, - entails a fine in the amount of ten monthly calculation indices.

2. Action set forth in the first paragraph, if repeated within a year after the imposition of an administrative penalty - entails a fine in the amount of twenty monthly calculation indices.

Footnote. Chapter 27 is supplemented by Article 463-6 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).

#### **Article 463-7. Non-providing the benefits in the moving for pedestrians or other road users**

1. Failure to comply with rules of the road to give way to pedestrians or other road users, with the exception of motor vehicle drivers that take advantage of the move - entails a fine in the amount of ten monthly calculation indices.

2. Action set forth in the first part, if repeated within a year after the imposition of an administrative penalty - entails a fine in the amount of twenty monthly calculation indices.

Footnote. Chapter 27 is supplemented by Article 463-7 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).

#### **Article 463-8. Failure to comply with the requirements prescribed traffic signs or road markings**

1. Failure to comply with the requirements prescribed traffic signs or road markings, except as specified in other Articles of this chapter, - entails a fine in the amount of five monthly calculation indices.

2. Action set forth in the first part of this Article if repeated within a year after the imposition of an administrative penalty - entails a fine in the amount of ten monthly calculation indices.

Footnote. Chapter 27 is supplemented by Article 463-8 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).

**Article 464. Violation of the rules by drivers of vehicles of driving lessons, use of external light devices and (or) the sound signals of alarm**

Footnote. Title of Article as amended by the Law of the Republic of Kazakhstan dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).

1. Violation of the rules by drivers of vehicles of driving lessons, use of external light devices and (or) the sound signals of alarm and warning triangle - entails a fine in the amount of five monthly calculation indices.

2. Action set forth in the first part of this Article, if repeated within a year after the imposition of an administrative penalty - entails a fine of seven monthly calculation indices.

Footnote. Article 464 as amended by the Law of the Republic of Kazakhstan dated 04.07.2008 N 55-IV (the order of enforcement see Art. 2).

**Article 464-1. Violation of the rules on installation on the vehicle equipment for supply special light and (or) sound signals or illegal application of special color graphic schemes of operating vehicles and special services**

1. Installation on the front of the vehicle lighting system with lights of red color or light returning fixtures of red color , as well as lights, color and mode of operation of which not complied with the requirements for admission of vehicles to operate - entails a fine for individuals of fifteen, on officials, the persons responsible for the operation of vehicles, entrepreneurs, legal entities of small and medium-sized business, non-profit organizations - in the amount of one hundred and fifty, for legal entities of a large enterprise - in the amount of one thousand and a half monthly calculation indices with confiscation of instruments and devices.

2. Installation on the vehicle without a permit of devices to supply special light and (or) audio signals (except alarm) - entails a fine for individuals in the amount of twenty-five, on the officials responsible for the operation of vehicles, entrepreneurs, legal entity s being subject to a small or medium-sized business, non-profit organizations - in the amount of two hundred, on legal entities of a large enterprise - in the amount of two thousand monthly calculation indices and confiscation of such equipment.

3. Illegal application on the outer surface of the vehicle specific color graphic schemes of the operating vehicles and special services - entails a fine for individuals in the amount of twenty-five, on the officials responsible for the operation of vehicles, entrepreneurs, legal entities of small and medium enterprises, non-profit organizations - in the amount of two hundred, on legal entities of a large enterprise - in the amount of two thousand monthly calculation indices.

Footnote. Chapter 27 is supplemented by Article 464-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).

**Article 465. Violation by the road user of the rules of traffic, caused the creation of emergency**

1. Violation by the road user of the rules of traffic, caused the creation of an emergency situation, that is, will force other traffic participants dramatically change the speed, direction of movement, - entails a fine in the amount of ten monthly calculation indices.

2. Action set forth in the first part of this Article, if repeated within one year after the imposition of administrative penalties - entails disqualification from driving a vehicle for a period of six months.

Footnote. Article 465 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).

**Article 466. Violation of rules of railway crossings passage**

1. The crossing of the railway outside the railway crossing, exit at a railway crossing in the closed or closing barrier or in prohibiting traffic light or person on duty, as well as stopping or parking on a railway crossing - entails a fine in the amount of ten monthly calculation indices.

2. The actions specified in part one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entail deprivation of the right to drive vehicles for a period of six months.

Footnote. Article 466 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).

**Article 467. Driving a vehicle by a driver in a state of alcohol, drugs and (or) toxic intoxication, as well as the transfer of driving of the vehicle to the person being in a state of alcohol, drug, and (or) toxic intoxication**

1. Driving a vehicle by a driver in a state of alcohol, drugs and (or) toxic intoxication or the transfer of driving of the vehicle to the person being in a state of

alcohol, drug, and (or) toxic intoxication - entails disqualification from driving a vehicle for a period of two years.

2. The same actions that caused the creation of an emergency situation - entail deprivation of the right to drive a vehicle for a period of three years.

3. The actions specified in part one of this Article that has caused harm to the victim, no signs of a criminal offence, or damage to vehicles, cargo, road and other facilities or other property - entail deprivation of the right to drive a vehicle for a period of four years.

4. The actions referred to part of the first, second and third parts of this Article, if repeated within one year after the expiration of an administrative penalty - entails administrative detention for ten days and deprivation of the right to drive vehicles for a period of five years.

5. The same actions, if repeated within one year after the expiration of an administrative penalty under part four of this Article - entail administrative detention for fifteen days and deprivation of the right to drive vehicles for ten years.

6. The actions referred to the first, second and third parts of this Article, committed by a person deprived of the right to drive a vehicle - entail administrative detention for ten days.

7. The same actions, if repeated within one year after the expiration of an administrative penalty under part six of this Article - entail administrative detention for fifteen days.

8. The actions referred to in the first, second and third parts of this Article committed by persons who have no right to drive vehicles - entail administrative detention for ten days.

9. The same actions, if repeated within one year after the expiration of an administrative penalty under part eight of this Article - entail administrative detention for fifteen days.

10. Actions described in parts six, seven, eight and nine of this Article, committed by persons to whom administrative detention in accordance with the third part of Article 55 of this Code shall not applied - entail a fine in the amount of one hundred monthly calculation indices.

Note. Being of the driver in a state of intoxication (alcohol, drugs, toxic) is installed in the order determined by the third part of Article 629 of this Code.

**Footnote. Article 467 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).**

**Article 467-1. Fulfillment of regular transportation of passengers and luggage without a certificate confirming the right to service the routes of these transportations**

1. Fulfillment of regular transportation of passengers and luggage without a certificate confirming the right to service the routes of these transportations, - entail fine for individuals in the amount of three to five, on entrepreneurs, legal entities of small and medium enterprises - in the amount of five to fifteen, for legal entities of a large enterprise - in the amount of fifteen to twenty-five monthly calculation indices.

2. The actions specified in part one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entail a fine on individuals in the amount of five to ten, on to entrepreneurs, legal entities of small and medium-sized enterprises, in the amount of fifteen thirty, and on legal entities of a large enterprise - in the amount of twenty-five to fifty monthly calculation indices.

**Footnote. Supplemented by Article 467-1 by the Law of the Republic of Kazakhstan dated July 3, 2003 No. 464; as amended - dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

**Article 468. Violation by vehicle drivers of the rules of road safety, which caused harm to human health, damage to vehicles or other property**

1. Violation by vehicle drivers of the rules of road safety, which caused damage to vehicles, cargo, road, road and other facilities or other property, causing material damage - entails a fine in the amount of ten monthly calculation indices or deprivation of the right to drive a vehicle for a period of nine months.

2. The same actions that involved the infliction of bodily harm to the victim - entail a fine in the amount of fifteen monthly calculation indices and deprivation of the right to drive vehicles for a period of one year.

3. Actions described in parts one and two of this Article committed by a person without the right to drive vehicles - entail a fine in the amount of twenty monthly calculation indices.

**Footnote. Article 468 as amended by the Laws of the Republic of Kazakhstan dated 05.12.2003 No. 506, dated 09.12.2004 No. 10, dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006), of the Republic of Kazakhstan dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 468-1. Violation of traffic rules and operation of vehicles by persons driving vehicles**

Violation by a person driving a car, trolley, tram or other motor vehicle traffic or operation of vehicles, which negligently causing moderate damage to human health, - entails a fine in the amount of two hundred to five hundred monthly calculation indices



or administrative arrest for up to forty five days and the deprivation of the right to drive vehicles for a period of one to two years.

Footnote. The Code is supplemented by Article 468-1 in accordance with the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (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 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 468-2. Violation of the rules on the transport**

Violation of the rules on the transport of the order and safety of persons who perform management functions in the road, construction and other organizations, and responsible for the operation of roads and road facilities, their equipment, as well as traffic management, where it caused:

- a) causing major damage;
- b) causing bodily injury of medium gravity, - entail a fine in the amount of two hundred to five hundred monthly calculation indices or administrative arrest for up to forty-five days.

Note. Major damage in this Article recognizes as the damage caused to an individual in an amount of more than one hundred monthly calculation indices, or damage caused to the organization or the state in the amount of five hundred monthly calculation indices.

Footnote. The Code is supplemented by Article 468-2 in accordance with the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 469. Leaving the scene of a traffic accident**

Leaving by a person driving a vehicle in violation of the rules of the road scene of a traffic accident, to which he was not having characteristics of a criminal offence - entails deprivation of right to drive a vehicle for a period of one year.

Note. The person who left the place of accident in connection with the provision of medical care to the victim, shall be exempt from liability under this Article.

Footnote. Article 469 as amended by the Law of the Republic of Kazakhstan dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).

#### **Article 470. Driving a vehicle by a person undocumented and not having the right to drive**

1. Driving a vehicle by a driver who has no a driving license or a temporary permit issued instead of driver's license for the right of driving, registration and other

documents on the vehicle, stipulated by legislation, - entails a fine in the amount of five monthly calculation indices.

2. Driving a vehicle by a person not having the right to drive (other than driving lessons), as well as driving of the vehicle by the driver not having the right to drive the corresponding category of vehicles, or the transfer of driving of the vehicle by a person not having the right to drive (except in an individual driver training order in accordance with the rules), - entail a fine in the amount of fifteen monthly calculation indices.

3. Driving a vehicle by a person not having insurance policy on compulsory insurance of civil liability of vehicle owners and (or) the compulsory insurance of civil liability of the carrier to passengers - entail a fine in the amount of one monthly calculation index.

4. Driving a vehicle by the driver, deprived of the right to drive vehicles, or the transfer of driving of the vehicle to the person deprived of the right to drive a vehicle - entails a fine in the amount of ten monthly calculation indices.

5. Actions described in parts two, three and four of this Article committed repeatedly within a year after the imposition of an administrative penalty - entail a fine in the amount of thirty monthly calculation indices.

**Footnote. Article 470 as amended by the Laws of the Republic of Kazakhstan dated 03.06.2003 No. 428, dated 05.12.2003 No. 506, dated 09.12.2004 No. 10, dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).**

**Article 471. Failure to comply with law enforcement officers (police) vehicle control at checkpoints of vehicles across the state border of the Republic of Kazakhstan and the positions of the transport control in the territory of the Republic of Kazakhstan to stop the vehicle, failure to pass the state examination for alcohol, drug, and (or) toxic intoxication**

**Footnote. Title of Article as amended by the Law of the Republic of Kazakhstan dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).**

1. Failure to comply with legal requirements of the bodies of internal affairs (police) to stop the vehicle - entails a fine in the amount of ten monthly calculation indices.

1-1. Failure to comply with legal requirements of the transport control bodies at the checkpoints of vehicles across the state border of the Republic of Kazakhstan and the positions of the transport control in the territory of the Republic of Kazakhstan to stop the vehicle - entails a fine of five to ten monthly calculation indices or disqualification from driving for a period of six months to one year.

1-2. Action set forth in the first part of this Article, if repeated within one year after the imposition of administrative penalties - entails disqualification from driving for six months.

2. Failure to comply with legal requirements of the bodies of internal affairs (police) on the passage in accordance with the established procedure for certification of

alcohol, drugs and (or) intoxication - entails disqualification from driving for a period of two years.

Note. Requirement of internal affairs (police), vehicle control in uniform to stop the vehicle is expressed by a signal or gesture hand while a signal whistle or by loudspeaker device. The signals should be clear to the driver and served in a timely manner, so that their performance does not create an emergency situation.

Footnote. Article 471 as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from January 1, 2008), dated 04.07.2008 No. 55 -IV (the order of enforcement see Art. 2).

#### **Article 472. Impeding the traffic of vehicles**

Willfully impeding the traffic of vehicles, as well as failure to comply with the officials authorized to monitor compliance with the rules of traffic, to eliminate such obstacles - entails a fine on individuals of up to three, for officials - in the amount of up to ten monthly calculation indices.

Footnote. Article 472 as amended by the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 473. Violation of traffic rules by pedestrians and other road users**

1. Failure of pedestrians and other road users to fulfill the traffic requirements of the rules of road safety - entails a fine in the amount of five monthly calculation indices.

2. The same action that has caused harm to the victim, not having the evidence of a criminal act or having caused the damage - entail a fine in the amount of ten monthly calculation indices.

3. The systematic violation by pedestrians and other road users of the requirements of the rules of road safety - entails a fine in the amount of fifteen monthly calculation indices or administrative arrest for three days.

Note. By other road users in this Article should be understood the people driving mopeds, bicycles and horse-drawn wagons, drovers, leading the pack on the road, riding animals or a herd, as well as passenger of vehicles.

Footnote. Article 473 as amended by the Law of the Republic of Kazakhstan dated 05.12.2003 No. 506, dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006), dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).

#### **Article 473-1. Violation of the legislation of the Republic of Kazakhstan in the sphere of the compulsory technical inspection of motor vehicles and their trailers**

1. Violation of the legislation of the Republic of Kazakhstan in the sphere of the compulsory technical inspection of motor vehicles and their trailers, committed as follows:

issuance of a diagnostic inspection card indicating the parameters not meeting the technical conditions of motor vehicles and trailers, established during the audit of the operator's inspection;

issuance by operator of inspection certificate on getting compulsory technical inspection to the owner technically defected the motor vehicle and trailers to it;

unjustified refusal of the mandatory technical inspection;

failure to provide data to a single information system of mandatory technical inspection of motor vehicles and trailers;

non notification or late notification of changing the location of the center of inspection;

non informing the public about the schedule for mandatory inspection activities in the region;

violations of the timetable for the mandatory inspection, - entails a fine for individual entrepreneurs and legal entities of small and medium-sized enterprises, in the amount of twenty, for legal entities of a large enterprise - in the amount of thirty monthly calculation indices.

2. The combination of services for the mandatory inspection and repair, maintenance of motor vehicles and trailers - entails fine on the individual entrepreneurs and legal entities of small and medium-sized enterprises, in the amount of forty, for legal entities of a large enterprise, for legal entities of a large enterprise - in the amount of fifty monthly calculation indices, with the exception from the registry operators of technical inspection.

3. The provision of services by individuals, individual entrepreneurs and legal entities for repair and maintenance of motor vehicles and trailers in the center of inspection - entails a fine for individuals of fifteen, individual entrepreneurs and legal entities of small and medium enterprises - in the amount of forty, for legal entities of a large enterprise - in the amount of fifty monthly calculation indices.

4. Provision of deliberately false information for inclusion in the register of operators inspection - entails a fine for individual entrepreneurs and legal entities of small and medium-sized enterprises in the amount of forty, for legal entities of a large enterprise - in the amount of fifty monthly calculation indices with exception from to the registry operator inspection.

5. Actions envisaged in part one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entail a fine on individual

entrepreneurs and legal entities of small and medium-sized enterprises in the amount of forty, for legal entities of large enterprises - of fifty monthly calculation indices, with the exception from the registry operator inspection.

**Footnote.** The Code is supplemented by Article 473-1 in accordance with the Law of the Republic of Kazakhstan dated 24.01.2011 No. 399-IV (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 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 474. Putting into operation of vehicles with technical defects and other violations of the rules of operation**

1. Failure to comply with the officials responsible for the condition and operation of the vehicle, the requirements of the rules of road safety, except in cases provided for in Article 475 of this Code - entails a fine on the officials, entrepreneurs, legal entities of small and medium businesses in the amount of ten to twenty, for legal entities of a large enterprise - in the amount of thirty to forty monthly calculation indices.

2. The same actions that involved the infliction of bodily harm to the victim or damage to vehicles, cargo, road or other structures or other property, as well as failure to comply with the authorized state body, relating to technical or other use of the vehicle or road safety, - entail a fine on officials, entrepreneurs, legal entities of small and medium-sized enterprises, in the amount of twenty to forty, and on legal entities of a large enterprise - in the amount of forty to fifty monthly calculation indices.

**Footnote.** Article 474 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 474-1. Faulty repair of vehicles and putting them into operation with Technical Defects**

Faulty repair of vehicles, roads, signaling or communications or other transport equipment, as well as putting to operation technically faulty vehicles by a person responsible for the condition of the technical state of the vehicles if these actions entailed by negligence the infliction of moderate bodily harm - entail a fine on individuals in the amount of up to two hundred monthly calculation indices or administrative arrest for up to forty-five days.

**Footnote.** The Code is supplemented by Article 474-1 in accordance with the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 475. Admission of a driver to driving a vehicle who is in a state of intoxication or a person who has no the right to drive**

1. Admission by the official responsible for the condition and operation of the vehicle to the driver's control of a vehicle of the driver who is in a state of alcoholic, narcotic or toxic substances, or the person who is not entitled to a vehicle, as well as the appropriate category - entails a fine in the amount of ten to fifty monthly calculation indices.

2. The same actions that involved the infliction of bodily harm to the victim or damage to vehicles, cargo, road or other structures or other property - entail a fine on the officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations in the amount of hundred, on legal entities of large enterprises - in the amount of one hundred and fifty monthly calculation indices.

3. Admission to driving a vehicle of a person who is in a state of alcoholic, narcotic or other intoxication, done by the owner or the owner of the vehicle, if it caused by negligence the infliction of moderate bodily harm, - entails a fine in the amount of three hundred to five hundred monthly calculation indices or administrative arrest to forty-five days.

**Footnote. Article 475 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 476. Violation of other requirements for road users**

Violation of other requirements for road users set by the rules of road safety, not listed in this Chapter of the Code, - entails a warning or a fine equal to half of the monthly calculation index.

Note. In drawing up the protocol is specified what kind of standard of rules of road safety is violated.

#### **Article 477. Violation of the Rules on Transportation of dangerous substances or objects in transport**

1. Violation in the railway transport system of the rules on transportation of dangerous substances or objects of hand luggage, - entails a warning or a fine of up to a monthly calculation index.

2. Violation in the maritime and river transport system of the rules on transportation of the dangerous substances and objects, as well as the failure by officials to register obligations in the relevant operations with hazardous substances or objects, making false entries or illegal refusal to present such documents to the appropriate officials - entail a warning or a fine for individuals equal to one, for officials - in the amount of up to ten monthly calculation indices.



3. Violation in the aircrafts of the rules on transportation of the dangerous substances or objects - entails a fine for individuals of up to one, for officials - in the amount of up to ten monthly calculation indices and confiscation of these substances and items or without it.

4. Carriage in the of the bus, tram, trolley, route taxi of the explosive substances and objects, as well as putting them in luggage or luggage lockers in the auto transport - entail a fine in the amount of up to three monthly calculation indices.

**Footnote. Article 477 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 478. Violation of the rules of use of public urban and suburban transport**

Violation of usage rules by tram, trolley buses and commuter trains or taxis, perfect as a passage on the pegs and other protruding parts of the vehicle, the input and output while driving, obstruction of opening and closing doors, carriage of cutting items without appropriate packaging and items and things that pollute the area and clothing of passengers, - entails a fine in the amount of one-fifth to one monthly calculation index.

#### **Article 479. Ticketless passenger transportation**

Ticketless transportation of passengers:

1) in the aircrafts operating at international air routes - entails a fine in the amount of ten monthly calculation indices.

2) in the aircrafts operating at internal air routes - entails a fine in the amount of eight monthly calculation indices;

3) in the trains of international traffic - entails a fine in the amount of seven monthly calculation indices;

4) in the intercity trains - entails a fine in the amount of five monthly calculation indices;

5) in the ships of international traffic - entails a fine in the amount of seven monthly calculation indices;

6) in marine vehicles of intra republican navigation - entails a fine in the amount of six monthly calculation indices;

7) in the river ships of international traffic - entails a fine in the amount of six monthly calculation indices;

8) in riverboats of international traffic - entails a fine in the amount of five monthly calculation indices;

9) in the tram, bus, buses and commuter trains and route taxis - entails a fine in the amount of five monthly calculation indices;

10) in the bus of international, long-distance inter-regional, inter-regional (intra-intercity) and intra-communication traffic - entails a fine in the amount of seven monthly calculation indices.

Footnote. Article 479 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 480. Hand luggage, baggage and cargo luggage without charge**

1. Carriage of the hand baggage in excess of the norms of the unpaid luggage by rail, sea and river transport - entails a fine in the amount of half the a monthly calculation index.

2. Evasion of weighing, concealment of the weight of hand baggage and carry-on of baggage transportation in excess of the standards for air transport - entails a fine in the amount of one-tenth of a monthly calculation index per kilogram over established norms.

3. Unpaid luggage in the trolley, trolley, buses and commuter trains and route taxis - entails a fine in the amount of one-tenth of a monthly calculation index for each piece of luggage.

4. Unpaid luggage in the bus Intercity - entails a fine in the amount of one fifth monthly index for each piece of luggage.

5. Unpaid baggage or cargo luggage at the railway, sea, river, air transport - entails a fine in the amount of up to twenty monthly calculation indices.

Footnote. Article 480 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

#### **Article 480-1. Violation of rules of sale, renewal of travel documents (tickets) and ticket counters of the railway transport**

Violation of rules of sale, renewal of travel documents (tickets) and the work of the ticket office at the railway - entails a fine for legal entities of small and medium-sized enterprises, in the amount of five to ten, and on legal entities of a large enterprise, - in the amount of twenty to thirty monthly calculation indices.

Footnote. Chapter is supplemented by Article 480-1 in accordance with the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 481. Violation of rules on the safety of goods delivered by rail, sea, river and road transport**

1. Damage to rolling stock, containers, floating and other vehicles for the transport of goods as well as transportation devices - entails a fine in the amount of up to five monthly calculation indices.

2. Damage to seals and locking devices wagons, cars, trailers, containers, cargo holds and other spaces craft, tearing off their seals, damage to individual packages and packaging, packages, freight yards fences, railway stations, freight stations, container points (sites), ports (marinas) and warehouses, which are used to perform operations associated with freight transportation, as well as staying without authorization in the freight yards, container points (sites), commercial areas (sites), ports (marinas), gateways and above stores - entails a fine in the amount of up to ten monthly calculation indices.

#### **Article 482. Violation of rules to ensure the safety of goods in air transport**

1. Damage of seals and closures containers, failure to seal them, the damage of individual packages and their packaging, packages, and fences warehouses, which are used to perform operations associated with the carriage of goods by air transport - entail a fine in the amount of up to ten monthly calculation indices.

2. Damage of the containers and vehicles for the transport of goods by air transport, - entails a fine in the amount of up to ten monthly calculation indices.

#### **Article 483. Violation of rules on use of tractors and other self-propelled machinery**

Violation of rules on use of tractors and other self-propelled machinery and equipment, except as provided for in Articles 246, 247, 461, 468, 470, 474, 475 of this Code - entails a fine for individuals in the amount of one to three, on officials responsible for the operation of tractors and other self-propelled machinery and equipment - in the amount of up to ten monthly calculation indices.

**Footnote. Article 483 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 484. The systematic violation of the rules of operation and traffic by individuals driving vehicles**

1. The systematic violation of the rules of operation of vehicles, that is committed within three years or more offences under Articles 246, 247, 461, 474, 475 and 483 of this Code - entails disqualification of individuals from driving for six months and the imposition of a fine on the officials responsible for the operation of vehicles - in the amount of thirty monthly calculation indices.

2. The systematic violation of traffic rules by individuals, driving a vehicle that is the commission within a year three and more offences under Articles 461, 461-1, 462,

463, 463-1, 463-2, 463-3, 463-4 , 463-5, 463-6, 463-7, 463-8, 464, 465, 466 and 471 (by the first, second parts) of this Code - entails disqualification of individuals from driving for six months.

Footnote. Article 484 is in the wording of the Law of the Republic of Kazakhstan dated 09.12.2004 No. 10; as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006), dated 27.07.2007 No. 314 (shall be enforced from January 1, 2008), dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2).

#### **Article 485. Damage to roads, crossings and other road structures**

1. Damage to roads, crossings and other structures or technical regulation of traffic, including by pollution of road surface or run out of animals in designated areas and on roads with improved surface and the lack of visibility of traffic control as a result of the installation of various structures or land green spaces, or untimely pruning them - entails a fine on individuals in the amount of one to two, for officials, entrepreneurs, legal entities of small and medium enterprises - in the amount of twenty, for legal entities of a large businesses - in the amount of twenty to thirty monthly calculation indices.

2. Violations under the first part of this Article, which caused a traffic accident with causing bodily harm to the victim, damage to vehicles, cargo or other property - entail a fine on individuals in the amount of three to five, for officials, entrepreneurs, legal entities of small and medium enterprises - in the amount of up to fifty, for legal entities of a large enterprise - in the amount of forty to one hundred monthly calculation indices.

Footnote. Article 485 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 486. Violation of rules of road crossings and other road structures**

1. Failure to comply with the requirements of the officials for the production of works on roads, maintenance of roads, railway crossings and road facilities, and other requirements of the rules of road safety, - entails a fine on the officials responsible for the condition of the roads, railway crossings, technical means of traffic control and other road structures for entrepreneurs, legal entities of small and medium-sized businesses, in the amount of seven to fifteen, for legal entities of a large enterprise - in the amount of twenty to thirty monthly calculation indices.

2. Violations under the first part of this Article, which caused a traffic accident with causing minor injury to the victim's health, damage to vehicles, cargo, road, road and other facilities or other property, as well as failure to comply with the authorized state

body, on the organization of traffic or security of road safety - entail a fine on the officials responsible for the condition of roads, railway crossings, technical means to control traffic and other road structures for entrepreneurs, legal entities of small and medium-sized enterprises, in the amount of ten to twenty, on legal entities of a large enterprise - in the amount of thirty to fifty monthly calculation indices.

**Footnote. Article 486 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 487. Violation of rules of observing wells of underground utilities, creating a threat to road safety**

1. Violation of rules of maintenance of observing wells of underground utilities located on the roadway, as well as the failure to remove the defects of underground utilities, leading of the water to the exit on the road surface, technical liquids, steam and creating by this the cause the destruction of the roadway, frazil, reduced visibility and other obstacles - entails a fine on the officials responsible for the maintenance of underground utilities, on entrepreneurs, legal entities of small or medium-sized business or non-profit organizations, in the amount of up to twenty, for legal entities of a large enterprise - in the amount of thirty monthly calculation indices.

2. The same violations that caused a traffic accident with light damage to human health, damage to vehicles, cargo and other assets - entail a fine on the officials responsible for the maintenance of underground utilities, to entrepreneurs, legal entities of small or medium business or non-profit organizations, in the amount of thirty, for legal entities of a large enterprise - of forty monthly calculation indices.

**Footnote. Article 487 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 488. Violation of rules of protection and use of the allotment of roads**

1. Plowing of land reserves, cutting, stubbing and damage of crops, turf removal and excavation, storage of materials and goods, the conduct of topographic and other works, installing of crossroads and driveways, construction of buildings, underground and surface structures or connections, installing advertising and other information in the allotment way of highways without consent to the established order, and also laying a fire, grazing, dumping trash and snow, trading beyond an established places within allotment way of roads, the discharge of sewage, industrial, irrigation and sewage system of road drainage or the use of road ditches as sprinklers - entail a fine on individuals in the amount of one to three, for officials, entrepreneurs, legal entities of small and medium enterprises - in the amount of up to thirty, for legal entities of large enterprises - in the amount of up to fifty monthly calculation indices.

2. Violations under the first part of this Article, which caused accidents with bodily harm to people, damage to vehicles or other property, or committed repeatedly within a year after the imposition of an administrative penalty under the first part of this Article - entail a fine on individuals of five, for officials, entrepreneurs, legal entities of small and medium-sized businesses - in the amount of forty, for legal entities of large enterprises - in the amount of one hundred monthly calculation indices.

**Footnote. Article 488 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 489. Violation of the rules of operation and protection of roads and road structures by land users**

Failure to fulfill responsibilities on manufacturing, maintenance and regular cleaning of footpaths and transition (for crossings) bridges, irrigation systems, allowing roads and swamping of-way located on land users assigned to areas adjacent to the allotment way to the road, as well as the obligation to maintain a technical condition and cleanliness of exits assigned to these users sites or access roads on the public highway, including bridges for crossings, - entails a fine for individuals in the amount of one to three, for officials, entrepreneurs, legal entities of small and medium enterprises - in the amount of up to twenty, for legal entities of large enterprises - in the amount of up to thirty monthly calculation indices.

**Footnote. Article 489 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 490. Violation of the rules on protection of main pipelines**

Violation of the rules on protection of main pipelines - entails a warning or a fine for individuals, legal entities of small and medium enterprises -in the amount of forty, for legal entities of a large enterprise - in the amount of thirty monthly calculation indices.

**Footnote. Article 490 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 491. Unauthorized installation or use of radio transmission unit (Is excluded - by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 492. Illegal connection of terminals (the equipment) to electricity networks**

1. Illegal connection of terminals (the equipment) to electricity networks - entails a warning or a fine on individuals of up to five, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of forty,



for legal entities of large enterprises - in the amount of one hundred monthly calculation indices.

2. The actions specified in part one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entail a fine on individuals in the amount of up to ten, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of up to sixty, and on legal entities of large enterprises - in the amount of up to three hundred monthly calculation indices with confiscation of terminal devices (equipment) or without it.

Note. Under the terminal devices (equipment) are understood the connected to the lines and are in use customer hardware of formation of signals generating electricity and radio - for the transmission and reception of a given subscriber information through communication channels (radio broadcasting points, telephones, fax machines, devices, data terminals to set different phonic TV services, cable television equipment, extension cords, telephone channel, radio, etc.).

**Footnote. Article 492 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 493. Manufacturing, importing from abroad, acquisition, design, construction, installation, operation, and sale or transfer to a permanent or temporary use of electronic means or high-frequency applications, the use of radio frequencies without special permission (Is excluded - by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 494. Violation of the rules on use of electronic means or high frequency devices, and the use of radio frequencies and the importation from abroad of electronic means or frequency devices without special permission**

**Footnote. Title of Article as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

1. Violation of the rules on use of electronic means or high frequency devices, and the use of radio frequencies and the importation from abroad of electronic means or frequency devices without special permission - entails a warning or a fine on individuals in the amount of five, for officials, entrepreneurs, legal entity s being subject to a small or medium-sized business or non-profit organizations - in the amount of twenty, for legal entities of a large enterprise - in the amount of eighty monthly calculation indices.

2. The actions specified in part one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entail a fine on individuals in

the amount of five to ten, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of forty, for legal entities of large enterprises - in the amount of one hundred monthly calculation indices, with confiscation of electronic devices or high or no reason.

Notes.

1. Under the electronic devices in the Code refers to hardware, consisting of one or more radio transmitters or receivers or a combination thereof and auxiliary equipment for transmitting and receiving radio waves.

2. Under the high-frequency devices in the Code refers to equipment or appliances designed to generate and use locally radio frequency energy for industrial, scientific, medical and industrial purposes, excluding applications in the field of electricity networks.

**Footnote.** Article 494 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006); as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from January 1, 2008), dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 494-1. Violation of the legislation of the Republic of Kazakhstan in the field of communication**

1. Unjustified refusal of the dominant operator from the accession of telecommunication networks to the public telecommunication network, as well as a violation of the order of traffic - entails a fine of legal entities of small and medium-sized enterprises, in the amount of forty, for legal entities of large enterprises - in the amount of one hundred monthly calculation indices.

2. Violation of the terms of accession of telecommunication networks to the public telecommunication network, stipulated by the legislation of the Republic of Kazakhstan in the field of communication, - entails a fine for legal entities of small and medium-sized enterprises in the amount of forty, for legal entities of large enterprises - in the amount of one hundred monthly calculation indices.

3. Actions (inaction), envisaged in the first and second parts of this Article, if committed repeatedly within a year after the imposition of an administrative penalty - entail a fine on legal entities of small and medium enterprises in the amount of one hundred, on legal entities of a large enterprise, - in the amount of two hundred monthly calculation indices.

4. Breach of the duty to collect and store information about the subscribers service - entails a fine for legal entities of small and medium enterprise in the amount of one hundred, on legal entities of large enterprises - in the amount of five hundred monthly calculation indices.

5. Action set forth in part four of this Article committed repeatedly within a year after the imposition of an administrative penalty - entails revocation of the license for the provision of communications services.

Footnote. The Code is supplemented by Article 494-1 in accordance with the Law of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008) as amended by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 178-IV.

#### **Article 494-2. Unauthorized access to communication network**

Footnote. The Code is supplemented by Article 494-2 in accordance with the Law of the Republic of Kazakhstan dated 07.12.2009 No. 221-IV (the order of enforcement see Art. 2), is excluded by the Law of the Republic of Kazakhstan dated 10.01.2011 No. 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 495. Violation of the rules of communication lines and communication facilities**

1. Violation of the rules of communication lines and communication facilities, if such failure did not cause the cessation of communication, - entails a warning or a fine on individuals in the amount of up to ten, for officials, entrepreneurs, legal entities of small and medium enterprises - in the amount of forty, for legal entities of large enterprises - in the amount of up to one hundred fifty monthly calculation indices.

2. Violation of the rules of communication lines and communication facilities, the violation has caused cessation of communication, - entails a fine for individuals in the amount of ten to twenty, for officials, entrepreneurs, legal entities of small and medium enterprises - in the amount of up to seventy, for legal entities of a large enterprise - in the amount of one hundred to two hundred monthly calculation indices.

Footnote. Article 495 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 496. The use of means of communication, which are subject to mandatory conformity, but they did not pass**

1. The use of a single telecommunications network of Kazakhstan communication technologies, as well as the use of electronic means and high-frequency devices, which are a source of electromagnetic radiation, facilities postal services subject to mandatory conformity to technical regulations and did not pass it - entails a warning or a fine for individuals in the amount of three to five, and on legal entities and individual entrepreneurs - in the amount of ten to twenty, and on legal entities of small or medium-sized business or non-profit organizations - in the amount of sixty to one

hundred, on legal entities of large enterprise - in the amount of two hundred to two hundred and fifty monthly calculation indices.

2. Action set forth in the first part of this Article, if repeated within a year after the imposition of an administrative penalty - entails a warning or a fine on individuals in the amount of five to ten, and on legal entities and individual entrepreneurs - in the amount of twenty to thirty, for legal entities being subject to a small or medium-sized business or non-profit organizations - in the amount of one hundred twenty to one hundred and fifty, and on legal entities of a large enterprise - in the amount of two hundred and fifty to three hundred monthly calculation indices, with confiscation of uncertified means or without it.

**Footnote.** Article 496 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006). Article as amended by the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

**Article 497. Failure to comply with regulations governing the operation of Electronic and Postal Communications (Is excluded - by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006)).**

**Article 497-1. Violation of requirements for use of information resources protection**

Violation of requirements for use of information resources protection - entails a warning or a fine on individuals in the amount of five to ten, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of twenty to thirty, for legal entities of a large enterprise - in the amount of fifty to two hundred monthly calculation indices.

**Footnote.** Article 497-1 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 497-2. Violations of the legislation of the Republic of Kazakhstan on electronic document and digital signature**

1. Failure to comply with the certification center duties under legislation of the Republic of Kazakhstan on electronic documents and digital signatures, - entails a fine in the amount of twenty to two hundred monthly calculation indices.

2. Failure to comply with the owner's certificate of registration duties under legislation of the Republic of Kazakhstan on electronic documents and digital signatures, - entails a fine in the amount of five to fifty monthly calculation indices.

3. Improperly obtaining a private key and (or) the use of digital signature of another person - entails a warning or a fine on individuals in the amount of five to ten, for officials, entrepreneurs, legal entities of small or medium-sized business or

non-profit organizations - in the amount of twenty to one hundred, on legal entities of a large enterprise - in the amount of fifty to two hundred monthly calculation indices.

4. Failure by participants of electronic document duties turnover under legislation of the Republic of Kazakhstan to fulfill the electronic document and digital signature, - entails a fine for individuals in the amount of five to ten, for officials, entrepreneurs, legal entities of small and medium enterprises or non-profit organizations - in the amount of twenty to forty, and on legal entities of a large enterprise - in the amount of fifty to two hundred monthly calculation indices.

Footnote. Article as amended by the Law of the Republic of Kazakhstan dated January 7, 2003 No. 372, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 497-3. Violations of the legislation of the Republic of Kazakhstan on information**

Use of information resources that contain sensitive information about individuals and entities with a view to causing them material and moral damage, limiting the rights and freedoms guaranteed by the Laws of the Republic of Kazakhstan, - entails a warning or a fine on individuals in the amount of five to ten, on the officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - in the amount of twenty to forty, and on legal entities of a large enterprise - in the amount of fifty to two hundred monthly calculation indices.

Footnote. Article as amended by the Law of the Republic of Kazakhstan dated January 7, 2003 No. 372, dated January 20, 2006 No. 123 (shall be enforced from January 2006).

#### **Article 498. Manufacture, sale or use of technical means, not corresponding to the national standards or the standards for permissible levels of radio interference**

Footnote. Article 498 is excluded by the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

#### **Article 499. Illegal construction of communication facilities**

Construction of communication facilities without special permission - entails a fine on the officials, entrepreneurs in the amount of ten to twenty, for legal entities of small and medium enterprises - in the amount of seventy to one hundred, on legal entities of large business - in the amount of two hundred to two hundred and fifty monthly calculation indices.

Footnote. Article 499 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 500. Damage of payphones**

1. Deliberate damage of payphones - entails a fine in the amount of up to twenty five monthly calculation indices.
2. The same actions committed by juveniles under the age of sixteen - entail a fine for parents or guardians, in the amount of up to ten monthly calculation indices.

#### **Article 501. Manufacture or sale of counterfeit state postage stamps**

Manufacturing to distribution or sale of counterfeit state postage stamps - entails a fine for individuals in the amount of fifteen to twenty, and on legal entities and individual entrepreneurs - in the amount of thirty to forty, for legal entities of small and medium enterprises - in the amount of seventy to one hundred, on legal entities of a large enterprise - in the amount of two hundred to two hundred and fifty monthly calculation indices with the confiscation of counterfeit state postage stamps, as well as their means of production.

**Footnote.** Article 501 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 502.** (Article 502 is excluded by the Law of the Republic of Kazakhstan dated April 13, 2005 No. 40 (shall be enforced from January 1, 2005).

#### **Chapter 28. Administrative offences in the field of universal military service, military service and defense**

#### **Article 503. Failure to submit or late submission of the local military bodies the lists of citizens to be original military registration or enrollment in the draft offices**

Failure to submit or late submission of the local military bodies in a timely list of citizens to be original military registration or be a postscript to the draft offices, - entails a fine for officials of organizations, educational institutions, regardless of ownership, as well as officials of organizations operates the homes, and homeowners in the amount of up to ten monthly calculation indices.

#### **Article 504. Non-performance by citizens, public officials and legal entities of civil defense duties**

Implementation of illegal actions (inaction) related to the failure of regulations in the field of civil defense - entails a fine on citizens and officials in the amount of fifty monthly calculation indices.

#### **Article 505. Non-notification of citizens on calling of local military bodies**

Non-notification by the principal or other officer of the organization, regardless of ownership, responsible for military and civil work account, on the call of the local



military bodies, as well as failure to provide citizens the opportunity to call for the timely appearance of the local military bodies - entail a fine in the amount of up to ten monthly calculation indices.

**Article 506. Late submission of information on changes of living of citizens and must consist in the military registration**

Late submission to the bodies entrusted with the conduct of military registration, information on changes of permanent residence of citizens and must consist in the military registration - entails a fine on the head or other officials responsible for military work in an organization, as well as officials of organizations offering of residential buildings, and homeowners in the amount of up to ten monthly calculation indices.

**Article 507. Failure to submit information about military service, draftees and citizens**

1. Failure to submit in a specified time by the official medical-social expert commissions to local military bodies for recognition of citizens and consisting or having to be consisted in military registration, disabled - entails a fine in the amount of up to ten monthly calculation indices.

2. Failure to communicate in a specified time by official body with granting data on civil status to the local military bodies to amend the civil status of citizens consisting or having to be consisted in the military registration - entails a fine in the amount of up to ten monthly calculation indices.

3. Failure of the principal or other officer of the organization, regardless of their ownership, the body carrying out the military account of the steps to work (school) citizens, obliged to be, but not consisted in military registration at the place of residence - entails a fine in the amount of up to ten monthly calculation indices.

**Article 508. Failure to perform duties of citizens by military registration**

Non-appearance of a citizen, consisting or having to be consisted in the military registration, by on-call of local military bodies within the specified period without reasonable excuse or departure to another district or city (not divided into districts) for permanent or temporary (for more than three months) place of residence (departure abroad for more than six months) without removing the military register, or arrive at a permanent or temporary (for more than three months) residence (returning from abroad ) without military registration, and failure to report to the body carrying military records, changes in their marital status, place of residence within the district or city ( not divided into districts), education, place of job and position - entails a warning or a fine in the amount of one-half to five monthly calculation indices.

## **Article 509. Avoidance of medical examinations or muster**

1. Avoidance of medical examination or examinations in the direction of the Commission on the formulation of citizens to military records or draft board - entails a fine in the military service in the amount of one-half to five monthly calculation indices, and the Community - a warning or a fine in the amount of up to three monthly calculation indices.

2. Evasion of persons liable for military service from the muster- entails a fine in the amount of two to five monthly calculation indices.

**Footnote. Article 509 as amended by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 177 (the order of enforcement see Art. 2).**

## **Article 510. Intentional damage or loss of military records documents**

Deliberate damage to or destruction of the identity military card or other registration documents of the citizen to be called up for military service, as well as the loss of the identity military card or other registration documents of the citizen to be called up for military service, due to the fault of the owner - entail a warning or a fine in the amount of one-half to five monthly calculation indices.

## **Article 511. Evasion of preparation for military service**

Evasion of preparation for military service of the draftees for military-technical skills in the direction of the local military command or non-attendance of educational institutions without reasonable excuse - entails a warning or a fine in the amount of up to a monthly calculation index.

**Footnote. Article 511 as amended by the Law of the Republic of Kazakhstan dated May 22, 2007 No. 255 (shall be enforced from the day of its official publication).**

## **Article 512. Unlawful conscription of citizens for military service, giving them illegal delays**

Unlawful conscription of citizens for military service, or the provision of the unlawful delay - entails a fine in the amount of ten to seventeen monthly calculation indices.

## **Article 512-1. Insult of a military service man**

1. Insult one another in the absence of military subordination relations between the run-time, or in connection with fulfilling of the duties of military service - entails a fine in the amount of ten to twenty-five monthly calculation indices or administrative arrest for up to ten days.

2. Action set forth in the first part of this Article, if repeated within a year after the imposition of an administrative penalty - entails a fine in the amount of twenty-five to fifty monthly calculation indices or administrative arrest for up to fifteen days.

Footnote. Chapter 28 is supplemented by Article 512-1 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2009 No. 177 (the order of enforcement see Art. 2).

#### **Article 512-2. Self-willed abandonment of military department or place of service**

1. Self-willed abandonment of military department or place of service as well as non-appearance without a reasonable excuse on the discharge from the military department, appointment, transfer, from a business trip, vacation or hospital length of more than five days but not more than ten days, committed by servicemen undergoing military service on the call or contract, in time of peace - entail a fine in the amount of ten to twenty-five monthly calculation indices or administrative arrest for up to ten days.

2. The actions specified in part one of this Article, more than ten days, but not more than one month - entail a fine in the amount of twenty-five to fifty monthly calculation indices or administrative arrest for up to fifteen days.

Footnote. Chapter 28 is supplemented by Article 512-2 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2009 No. 177 (the order of enforcement see Art. 2).

#### **Article 512-3. Violation of the rules of service on protection of public order and public security**

Violation by a person consisting of a military attire to protect public order and public security, of the rules of service, if this action does not contain elements of a criminal action - entails a fine in the amount of five to ten monthly calculation indices or administrative arrest for up to five days.

Footnote. Chapter 28 is supplemented by Article 512-3 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2009 No. 177 (the order of enforcement see Art. 2).

#### **Article 512-4. Disobeying and non-fulfilling of an order**

Disobeying, that is an open rejection of the execution of order of the commander, as well as other deliberate failure of the subordinate to fulfill the order of the commander, which was given in due course, not causing significant harm to the interests of the service - entails administrative arrest for up to fifteen days.

Footnote. Chapter 28 is supplemented by Article 512-4 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2009 No. 177 (the order of enforcement see Art. 2).

#### **Article 512-5. Violation of the rules for driving or operating machinery**

Violation of the rules of driving or operating a combat, special or transport vehicles , which negligently caused moderate damage to human health, - entails a fine in the amount of two hundred to five hundred monthly calculation indices or administrative arrest for up to forty-five days.

Footnote. The Code is supplemented by Article 512-5 in accordance with the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Chapter 29. Administrative offences against the institution of state power**

#### **Article 513. Contempt to court**

1. Contempt to court, expressed in evasion without reasonable excuse of the actors of process and other persons from appearance to court on the writ in cases when the further consideration of the case in their absence is regarded by the court to be impossible, disobeying the orders of the presiding judge, violation of order in the court, and other actions (inaction), clearly demonstrating the contempt to court and the rules established by the court - entail a warning or a fine in the amount of ten to twenty monthly calculation indices or administrative arrest for a period of three to five days.

2. Actions (inaction), provided in the first part of this Article committed repeatedly within a year after the imposition of an administrative penalty - entail a fine in the amount of twenty to thirty monthly calculation indices or administrative arrest for a period of five to ten days.

Footnote. Article 513 is in the wording of the Law of the Republic of Kazakhstan dated June 29, 2007 No. 270 (shall be enforced upon expiry of ten days from the date of its publication).

#### **Article 514. Responsibility of the participants of the proceedings of an administrative offence**

Refusal or evasion, that is, non-appearance of the participant of the proceedings in the body (to the officer), considering the case of administrative offence, without reasonable excuse for the adjournment of the proceedings, - entails a fine in the amount of up to ten monthly calculation indices.

##### **Article 514-1. Failure to appear in court to serve as a juror**

Non-appearance of a citizen without reasonable excuse on call by the court to serve as a juror - entails a warning or a fine on citizens in the amount of up to ten monthly calculation indices.

Footnote. Chapter is supplemented by Article 514-1 in accordance with the Law of the Republic of Kazakhstan dated January 16, 2006 No. 122 (shall be enforced from January 1, 2007).

#### **Article 514-2. Failure to provide information for the compilation of lists of jurors**

Non-providing information necessary to local agencies to compile lists of jurors, as well as the provision of false information - entail a warning or a fine on individuals in the amount of up to ten monthly calculation indices, on officials in the amount of ten to fifteen monthly calculation indices.

Footnote. Chapter is supplemented by Article 514-2 in accordance with the Law of the Republic of Kazakhstan dated January 16, 2006 No. 122 (shall be enforced from January 1, 2007).

#### **Article 514-3. Obstruction to the citizen to fulfill obligations of a juror**

Obstructing by the official act to the citizen to fulfill obligations of a juror - entails a warning or a fine on officials in the amount of twenty to thirty monthly calculation indices.

Footnote. Chapter is supplemented by Article 514-3 in accordance with the Law of the Republic of Kazakhstan dated January 16, 2006 No. 122 (shall be enforced from January 1, 2007).

#### **Article 514-4. Non-observance of limitations in actions of a juror, connected with the proceedings in the trial**

1. Nonobservance of limitations in actions of a juror, connected with the proceedings in the trial, established by the Laws of the Republic of Kazakhstan, - entails a fine on citizens in the amount of up to twenty monthly calculation indices.

2. The same actions that caused the removal of a juror from further participation in the proceedings - entail a fine on citizens in the amount of up to two hundred monthly calculation indices.

Footnote. Chapter is supplemented by Article 514-4 in accordance with the Law of the Republic of Kazakhstan dated January 16, 2006 No. 122 (shall be enforced from January 1, 2007).

#### **Article 515. Refusal or evasion of a witness to testify**

Refusal or evasion without reasonable excuse of the person subject to the poll by the body (official) authorized to consider cases on administrative offences, as a witness to testify - entails a fine in the amount of up to two monthly calculation indices.

**Article 516. Deliberate false testimony of a witness, victim, expert opinion or incorrect translation**

1. Deliberate false testimony of a witness, victim, expert opinion to the body in a case concerning an administrative offence in the course of the examination of medical practice, as well as obviously wrong translation conducted by an interpreter in same cases - entails a fine on individuals in the amount of five to ten, for officials - in the amount of ten to twenty monthly calculation indices.

2. The same acts committed by the experts during the examination of medical practice again within a year after the imposition of an administrative penalty - entail a fine on individuals in the amount of ten to twenty, on officials - in the amount of twenty to thirty monthly calculation indices.

Note. Witness, victim, expert or translator shall be exempted from liability if they voluntarily during the consideration of an administrative case before taking the decision on the case by the authorized body (official) stated their testimony, conclusions as false, or translation as wrong.

Footnote. Article 516 is in the wording of the Law of the Republic of Kazakhstan dated July 7, 2006 No. 171 (the order of enforcement see Art. 2).

**Article 516-1. Falsification of evidence in cases on administrative offences**

Falsification of evidence in cases on administrative offences committed by an expert participating in the proceedings, or counselor, if the action did not cause harm to human health or serious damage - entails a fine in the amount of thirty to fifty monthly calculation indices.

Footnote. The Code is supplemented by Article 516-1 in accordance with the Law of the Republic of Kazakhstan dated 27.07.2007 N 314 (shall be enforced from 01.01.2008) as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 517. Refusal or evasion from the official implementation of the decision or order of the examination or the requirements of the call of the specialist**

Refusal or evasion without reasonable excuse of the official to whom directed a judgment or order of the body of state control and supervision, in the examination of the requirement or invite a specialist to participate in monitoring, conducting



paperwork, in the proceedings of an administrative offence, or before it, from their implementation - entails a fine in the amount of up to twenty monthly calculation indices.

**Article 518. Breach of personal guarantee on appearance of the accused (suspect)**

Breach or default by the persons of their written guarantee on appearance of the accused (suspect) to the person conducting the inquiry, the prosecutor or the court, caused evasion of the accused (suspect) from the investigation or court - entails a fine in the amount of up to three monthly calculation indices.

**Article 519. Breach of the obligation to ensure the attendance of a minor accused (suspect)**

Violation by the parents, guardian, trustee or representative of the administration of the special closed institution of their written commitment of ensuring attendance passed into the care of a minor accused (suspect) to the investigator, the inquirer or the court, which caused evasion to investigation and trial - entails a fine in the amount of up to a monthly calculation index.

**Article 520. Failure to take measures on a special ruling, a court order, presentation of the prosecutor, investigator or inquirer**

Leaving by the official without considering the special ruling, court order, presentation of the prosecutor, the investigator or the inquirer or the failure to take measures to eliminate these violations of the law to them, as well as ill-timed response to the special decision, order or presentation - entail a fine in the amount of up to eight monthly calculation indices.

**Article 521. Evasion from appear before the prosecutor, the investigator and the investigation body, the bailiff**

Evasion from appear by on-call of the prosecutor, the investigator and the body of inquiry to give evidence to the bailiff, to give explanations on the enforcement of judgments, decrees of bodies (officials) authorized to consider cases on administrative offences, and the refusal to provide or giving deliberate false testimony - entails a fine on individuals in the amount of one to three, for officials - in the amount of five to ten monthly calculation indices.

**Footnote. Article 521 as amended by the Law of the Republic of Kazakhstan dated June 22, 2006 No. 147.**

**Article 521-1. Non-notification or late notification of prosecutor**

Non-notification or late notification of prosecutor on conducting of actions by the state body that require such notification in accordance with the laws, - entails a fine on officials in the amount of up to two hundred and monthly calculation indices.

**Footnote. Supplemented by Article 521-1 in accordance with the Law of the Republic of Kazakhstan dated August 9, 2002 No. 346.**

**Article 522. Obstruction of the lawful activity of the prosecutor, investigator, inquirer, officer of justice, bailiff**

1. Obstruction of the lawful activity of the prosecutor, investigator, inquirer, officer of justice, bailiff, expressed in the refusal to the unimpeded with the presentation of the business card access to a building, room or territory government agency, organization, regardless of ownership, as well as the submission of the required documents, materials, statistical and other information, inspections, audits and examinations, - entails a warning or a fine on officials in the amount of up to twenty monthly calculation indices or administrative arrest for up to five days.

2. Willful failure to comply with the prosecutor, investigator, inquirer, officer of justice, bailiff, presented on the grounds and in the manner prescribed by law - entails a fine for individuals in the amount of one to three, for officials - in the amount of ten to fifty monthly calculation indices or administrative detention for up to ten days.

**Footnote. Article 522 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated June 22, 2006 No. 147.**

**Article 523. Impeding the lawful activities of a lawyer**

Obstruction by the officer of the legitimate activity of lawyer or of the Bar, legal advice, law firm, expressed in non-submission or refusal of submission to the deadlines set by law at the written request of the necessary documents, materials or information required to carry out their professional duties, if these actions do not have evidence of a crime- entails a fine in the amount of up to twenty monthly calculation indices.

**Article 524. Non-execution of court decisions, decisions of bodies (officials) authorized to consider cases on administrative offences**

Evasion of the requirements of judicial decisions, decisions of bodies (officials) authorized to consider cases on administrative offences, if these actions do not contain elements of a criminal offence - entails a fine for individuals in the amount of up to ten, and on the officials - in the amount of up to twenty monthly calculation indices or administrative arrest for up to ten days.

Footnote. Article 524 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated June 22, 2006 No. 147.

**Article 525. Failure to fulfill orders and other legal requirements of officer of justice, bailiff**

Footnote. Title is in the wording of the Law of the Republic of Kazakhstan dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010).

1. Non-performance by officials and individuals without reasonable excuse regulations and legal requirements of a bailiff, related to the performance of the executive document, including the submission of a term designated by the information on the place of the debtor and his or her income, production, according to the decision of the court holding and other organs and sending collected sum to the claimant, the foreclosure of the money and property of the debtor held by other individuals and entities, or non-disclosure of information about the dismissal of the debtor that his new place of work or residence, if he knows about it, - entails a fine for individuals in the amount of five to ten, for officials - in the amount of ten to twenty monthly calculation indices.

2. Presentation to the officer of justice of deliberately false information, including the income and financial status of the debtor - entails a fine for individuals in the amount of ten to twenty, on officials - in the amount of twenty to fifty monthly calculation indices.

3. Failure to comply with legal requirements of the bailiff - entails a fine in the amount of ten to fifty monthly calculation indices.

Footnote. Article 525 as amended by the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 22.06.2006 No. 147, dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010).

**Article 526. Non-informing of an officer of justice of a change of employment and residence of the person from whom the child support recovered**

Non-informing without reasonable excuse by the officer of the organization, producing deduction of alimony for the children, for disabled parents, for wife (husband) under the executive document, issued on the grounds of the court decision, within a month to the bailiff and to the person receiving alimony, on dismissal of person paying maintenance, as well as on his new place of work and residence, if he is known, - entails a fine in the amount of up to ten monthly calculation indices.

**Article 527. Responsibility of the official for the loss of the executive document**

Loss by the officer of the organization referred to him/her for fulfilling a writ of execution or other enforcement document - entails a fine in the amount of up to thirty monthly calculation indices.

**Article 528. Obstruction to officer of justice, bailiff in execution of the decisions of the courts and other bodies**

Obstruction by individuals and officials of the organizations to commit by a bailiff of the actions for foreclosure on the property (inventory, assessment, arrest, bidding) or a failure in the performance in this regard with his claims - entails a fine for individuals of one to five, on officials - in the amount of ten to fifteen monthly calculation indices or administrative arrest for up to ten days.

**Footnote. Article 528 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated June 22, 2006 No. 147.**

**Article 529. Insulting of the official, threat of committing violence**

1. Insulting of the public official in the performance of his duties, as well as a threat of violence against him, if these actions do not contain evidence of a crime - entail a fine of up to twenty-five monthly calculation indices.

2. The actions specified in part one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entail a fine of up to fifty monthly calculation indices or administrative arrest for up to fifteen days.

**Footnote. Article 529 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 530. Illegal wearing of state rewards**

1. The wearing of order, medal, honorary badge of rank, insignia of the Republic of Kazakhstan, Kazakh SSR, USSR, or sashes and ribbons of medals on a strap by a person who are not eligible - entails a warning or a fine of one to three monthly calculation indices and confiscation of orders, medals, honorary badge of rank, insignia of the Republic of Kazakhstan, Kazakh SSR, USSR, or sashes and ribbons medals on a strap.

2. Purchase, sale or other compensated assignment of order, medal, honorary badge of rank, insignia of the Republic of Kazakhstan, Kazakh SSR, USSR - entail a fine of three to five monthly calculation indices with confiscation of signs.

3. Establishment or making signs with similar name or appearance of state rewards, - entails a fine for individuals in size from three to five, on officials - in the amount of five to ten monthly calculation indices with confiscation of signs.

Footnote. Article 530 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 531. Illegal wearing of (the use of) clothes with signs and the differences (or) symbols of military uniform, as well as uniform and special clothing**

Footnote. Title as amended by the Laws of the Republic of Kazakhstan dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 06.01.2011 No. 379-IV (shall be enforced upon expiry of ten calendar days after the first official publication).

1. Illegal wearing of (the use of) clothes with signs and the differences and (or) symbols of military uniforms, as well as uniform and special clothing - entails a fine for individuals of five, for legal entities of small or medium-sized business or non-profit organizations - in of ten, for legal entities of a large enterprise - in the amount of twenty-five monthly calculation indices, with confiscation of clothing with the signs and the differences (or) symbols of military uniform, as well as uniform and special clothing.

2. The same actions specified in paragraph one of this article, committed by a legal entity licensed to perform security activities, in connection with the implementation of this activity - entail a fine on legal entities of small or medium-sized business or non-profit organizations - in the amount of twenty, to legal entities of a large enterprise - in the amount of thirty monthly calculation indices with confiscation of clothing with the signs and the differences (or) symbols of military uniform, as well as uniform and special clothing.

Footnote. Article 531 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2008 No. 53-IV (the order of enforcement see Art. 2); as amended by the Laws of the Republic of Kazakhstan dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 06.01.2011 No. 379-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Chapter 30. Administrative corruption offences**

**Article 532. Violation of financial controls measures**

1. Willful failure to submit or to submit of incomplete or inaccurate declarations of income, assets and other information required by the legislation on anti-corruption, persons who are candidates for public office or the position related to the implementation of state or similar functions, as well as of his wife (her husband) - entail a fine of one hundred to one hundred and fifty monthly calculation indices.

2. Willful failure to submit or to submit of incomplete or inaccurate declarations of income, assets and other information required by the legislation on anti-corruption, persons holding public office, as well as of his wife (her husband) of these persons - entails a fine of one hundred to one hundred and fifty monthly calculation indices.

3. Repeated commission of acts referred to in the first, second parts of this Article - entails a fine of one hundred and fifty to two hundred monthly calculation indices.

Note. A person is not subject to administrative liability under this Article, in case of elimination of the violation by providing additional tax reporting, and (or) further on the notification of tax reporting in accordance with the laws of the Republic of Kazakhstan.

Footnote. Article 532 as amended by the Laws of the Republic of Kazakhstan dated 05.12.2003 No. 506, dated 07.12.2009 No. 222-IV (the order of enforcement see Art. 2 ), dated 21.07.2011 No. 467-IV (shall be enforced from 01.01.2012).

### **Article 533. Providing illegal remuneration by individuals**

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 07.12.2009 No. 222-IV (the order of enforcement see Art. 2).

Providing by individuals to persons authorized to perform public functions or persons equated to them, of illegal remuneration, gifts, benefits or services, if this action does not contain evidence of a crime - entails a fine of fifty to one hundred monthly calculation indices.

Footnote. Article 533 as amended by the Law of the Republic of Kazakhstan dated 07.12.2009 No. 222-IV (the order of enforcement see Art. 2).

### **Article 533-1. Getting illegal remuneration by a person authorized to perform state functions, or equivalent to such person**

1. Getting by a person authorized to perform public functions or equivalent to such person personally or through an intermediary of illegal remuneration, gifts, benefits or services for the actions (inaction) in favor of the persons to contribute, if such actions (inaction) are included in official bodies of the person authorized to perform public functions or an equivalent person, if this action does not contain evidence of a crime - entails a fine in the amount of three hundred monthly calculation indices .

2. *Is excluded by the Law of the Republic of Kazakhstan dated 07.12.2009 No. 222 -IV (the order of enforcement see Art. 2).*

Footnote. The Code is supplemented by Article 533-1 in accordance with the Law of the Republic of Kazakhstan dated 21.07.2007 No. 308 as amended by the Law of the Republic of Kazakhstan dated 07.12.2009 No. 222-IV (the order of enforcement see Art. 2).



#### **Article 534. Providing illegal remuneration to legal entities**

1. Provision by legal entities to persons authorized to perform public functions or persons equated to them, illegal remuneration, gifts, benefits or services, if this action does not contain evidence of a crime - entails a fine of one hundred to five hundred monthly calculation indices.

2. The actions specified in part one of this Article committed repeatedly within a year after the imposition of an administrative penalty - entail prohibition the legal entity activities.

Note. Individuals and legal entities are not subject to the liability who have provided to a person authorized to perform state functions, or a person equated to such person of illegal remuneration, gifts, and other material goods, services, facilities or advantages, if in respect of them there had been extortion from the person authorized to perform state functions, or a person equal to such person, or if these individuals, legal entities voluntarily within ten days report the incident to the competent bodies.

Footnote. Article 534 as amended by the Laws of the Republic of Kazakhstan dated September 25, 2003 No. 484, dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

#### **Article 535. Implementation of illegal business activities and receipt of illegal income by state bodies and local self-government bodies**

Engaging of state agencies, local self-government bodies in business outside of their assigned functions, provided by the legislation or getting wealth and benefits, in addition to established sources of funding - entails a fine on the leaders of these organizations in the amount of one hundred to three hundred monthly calculation indices.

Footnote. Article 535 as amended by the Law of the Republic of Kazakhstan dated 07.12.2009 No. 222-IV (the order of enforcement see Art. 2).

#### **Article 536. Deliberate false information about a corruption offence (Is excluded by the Law of the Republic of Kazakhstan dated July 21, 2007 No. 308).**

#### **Article 537. Failure to fight corruption of the heads of governmental bodies**

The failure of top-officials or responsible secretaries or other officials to take measures determined by the President of the Republic of Kazakhstan, of the state bodies within their competence for inferiors who are guilty in committing corruption offences, or taking these measures in violation of the law to combat corruption or failure to provide relevant information to the tax bodies at the place of residence of these guilty persons - entails a fine of fifty to one hundred monthly calculation indices.

Footnote. Article 537 as amended by the Laws of the Republic of Kazakhstan dated 25.09.2003 No. 484, dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 27.07.2007 No. 315 (shall be enforced from the date of official publication), dated 07.12. 2009 No. 222-IV (the order of enforcement see Art. 2).

#### **Article 537-1. The employment of persons previously committed corruption crimes**

The employment by the top-official of the state bodies, institutions and companies or by the head of the national companies, national managing holdings, national holdings, national development institutions and their subsidiaries of the persons who previously committed a corruption offence, - entails a fine of fifty to one hundred monthly calculation indices.

Footnote. The Code is supplemented by Article 537-1 in accordance with the Law of the Republic of Kazakhstan dated 07.12.2009 No. 222-IV (the order of enforcement see Art. 2).

### **Section 3. The bodies, authorized to consider cases on administrative offences**

#### **Chapter 31. Basic provisions**

#### **Article 538. The Bodies (officials) Authorized to Consider Cases on Administrative Offences**

Cases of administrative offences are:

- 1) The judges of the specialized administrative courts;
- 1-1) judges of the specialized inter-district juvenile courts;
- 2) public officials, authorized by this Code.

Note. If at the territory of the administrative-territorial unit a specialized inter-district administrative court and a specialized inter-district juvenile court were not formed, the cases, related to their jurisdiction can be considered by the regional ( municipal) courts.

Footnote. Article 538 is in the wording of the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006); as amended by the Law of the Republic of Kazakhstan dated 05.07.2008 No. 64-IV (the order of enforcement see Art. 3).

#### **Article 539. The distribution of powers of the bodies (officials), entitled to consider the cases on administrative offences**

1. The judges consider the cases on administrative offences, falling under their jurisdiction in compliance with this Code.

2. Public officials, entitled to consider cases on administrative offences, hear the cases and impose administrative penalties for administrative offences, except for the cases specified in Article 541 of this Code.

3. The cases on administrative offences, for which, an administrative deportation of foreigners or stateless persons from the Republic of Kazakhstan, administrative arrest, a compensated taking of items, that were the subjects or the instrument of an administrative offence, are provided as one of the administrative penalties, or confiscation of these items, as well as confiscation of incomes (dividends), cash and securities, received as a result of an administrative offence, deprivation of a special right granted to a particular person (including the right to drive a vehicle), loss of licenses, special permits, certificates (certificate) for a specific activity or certain acts, the forced demolition of illegally erected or constructed buildings, suspension or prohibition of an individual entrepreneur activity or a legal entity shall be considered by a judge.

4. *(The part is excluded by the Law of the Republic of Kazakhstan dated October 21, 2005 No. 80).*

5. In accordance with Article 27 of this Code upon an application of a person against whom the proceedings on an administrative offence are being conducted, the case on any offence, specified by the special part of Section 2 of this Code shall be considered by the judge.

**Footnote.** Article 539 as amended by the Laws of the Republic of Kazakhstan dated December 5, 2003 No. 506; dated October 21, 2005 No. 80; dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006); dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

**Article 540. Procedure for formation of commissions for protection of the rights of the minors** (Is excluded by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Chapter 32. Jurisdiction of administrative cases, competence of officers to review cases and imposition of administrative penalties**

**Article 541. Courts**

**Note of the RCLII!**

There are amendments to paragraph 1 of the Law of the Republic of Kazakhstan dated 04.07.2012 No. 25-V (shall be enforced from 01.01.2016).

1. The judges of special district and similar administrative courts consider the cases on administrative offences, provided by Articles 79-1, 79-3, 79-4, 79-5, 79-6, 80-84, 85 (part 4 and 5), 85-1 (part two), 85-2 (part 2), 85-3, 86, 86-1, 87-2, 87-3, 87-4, 87-5, 95 - 110-1, 124 (part first), 127, 129, 130, 136 - 136-2, 140 (part 2), 141-1, 143, 143-1,

143-2, 144-1, 145, 146-1, 147, 147-1 (part two), 147-6 (part 2-1), 147-10 (parts 2, 4, 5, 6, 7, 10, 11, 12, 13, 14), 147-11, 147-12, 147 13 (part 3, 5, 6), 151, 151-1, 153, 154, 154-1, 155, 155-1 (part four), 155-2, 156, 157, 157-1, 158, 158 3, 158-4, 158-5, 159, 161 (part 1, 4 and 5), 162, 163 (parts 3, 4, 6, 7, 9), 163-2, 163-3, 163-4 , 163-6, 165, 167-1 (parts two and three), 168-1 (parts one and two), 168-3, 168-5, 168-8, 175 (part two) (in the part of offences committed by private notaries, private bailiffs, auditors and audit companies), 176 (parts 1 and 3), 177-3, 177-4, 177-5, 179 (parts one and two ), 179-1, 183, 184, 184 1, 185, 187, 188 (second part), 190, 192, 200, 202, 203, 208-1, 209, 213 (part 4-6), 214, 218-1 (part seven), 219-6 , 219-8 (parts two and three), 222-226, 228-229, 230-1, 230-2, 231 (part 2), 232, 233, 234-1, 235 (second part), 235-1 (part four), 237, 237-1, 240-2, 246 (part 2), 275-1, 278 (first part), 283 (part first, third), 298 (part two, three), 298-1 (second part), 302 (part three), 303 (second part), 304 (second part), 305 (second part), 306 (second part), 306-1 (part three), 306-2, 306-3 (part 2 and 3), 308, 309-1 (part 7, 8) 309-2 (part four), 309-4 (parts 8, 9), 309-5, 310-1 (parts 1-1 and 2 ), 311-1 (part seven), 312-1, 314, 315, 316, 317 (second and third parts) , 317-1, 317-2, 317-4 (parts two and three), 318, 319, 319-1, 320 (parts 1 and 1-1), 321 , 322 (parts 3, 4, 5), 323 (second part), 324 (second and third parts), 324-1, 324-2, 326, 327 (first part), 328, 330, 330-1 (second part), 332 (parts first, second, fourth), 335, 336 (part three), 336-1 (part three), 336-2 (part three ), 338 (first part), 338-1, 339, 340, 342-344, 346-357, 357-1, 357-2 (part two), 357-3, 357-4, 357-5, 357 - 6, 357-7 (second part), 359, 361, 362, 362-1, 363, 365, 366, 367, 368, 368-1, 369 (second part), 370 (second part), 371 (part two ), 372 - 376, 380 (part two), 380-2, 381-1, 386 (the third part), 388, 389-1, 390 (second part), 391 (second part), 391-1 (part 2 and 3), 393, 394 (parts two, three and four), 394-1, 396 (part four), 400-1, 400-2, 405 (first part), 409, 410, 413, 413-1, 413-2, 414, 415, 417, 417-1, 418, 421, 423, 424, 425-1, 426-430, 433, 442, 443 (part five), 445, 446 (second part), 446 - 1, 453 (second part), 454 (part 1 - 3), 461 (part 3-1), 463-3 (part five), 464-1 (parts one and two), 465 (second part), 466 ( the second part), 467, 468 (part one and two), 468-1, 468-2, 469, 471 (parts 1-1, 1-2, and 2), 473 (part three), 474-1, 477 (the third part), 484, 492 (second part), 494 (second part), 494-1 (parts 3 and 5), 496 (second part), 501, 512-1 - 512-5, 513 - 518, 520 - 537-1 of this Code, except the cases specified in part three of this article.

1-1. The judges of the specialized inter-district juvenile courts consider the cases:

1) on administrative offences, committed by minors, defined by Articles 320 (part 2), 331, 332 (part 3), 334 (part three), 341 (second part), 500 (part 2) of this Code;

2) on administrative offences, defined by in Articles 111, 111-1, 112, 112-1, 114, 115, 115-1, 116, 117, 327 (part 2), 336 (part 1-1), 336-3 ( part two), 336-4 (part 2), 519 of this Code.

2. In addition to the cases, defined in the first part of this article, the judges consider the cases, regardless of their jurisdiction, the administrative offences as a form

of administrative penalty, for which administrative deportation from the Republic of Kazakhstan of foreigners or stateless persons, administrative detention, forfeiture of license, a special permit, qualification certificate (certificate), deprivation of a special right, a compensated seizure or confiscation of items, which were a subject or an instrument of an administrative offence and a forced demolitions, and prohibition to conduct certain activities.

3. The judges of the Supreme Court, regional, district and equivalent courts consider the cases, provided by Article 513 of this Code, on contempt of a court by a person, involved in the case and established during the trial.

Footnote. Article 541 as amended by the Laws of the Republic of Kazakhstan dated 28.03.2003 No. 398; dated 03.06.2003 No. 428; dated 02.07.2003 No. 451; dated 03.07.2003 No. 464; dated 10.07.2003 No. 483 (shall be enforced from January 1, 2004); dated 05.12.2003 No. 506; dated 06.05.2004 No. 551; dated 06.07.2004 No. 572; dated 09.12.2004 No. 10; dated 13.04.2005 No. 40 (shall be enforced from January 1, 2005); dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006); dated 07.07.2006 No. 174; dated 07.07.2006 No. 171 (the order of enforcement see Art. 2); dated 07.07.2006 No. 181 (shall be enforced from January 1, 2007); dated 12.01.2007 No. 220 (the order of enforcement see Art. 2); dated 12.01.2007 No. 222 (shall be enforced upon expiry of 6 months after the date of its publication); dated 12.01.2007 No. 224 (shall be enforced from 01.01.2012); dated 19.02.2007 No. 230 (the order of enforcement see Art. 2), dated 28.02.2007 No. 235 (the order of enforcement see Art. 2), dated 29.06.2007 No. 270, dated 06.07.2007 No. 276, dated 21.07.2007 No. 299, dated 21.07.2007 No. 307 (the order of enforcement see Art. 2 of the Law), dated 21.07.2007 No. 308, dated 27.07.2007 No. 320 (the order of enforcement see Art. 2), dated 27.07.2007 No. 314 (shall be enforced from January 1, 2008), dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2), dated 05.07.2008 No. 59-IV (the order of enforcement see Art. 2), dated 05.07.2008 No. 64-IV (the order of enforcement see Art. 3), dated 05.07.2008 No. 60-IV (the order of enforcement see Art. 2), dated 04.12.2008 No. 97-IV (the order of enforcement see Art. 2); dated 25.12.2008 No. 113-IV (shall be enforced from 01.01.2009); dated 29.12.2008 No. 115-IV (shall be enforced from 01.01.2009); dated 20.02.2009 No. 138-IV (the order of enforcement see Art. 2); dated 10.07.2009 No. 176-IV (the order of enforcement see Art. 2), dated 10.07.2009 No. 177 (the order of enforcement see Art. 2); dated 10.07.2009 No. 178-IV; dated 16.07.2009 No. 186-IV; dated 17.07.2009 No. 188-IV (the order of enforcement see Art. 2), dated 11.07.2009 No. 184 (the order of enforcement see Art. 2); dated 28.08.2009 No. 192-IV (shall be enforced from 08.03.2010), dated 09.11.2009 No. 197-IV (the order of enforcement see Art. 3); dated 04.12.2009 No. 215-IV (the order of enforcement see Art. 2); dated 07.12.2009 No. 221-IV (the order of enforcement see Art. 2); dated 07.12.2009 No. 222-IV (the order

of enforcement see Art. 2); dated 08.12.2009 No. 225-IV (the order of enforcement see Art. 2); dated 21.01.2010 No. 242-IV (the order of enforcement see Art. 2); dated 08.04.2010 No. 266-IV (the order of enforcement see Art. 2); dated 29.04.2010 No. 272-IV (the order of enforcement see Art. 2); dated 28.06.2010 No. 295-IV (shall be enforced upon expiry of six months after its first official publication), dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010), dated 15.07. 2010 No. 340-IV (the order of enforcement see Art. 2); dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010); dated 06.10.2010 No. 343-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 15.11.2010 No. 352-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication), dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 10.01.2011 No. 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 11.01.2011 No. 385-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 26.01.2011 No. 400-IV (shall be enforced upon expiry of thirty calendar days after its first official publication), dated 28.01.2011 No. 402-IV (shall be enforced from 05.08.2011); dated 10.02.2011 No. 406-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 18.04.2011 No. 429-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 22.07.2011 No. 478 -IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 03.12.2011 No. 505-IV ( shall be enforced upon expiry of ten calendar days after its first official publication), dated 28.12.2011 No. 524-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 06.01.2012 No. 529-IV (shall be enforced upon expiry of 21 calendar days after its first official publication), dated 09.01.2012 No. 533 -IV (shall be enforced upon expiry of 10 calendar days after its first official publication ), dated 12.01.2012 No. 540-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 13.01.2012 No. 542-IV (shall be enforced from 07.26.2012), dated 16.02.2012 No. 557-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 04.07.2012 No. 25-V (shall be enforced upon expiry of ten calendar days after its first official publication), dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication ), dated 10.07.2012 No. 31-V (shall be enforced upon expiry ten calendar days after its first official publication), dated 10.07.2012 No. 33-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated



10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 542. A commission for protection of the minors' rights**

Footnote. Is excluded by the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006).

**Article 543. Internal Affairs Agencies (Police)**

1. Internal affairs agencies consider the cases on administrative offences, defined by Articles 131, 144, 160 (part one and two), 163-1, 175 (part two) (in terms of offences, committed by the owners of transport vehicles and carriers for motor and municipal transport) , 247, 277, 281-1, 298 (first part), 298-1 (first part), 300, 305 (first part), 306 (first part), 311, 330-1 (part one), 328-1 , 333, 334 (part one and two), 336 (first and second parts), 336-2 (parts one and two), 336-3 (part one), 336-4 (first part), 338 (part two) , 341 (first part), 357-2 (part one), 357-7 (first part), 364, 369 (first part) , 370 (first part), 371 (first part), 377, 378, 379, 380 (part one), 380-1, 387, 389, 390 (first part), 391 (first part), 391-1 (first part), 392, 394 (first part), 395, 396 (first and third parts) , 439 (the first, second, fourth and fifth parts), 440, 441, 443 (part four), 446 (first part), 459, 461 (part one - third, fourth - eighth), 461-1, 462, 463 (parts 1 and 4), 463-1, 463-2, 463-3 (Part 1 - 4), 463-8, 464, 464-1 (part three), 465 (first part), 466 (part one) , 468 (part 3), 470, 471 (first part), 472, 473 (part one and two), 474 - 476, 477 (the first, second, fourth parts), 478, 480, 481 (except for violations, committed on auto-transport), 482, 485-487, 500 (first part) of this Code.

2. Cases on administrative offences and administrative penalties on behalf of the internal affairs' agencies can be considered and imposed by:

1) upon all articles of this Code, referred to the jurisdiction of the Interior agencies - by the heads of departments of internal affairs and their deputies;

2) for administrative offences provided in Articles 131, 160 (part one and two), 163 -1, 298 (first part), 298-1 (first part), 300, 305 (first part), 306 (part one) 311, 330-1 (first part), 333, 334 (part one and two), 336 (first and second parts), 336-1 (parts one and two), 336-4 (first part), 338 (part two) , 377, 380 (first part), 389, 390 (first part), 391 (first part), 391-1 (first part), 392, 394 (first part), 395, 396 (first and third parts) of this Code - by the heads of municipal and district departments of the interior affairs' agencies;

3) for administrative offences provided by Articles 163-1, 298 (first part), 305 (first part), 306 (first part), 330-1 (first part), 336 (first and second parts), 336-1 ( Parts One and Two), 336-4 (first part), 338 (second part), 389, 391 (part one), 391-1 (first part), 392, 396 (first and third parts), 439 (Part 1, 2, 4, 5), 440, 441, 459, 477 (the first,

second, fourth parts), 480, 485 (first part) of this Code, - by the heads of line units, line departments of the internal affairs agencies;

4) for administrative offences provided in Articles 131, 281-1, 298-1 (first part), 300, 311, 330-1 (first part), 333 (first part), 336 (first and second parts), 336 - 1 (parts one and two), 336-3 (first part), 338 (second part), 377, 387, 463 (first part), 470, 473, 476 of this Code - by police inspectors of the interior agencies;

5) for administrative offences provided by Articles 330-1 (first part), 333 (first part), 336 (first and second parts), 338 (second part) of this Code - by the heads of patrol units of internal affairs agencies;

6) for administrative offences, provided by Articles 461 (parts third and eighth), 461-1 (second part), 462 (part four), 463 (part four), 463-1 (part three), 463-2 (part four), 463-3 (part four), 463-4 (part four), 463-5 (part three), 463-6 (part two), 463-7 (part two), 463-8 (part two) 464 (part two), 464-1 (the third part), 468 (the third part), 470 (parts of the second, fourth and fifth), 471 (first part), 472, 474, 475, 485 - 487 of this Code - by a chairman of a committee, heads of departments, divisions, offices of traffic police enforcement bodies and their deputies;

7) for administrative offences, provided by Articles 175 (part two) (in terms of offences committed by the owners of transport vehicles and carriers of motor and municipal transport), 247, 461 (the first, second, fourth - seventh parts), 461-1 (the first part), 462 (Part 1-3), 463 (first part), 463-1 (parts one and two), 463-2 (Part One - third), 463-3 (Part One - third), 463 - 4 (Part One - third), 463-5 (parts one and two), 463-6 (part one), 463-7 (part one), 463-8 (first part), 464 (first part), 466 (the first part), 470 (in the first, third parts), 473 (part one and two), 476, 485 (part one) (for individuals) of this Code - by the traffic police with special titles;

8) for administrative offences provided by Articles 281-1, 298 (first part), 298-1 (first part), 300, 311, 330-1 (first part), 387 of the Code - by the heads and their deputies of sub-departments of environment protection and veterinary police of internal affairs bodies;

9) for administrative offences provided by Articles 330-1 (first part), 333 (second part), 336 (first and second parts), 336-3 (first part), 338 (second part) of this Code - by the heads and their deputies of juvenile divisions of the internal agencies;

10) *(is excluded - dated March 26, 2007 No. 240)*

11) for administrative offences provided by Articles 298-1 (first part), 305 (first part), 306 (first part), 330-1 (part one) - by the heads and their deputies of the specialized police departments of internal bodies, combating criminal encroachments on fish stocks;

12) for administrative offences provided in Articles 377, 380 (first part), 394 (first part), 395, 396 (first and third parts) of this Code, - be the heads of departments, divisions, departments of immigration police bodies and their deputies.

Footnote. Article 543 as amended by the Law of the Republic of Kazakhstan dated June 3, 2003 No. 428; dated December 5, 2003 No. 506; dated December 9, 2004 No. 10; dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006); dated July 7, 2006 No. 171 (the order of enforcement see Art. 2); dated March 26, 2007 No. 240 (the order of enforcement see Art. 2); dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008); dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2); dated 05.07.2008 No. 64-IV (the order of enforcement see Art. 3); dated 10.07.2009 No. 180-IV; dated 10.07.2009 No. 176-IV (the order of enforcement see Art. 2); dated 17.07.2009 No. 188-IV (the order of enforcement see Art. 2); dated 29.04.2010 No. 272-IV (the order of enforcement see Art. 2); dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 544. Anti-Fire State Services**

1. Anti Fire State Services consider cases on administrative offences provided by Articles 231 (first part), 249, 277, 284, 312, 313, 334 (part one and two), 460 of this Code.

2. On behalf of anti-fire state services, the following are entitled to examine and impose administrative penalties:

a head of municipal, regional, territorial authority of anti-fire state service - can impose fines for individuals - up to three monthly calculation indices, for officials - up to ten monthly calculation indices;

a head of territorial department of the state anti-fire service of the oblast (a town of republican importance, a capital) and his deputies - a fine for individuals up to ten, for officials - up to twenty-five, and for legal entities - up to a hundred monthly calculation indices;

a head of public anti-fire service and his deputies - a fine for individuals up to two hundred, for officials - up to four hundred, for legal entity s - up to two thousand monthly calculation index.

Footnote. Article 544 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006); as amended by the Law of the Republic of Kazakhstan dated 26.05.2008 No. 34-IV (the order of enforcement see Art. 2); dated 05.07.2008 No. 64-IV (the order of enforcement see Art. 3); dated 17.07.2009 No. 188-IV (the order of enforcement see Art. 2).

**Article 545. (Article 545 is excluded by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506).**

**Article 546. (Article 546 is excluded by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506).**

**Article 547. An authorized body for state regulation of civil aviation**

1. The authorized body for state regulation of civil aviation considers the cases on administrative offences, provided by articles 175 (part two) (on the offences, committed by carriers in an air transport), 443 (except for the cases of violations stipulated by the first, third and fourth parts of this article, committed at non-civil aviation airfields, or in the area of such ??aerodromes, by part 5), 444, 446 (first part), 447 (first part), 459, 460, 479 (for violations at air transport), 480 (part two), 482 of this Code.

2. On behalf of the authorized body for state regulation of civil aviation, the following are entitled to consider cases on administrative offences and impose administrative penalties:

the entitled officials (Articles 411, 444, 446 (first part), 459, 460 for violations in civil aviation activity).

**Footnote. Article 547 as amended by the Laws of the Republic of Kazakhstan dated 03.06.2003 No. 428; dated 03.07.2003 No. 464; dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); dated 15.07.2010 No. 340-IV (the order of enforcement see Art. 2).**

**Article 548. The Transport Control Bodies**

1. Traffic Control bodies consider cases on administrative offences provided by Articles 246 (first part), 247, 357-2 (first part), 439, 440, 440-1, 441, 447, 447-1, 447-2, 447-3, 447-4, 447-5, 448, 449, 450, 451, 452, 453 (in the first, third parts), 454 (in the fourth, fifth parts), 455, 456, 457, 458, 459, 460 (except for violations on air vehicles), 461 (part 6-1), 463 (first part, when these violations are violations of the rules for passenger and cargo transportation, the second and third parts), 467-1, 473-1, 477 (the first, second, fourth parts), 479-481 (except for violations at air transport vehicles), 483, 486 (first part), 490 of this Code.

2. Cases on administrative offences and administrative penalties on behalf of the transport control bodies may be considered and imposed by:

on all articles of this Code, referred to jurisdiction of the transport control body, - by a head of the transport control body and his deputies, heads of territorial transport control bodies and their deputies;

on administrative offences, provided by Articles 247, 357-2 (first part), 440, 440-1, 441, 447, 447-1, 447-2, 447-3, 447-4, 447-5, 452, 454 (part four), 455, 456, 459-460 (except for violations of air transport vehicles), 461 (part 6-1), 463 (first part, when

these violations are violations of the rules for passenger and cargo transportation , in the second and third parts) , 467-1, 473-1, 477 (the first, second, fourth parts), 479, 480 , 481 (except for violations of air vehicles), 483, 486 (first part), 490 - by the authorized officials of the transport control bodies.

3. The fines, imposed by the officials, defined in the third item of paragraph 2 of this article may not exceed twenty monthly calculation indices.

**Footnote.** Article 548 is in the wording of the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 30.12.2009 No. 234 -IV; dated 06.01.2010 No. 238-IV (the order of enforcement see Art. 2); dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.01. 2011 No. 399-IV ( shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 548-1. The bodies of state power supervision and control**

1. The bodies of state power supervision and control consider the cases on administrative offences, provided by Articles 219-1, 219-2, 219-3, 219-4, 219-5, 219-7 , 219-8 (Part One), 219-10 of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by the heads of territorial divisions of the bodies for state power supervision and control.

**Footnote.** Chapter 32 is supplemented by Article 548-1 in accordance with the Law of the Republic of Kazakhstan dated 13.01.2012 No. 542-IV (shall be enforced from 26.07.2012).

#### **Article 549. The authorized body for transport and communications**

1. The authorized body for transport and communications considers the cases on administrative offences, provided by Articles 175 (part two) (regarding the offences, committed by carriers by rail, sea and inland waterway transport), 357-2 (first part), 441, 443 (parts first, second, third and fourth), 444, 446 (first part), 450, 451 (second part), 452, 453 (first part), 455 (part three), 457 (in terms of small vessels and base structures for their parking, subjected to them), 459, 460, 481 (regarding violations in sea and air transport vehicles), 488, 489 of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by:

a head of the authorized body for transport and communications, and his deputies, heads of the authorized body for transport and communications, its regional offices and their deputies.

Footnote. Article 549 as amended by the Laws of the Republic of Kazakhstan dated 07.01.2003 No. 372; dated 03.06.2003 No. 428; dated 03.07.2003 No. 464; dated 05.12.2003 No. 506, dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006 ), dated 15.07.2010 No. 340-IV (the order of enforcement see Art. 2).

#### **Article 549-1. The authorized body for information and communication**

1. The authorized body for information and communication considers the cases on administrative offences provided by Articles 357-2 (first part), 492 (first part), 494 (first part), 494-1 (the first, second and fourth parts), 495, 496 (part one), 497-1, 497-2, 497-3 of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by:

1) the head of the authorized body for information and communication, and his deputies;

2) the heads of territorial department of the authorized body for information and communication.

Footnote. Chapter is supplemented by Article 549-1 in accordance with the Law of the Republic of Kazakhstan dated 20.01.2006 N 123 (shall be enforced from 01.01.2006) as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 10.07.2009 No. 178-IV; dated 07.12.2009 No. 221-IV (the order of enforcement see Art. 2); dated 10.01.2011 No. 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 550. State labor inspection bodies**

1. The bodies of the state labor inspection consider the cases on administrative offences provided by Articles 87, 87-1, 89-94, 175 (by part two of the offences committed by employers), 396 (the first, second and third parts), 399 of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by:

the state labor inspectors;

the officials of an authorized body for the Regional Financial Center of Almaty - against the members of the Regional Financial Center of Almaty.

Footnote. Article 550 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2009 No. 234-IV; as amended by the Law of the Republic of Kazakhstan dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 551. Justice Agencies**



1. Judicial bodies consider the cases on administrative offences provided by Article 128 of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by the head of the authorized body for intellectual property and his deputies, the head of the oblast, Astana and Almaty Justice bodies and his deputies.

*Footnote. Article 551 as amended by the Law of the Republic of Kazakhstan dated November 22, 2005 No. 90 (the order of enforcement see Art. 2), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).*

**Article 551-1. The authorized state body for state registration of legal entities, civil status acts, regulation of assessment activities**

*Footnote. Title of Article 551-1 as amended by the Law of the Republic of Kazakhstan dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication).*

1. The authorized state body for state registration of legal entities, civil status acts, regulation of assessment activities consider cases on administrative offences, provided in Article 357-2 (first part) of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by:

1) for administrative offences, provided by Article 357-2 (first part) of the Code - by the head of the authorized state body for state registration of legal entities, civil status acts, regulation of assessment activities and his deputies;

2) *excluded by the Law of the Republic of Kazakhstan dated 22.07.2011 No. 478-IV.*

*Footnote. Chapter is supplemented by Article 551-1 in accordance with the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006) as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication).*

**Article 552. Bodies on Migration**

1. Migration bodies consider the cases on administrative offences, provided by Article 399 (within their jurisdiction) of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by the head of a migration body of Kazakhstan, head of the regional, Astana and Almaty, and equal to it body on migration.

Footnote. Article 552 as amended by the Laws of the Republic of Kazakhstan dated 02.03.2006 No. 131, dated 06.07.2007 No. 276, dated 04.12.2009 No. 217-IV (shall be enforced from 01.01.2010).

### **Article 553. An authorized body for industrial safety**

1. An authorized body for industrial safety consider the cases on administrative offences, provided by Articles 89 and 175 (part two) (in terms of offences committed by the owners of facilities whose activities caused damage to the third parties), 220, 221, 270, 271, 272 (in terms of technical safety), 357-2 (first part), 504 of this Code.

2. On behalf of the authorized body for industrial safety, the following are entitled to consider cases and impose administrative penalties:

1) the state inspectors of an authorized body for industrial safety and its regional bodies - a fine for individuals up to five, for officials - up to twenty five monthly calculation indices;

2) a head of the territorial unit of the authorized body for industrial safety and his deputies - a fine for individuals up to ten, for officials - up to fifty, for legal entities - up to 150 monthly calculation indices;

3) a head, heads of departments, divisions, and their deputies of an authorized body for industrial safety - a fine for individuals up to fifty, for officials - up to a hundred, on legal entity s - up to 500 monthly calculation indices.

3. *Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication)*

Footnote. Article 553 is in the wording of the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); as amended by the Laws of the Republic of Kazakhstan dated 04.05.2010 No. 275-IV; dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 553-1. The authorized body for civil defense**

1. The authorized body for Civil defense considers the cases on administrative offences provided by Article 504 of this Code.

2. Cases on administrative offences, related to non-performance of legal acts in civil defense area, and administrative penalties may be considered and imposed by:

1) the state inspectors of the Republic of Kazakhstan on the state control in Civil defense area and the regional bodies;

2) a head of the territorial unit of the authorized body for civil defense and his deputies.

Footnote. Chapter 32 is supplemented by Article 553-1 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 554. An authorized body for environmental protection**

1. An authorized body for environmental protection considers the cases on administrative offences, provided by Articles 122, 123 (second part), 175 (part two in terms of offences committed by the persons engaged in environmentally hazardous business and other activities), 220 (part one) 240, 240-1, 241-246 (Part I), 247-250, 261, 264, 265, 270-272, 275 (second part), 276, 291, 294, 296, 301, 302 (part 1) 303 (first part), 304 (first part), 305 (first part), 306 (first part), 306-1 (the first, second, fourth parts), 306-3 (part one), 357-2 (part one ) of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by:

State environmental inspectors and senior state environmental inspectors of regions , cities of republican status, and the capital - the fine for individuals is up to twenty, for officials - up to fifty, for legal entities - up to 200 monthly calculation indices;

State environmental inspectors of the Republic of Kazakhstan - the fine for individuals up to twenty, for officials - up to seventy, for legal entities - up to 250 monthly calculation indices;

senior government environmental inspectors of the Republic of Kazakhstan - the fine for individuals up to forty, for officials - up to 300, for legal entities - up to 500 monthly calculation indices;

the main state environmental inspectors of oblasts, cities of republican status, the capital - a fine for individuals up to fifty, for officials - up to 150, for legal entities - up to 2 000 monthly calculation index, as well as a fine, defined as a percentage of the transaction amount, conducted with violations of the legislation of the Republic of Kazakhstan, or the amount of damage made to the environment;

chief environmental inspector of the Republic of Kazakhstan and his deputy - the fine for individuals up to fifty, for officials - up to 150, for legal entities - up to 2 000 monthly calculation index, as well as a fine, defined as a percentage of the transaction amount, conducted with violation of the legislature of the Republic of Kazakhstan, or the amount of damage caused to the environment.

Footnote. Article 554 is in the wording of the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); as amended by the Laws of the Republic of Kazakhstan dated 09.01.2007 No. 213 (the order of enforcement see Art. 2), dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 554-1. The authorized body for subsoil study and use**

1. The authorized body for subsoil study and use considers the cases on administrative offences, provided for by Articles 123 (part one), 259-274, 275 (first part), 301, 302 (the first, second), 303 (first part), 304 (part first), 305 (first part), 306 (first part) of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by:

the territorial senior state and territorial state inspectors for study and use of mineral resources - the fine for individuals up to ten, for officials - up to fifteen, for legal entities - up to one hundred and fifty monthly calculation indexes;

state inspectors of the Republic of Kazakhstan for study and use of mineral resources, deputies of the territorial chief state inspectors for study and use of mineral resources - a fine for individuals up to fifteen, for officials - up to twenty five, and for legal entities - up to two hundred and fifty monthly calculation indexes;

senior state inspectors of the Republic of Kazakhstan for study and use of mineral resources, territorial chief state inspectors for study and use of mineral resources - the fine for individuals up to twenty-five, for officials - up to fifty, for legal entities - up to five hundred monthly calculation indexes;

Chief Inspector of the Republic of Kazakhstan for study and use of mineral resources and his deputies - a fine for individuals up to fifty, for officials - up to a hundred, for legal entities - up to a thousand monthly calculation index.

**Footnote. Supplemented by Article 554-1 in accordance with the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506; as amended - dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

## **Article 555. Customs bodies**

1. Customs bodies shall consider cases on administrative offences, provided by Articles 140 (first part), 141, 357-2 (first part), 400, 401, 402, 403, 404, 405 (second and third parts), 406, 407, 409 - 1, 411, 412, 425, 431, 434, 434-1, 435, 438, 438-1 of this Code.

2. Customs bodies shall consider cases on administrative offences provided by Articles 175 (second part), 220, 240 (first part), 247, 294 (first part), 323 (first part), 447 (second and third parts), 447-1 ( Part One), 447-2, 447-3, 460 (for administrative offences committed on motor transport), 461 (the parts first, second, fourth, fifth, sixth, 6-1), 463 (second and third parts), 467 - 1, 470 (the third part), 477 (part four) of this Code when the administrative offences, listed in this paragraph are committed in the road checkpoints across the state border of the Republic of Kazakhstan.

3. Cases on administrative offences and administrative penalties may be considered and imposed by the heads of customs bodies or their deputies.

Footnote. Article 555 is in the wording of the Law of the Republic of Kazakhstan dated 06.01.2010 No. 238-IV (the order of enforcement see Art. 2); as amended by the Law of the Republic of Kazakhstan dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

#### **Article 556. The bodies of the Ministry of Defense of the Republic of Kazakhstan**

1. The bodies of the Ministry of Defense of the Republic of Kazakhstan consider the cases on administrative offences, provided by Articles 461 (the first, second, fourth and sixth parts), 462 (first and second parts), 463 (except for the part 1-1), 464 (first part), 467 (in the fourth, sixth parts), 468 (the third part), 470, 472-476, 477 (in the first, second, fourth), 503, 505-512 of this Code.

2. Cases on administrative offences and administrative penalties on behalf of the Ministry of Defense of the Republic of Kazakhstan may be considered and imposed by :

1) for administrative offences, provided in Articles 503, 505-512 of the Code - a head of the local military command;

2) Officials of the military auto-police: the head or deputy head, chairman of the Military Qualification Commission, Chief Inspector and other military personnel, appointed in the prescribed manner as the staff and freelance inspectors of military auto-police - in the form of a warning for administrative offences, provided by articles 461 (part one ), 462 (first part), 463 (first part), 464 (first part), 470 (first part), 473 ( first part), 476 of this Code.

3. Materials on offences, committed by drivers of vehicles of the Armed Forces of the Republic of Kazakhstan - the military and military servicemen called for trainings , for which an administrative fine is prescribed by the Ministry of Defense of the Republic of Kazakhstan, are submitted by the military Automobile Inspectorate to the appropriate commanders (chiefs) to address the issue of bringing the drivers to responsibility in compliance with the Disciplinary regulations of the Armed Forces of the Republic of Kazakhstan.

Protocols on offences, committed by drivers of vehicles of the Armed Forces of the Republic of Kazakhstan - the military and military servicemen called for training duties , for which an administrative penalty may be imposed in the form of deprivation of the right to drive a vehicle, are submitted by a military auto-inspection in the manner prescribed by the Ministry of Defense and the Ministry of Interior of the Republic of Kazakhstan, to the traffic police bodies to be further forwarded to the court.

Footnote. Article 556 as amended by the Laws of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from

January 1, 2006); dated May 22, 2007 No. 255 (shall be enforced from the day of its official publication), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

#### **Article 557. The bodies, performing State sanitary and epidemiological supervision**

1. The bodies for state sanitary and epidemiological supervision consider cases on administrative offences, provided by Articles 89, 140 (first part), 161 (part three), 164, 220, 221, 236, 239, 240, 242, 244, 248, 249, 261, 270, 272, 275, 276, 277 (part two), 281-1, 294, 304 (first part), 310, 323 (first part), 333, 357-2 (first part), 387, 477 (the first, second), 494 (first part) of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by the chief state sanitary doctor of Kazakhstan and his deputies, chief state sanitary officers of oblasts, towns, districts and their deputies, chief state medical officers for transport and their deputies.

Footnote. Article 557 as amended by the Laws of the Republic of Kazakhstan dated 05.12.2003 No. 506, dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006), dated 10.07.2009 No. 180-IV; dated 17.07.2009 No. 188-IV (the order of enforcement see Art. 2).

#### **Article 557-1. A State authority for medicines, medical supplies and medical equipment**

Footnote. Title of Article 557-1 as amended by the Law of the Republic of Kazakhstan dated 16.07.2009 No. 186-IV.

1. A state authority for medicines, medical supplies and medical equipment, and its territorial subdivisions consider cases on administrative offences, provided by the first part of Article 324, part one of Article 357-2 of this Code, within its competence.

2. Cases on administrative offences and administrative penalties may be considered and imposed by a head of a state body for medicines turnover, medical supplies and medical equipment, his deputies, heads of territorial units and their deputies.

Footnote. The Code is supplemented by new Article 557-1 in accordance with the Law of the Republic of Kazakhstan dated May 6, 2004 No. 551; as amended by the Law of the Republic of Kazakhstan dated 16.07.2009 No. 186-IV.

#### **Article 557-2. State control authority for health services provision**

1. A state control authority for control over provision of medical services and its territorial subdivisions consider cases on administrative offences, provided by Articles 85 (the first, second and third parts), 85-1 (first part), 85-2 (first part), 322 (parts 1 and 2), 325 of this Code, within its competence.



2. Cases on administrative offences and administrative penalties may be considered and imposed by a head of a state body controlling provision of health services and the heads of its territorial units.

Footnote. Chapter is supplemented by Article 557-2 in accordance with the Law of the Republic of Kazakhstan dated July 7, 2006 No. 171 (the order of enforcement see Art. 2); Article as amended by the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008), dated 16.07.2009 No. 186-IV.

**Article 558. The medical services of the Ministry of Defense, Ministry of Interior and the National Security Committee of Kazakhstan, the Committee of the Correctional System of the Ministry of Internal Affairs of the Republic of Kazakhstan, Conducting Sanitary Supervision**

The medical services of the Ministry of Defense, Ministry of Interior and the National Security Committee, the Committee of the correctional system of the Ministry of Internal Affairs of the Republic of Kazakhstan, carrying out sanitary supervision, consider the cases on administrative offences, provided by Article 323 (first part) of this Code, on violations of sanitary and sanitary-epidemiological rules at the objects, located in the territory of the military towns and military training centers of the Ministry of Defense of the Republic of Kazakhstan, and at the facilities, subordinated to the Ministry of Internal Affairs and the National Security Committee, the Committee of the penal system of the Ministry of Internal Affairs of the Republic of Kazakhstan.

Footnote. Article 558 is in the wording of the Law of the Republic of Kazakhstan dated 18.01.2012 No. 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 559. An authorized body for veterinary medicine**

1. The officials of the authorized body or veterinary consider the cases on administrative offences, provided by Article 310 of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by:

Chief state veterinary and sanitary inspector of the Republic of Kazakhstan and his deputies - a fine for individuals up to five, for officials, entrepreneurs, legal entities of small and medium enterprises - up to fifty, for legal entities of large enterprises - up to a hundred monthly calculation indices;

State vet-sanitary inspectors of veterinary control points at border and customs checkpoints (border checkpoints of the Republic of Kazakhstan), chief state veterinary and sanitary inspectors of the oblasts, (towns of republican status, the capital) and their deputies, state veterinary and sanitary inspectors of a town of national importance , the capital - the fine for individuals up to five, for officials, entrepreneurs, legal entities of

small and medium enterprises - up to forty, for legal entities of large enterprises - up to eighty monthly calculation indices;

chief state veterinary and sanitary inspectors and state vet-sanitary inspectors of districts (towns of regional importance) - the fine for individuals up to three, for officials, entrepreneurs, legal entities of small and medium enterprises - up to twenty, for legal entities, being a subject of a large-scale enterprise - up to fifty monthly calculation indices.

3. The officers of the government veterinary departments may levy fine on the spot :

1) in the point of sale - for violating the veterinary-sanitary rules for sale of animals (including poultry, fish and bees), food and raw materials of animal origin;

2) on the rail, water and air transport, on highways and dirt roads, on animals drift roads - for violating the sanitary rules for transportation of animals (including poultry, fish and bees), products and raw materials of animal origin, as well as the rules of livestock over landing;

3) at the state border - for violation of sanitary rules for protection of the territory of the Republic of Kazakhstan from contagious animal diseases (including birds, fish and bees) coming from a foreign country.

**Footnote.** Article 559 as amended by the Laws of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006); dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008); dated 24.07.2009 No. 190-IV (the order of enforcement see Art. 2).

#### **Article 559-1. An authorized body for livestock breeding**

1. The officials of the body, authorized for livestock breeding consider cases on administrative offences, provided by Article 310-1 (first part) of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by the Chief Inspector for livestock breeding of Kazakhstan, Deputy Chief Inspector for livestock breeding of the Republic of Kazakhstan, chief state inspectors for livestock breeding of oblasts, towns of republican status, the capital, and their deputies, the state inspectors for livestock breeding of rural districts and the towns of regional importance.

**Footnote.** Chapter 32 is supplemented by Article 559-1 in accordance with the Law of the Republic of Kazakhstan dated 12.01.2012 No. 540-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 560. An authorized body for plant quarantine**

1. The authorized body for plant quarantine and its local bodies consider the cases on administrative offences, provided by Article 307 of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by:

Chief Inspector for Plant Quarantine of the Republic of Kazakhstan and his deputy - the fine for individuals up to five, for officials, entrepreneurs, legal entities of small and medium enterprises - up to forty, for legal entities of large enterprises - up to 100 monthly calculation indices;

chief state inspectors for plant quarantine, state inspectors for plant quarantine of regional and municipal services - the fine for individuals up to five, for officials, entrepreneurs, legal entities of small and medium enterprises - up to thirty-five, for legal entities of large-scale enterprises - up to eighty monthly calculation indices;

the state inspectors for plant quarantine of municipal, district services, border crossings and checkpoints - the fine for individuals up to five, for officials, entrepreneurs, legal entities of small and medium enterprises - up to thirty, for legal entities of a large enterprise - up to seventy monthly calculation indices.

**Footnote. Article 560 is in the wording of the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

#### **Article 560-1. An authorized body for seed production, development of cotton industry and regulation of grain market**

1. The authorized body for seed production, development of cotton industry and regulation of the grain market and its local agencies consider the cases on administrative offences, provided by Articles 186, 309-1 (parts two, three, four), 309-2 (parts one-third), 309 4 (the first, second, third parts), 357-2 (first part) of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by the heads of territorial bodies and their deputies.

**Footnote. The Code is supplemented by Article 560-1 in accordance with the Law of the Republic of Kazakhstan dated 05.12.2003 No. 506 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); dated 21.07.2007 No. 299, dated 27.07. 2007 No. 314 (shall be enforced from 01.01.2008); dated 11.12.2009 No. 229-IV (the order of enforcement see Art. 2).**

#### **Article 560-2. An authorized body for plant protection**

1. An authorized body for plant protection and its sub-departments consider cases on administrative offences, provided by Articles 220, 294, 309-3, 357-2 (first part) of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by:

Chief State Inspector for Plant Protection of the Republic of Kazakhstan - the fine for individuals up to twenty, for officials, entrepreneurs, legal entities of small and medium enterprises - up to a hundred, for legal entities of large enterprises - up to two hundred monthly calculation indices;

chief state inspectors for plant protection of the corresponding administrative-territorial units - the fine for individuals up to fifteen, for officials, entrepreneurs, legal entities of small and medium enterprises - up to eighty, for legal entities of large enterprises - up to one hundred seventy monthly calculation indices ;

state inspectors for plant protection - the fine for individuals up to fifteen, for officials, entrepreneurs, legal entities of small and medium enterprises - up to seventy-five, and for legal entities of large enterprises - up to one hundred fifty monthly calculation indices.

**Footnote. Article 560-2 is in the wording of the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

#### **Article 561. The authorized bodies for use and protection of water resources**

1. The authorized bodies for use and protection of water resources consider the cases on administrative offences, provided by Articles 121, 124 (second part), 276, 277 , 278 (part two), 279-281, 281-2 of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by:

Chief State Inspector for regulation of use and protection of water and his deputies, the chief state basin (territorial) inspectors, regulating the use and protection of water resources and their deputies - the fine for individuals up to fifteen, for officials, entrepreneurs, legal entities of small or medium-scale business or non-profit organizations - up to seventy, for legal entities of large enterprises - up to three hundred monthly calculation indices;

senior state inspectors, regulating the use and protection of water - the fine for individuals up to fifteen, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - up to sixty-five, and for legal entities of large businesses - up to two hundred and seventy monthly calculation indices;

the state inspectors, regulating the use and protection of water - the penalty for individuals up to fifteen, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - up to sixty, and for legal entities of large enterprises - up to two hundred and sixty monthly calculation indices.

Footnote. Article 561 is in the wording of the Law of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from January 1, 2008); as amended by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 180-IV.

#### **Article 562. Competent bodies for forestry, fishing and hunting**

1. Competent bodies for forestry, fishing and hunting consider cases on administrative offences, provided by Articles 121, 125, 126, 250, 252, 282, 283 (part two), 284-297, 298 (first part), 298-1 (by the first and third parts), 299, 300, 304 (first part), 305 (first part), 306 (first part), 357-2 (first part) of this Code.

2. Cases on administrative offences and administrative penalties on behalf of the bodies for forestry, fishing and hunting may be considered and imposed by:

1) for administrative offences, provided by Articles 121, 125, 126, 250, 252, 282, 283 (part two), 284-297, 298 (first part), 298-1 (first and third parts), 299, 300, 304 (first part), 305 (first part), 306 (first part), 357-2 (first part) of this Code, - by the officials of the authorized bodies for forestry, fishing and hunting of the Republic of Kazakhstan and their territorial bodies;

2) for administrative offences, provided by Articles 121, 250, 252, 282, 283 (part two), 284-291, 294, 296, 297, 298 (first part) of this Code, - by the heads, deputy heads of the state forestry institutions;

2-1) for administrative offences, provided by Articles 121, 250, 252, 282, 283 (part two), 284-291, 294, 296, 297, 298 (first part) of this Code - by the officials of the structural sub-departments of forestry and hunting management of the oblast executive agencies;

3) for administrative offences, provided by Articles 121, 126, 250, 252, 283 (second part), 284 (the third part), 285 (second part), 286 (second part), 287 (part four), 289 (part four), 290 (second part), 291 (second part), 294 (second part), 296-1, 297, 298 (part one), 298-1 (in parts one and three) of this Code, - by the heads, deputy heads, heads of security departments for specially protected areas, established in the legal framework of a public institution.

Footnote. Article 562 is in the wording of the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506; as amended by the Law of the Republic of Kazakhstan dated January 10, 2006 No. 116 (the order of enforcement see Art. 2 of the Law No. 116); dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006); dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

#### **Article 563. The bodies for state control over land use and protection**

1. A Central authorized body for management of land resources and its territorial agencies consider the cases on administrative offences, provided by Articles 118, 120, 121, 250-258, 357-2 (first part) of this Code.-

2. Cases on administrative offences and administrative penalties may be considered and imposed by:

Chief State Inspector for land use and protection of the Republic of Kazakhstan - the fine for individuals up to seventy-five, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - up to a hundred and fifty, for legal entities of large-scale enterprises - up to seven hundred monthly calculation indices;

the chief state inspectors for land use and protection of the respective administrative-territorial units - the fine for individuals up to sixty, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - up to 120, for legal entities of large-scale enterprises - up to 550 monthly calculation indices;

the state inspectors for land use and protection - a fine for individuals up to fifty, for officials, entrepreneurs, legal entities of small or medium-sized business or non-profit organizations - up to a hundred, for legal entities of large enterprises - up to three hundred monthly calculation indices.

**Footnote.** Article 563 is in the wording of the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006); as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from January 1, 2008), dated 10.07.2009 No. 180-IV.

#### **Article 563-1. The authorized body on investment**

1. An authorized agency for investment considers the cases on administrative offences, provided by Article 134-1 of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by the head of the authorized body on investments and his deputies.

**Footnote.** Supplemented by Article 563-1 in accordance with the Law of the Republic of Kazakhstan dated May 4, 2005 No. 48.

#### **Article 563-2. Bodies for state control for geodesy and cartography**

1. A central authorized body for geodesy and cartography and its local agencies consider the cases on administrative offences, provided by Article 258-1 of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by the head of the central authorized body for geodesy and cartography and his deputies, heads of territorial agencies and their deputies.



Footnote. Chapter 32 is supplemented by Article 563-2 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 564.** (Article 564 is excluded by the Law of the Republic of Kazakhstan of December 5, 2003 No. 506).

**Article 565. Antimonopoly authority**

1. The antimonopoly body shall consider the cases on administrative offences, provided by Articles 147-2, 147-3, 147-4, 163-5 of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by the head of anti-monopoly body and his deputies, the heads of territorial divisions of the antimonopoly body and their deputies.

Footnote. Article 565 is in the wording of the Law of the Republic of Kazakhstan dated July 7, 2006 No. 174; as amended by the Laws of the Republic of Kazakhstan dated 25.12.2008 No. 113-IV (shall be enforced from 01.01.2009); dated 26.01.2011 No. 400-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

**Article 565-1. The authorized body for managing of natural monopolies and the regulated markets**

Footnote. Title of Article 565-1 as amended by the Law of the Republic of Kazakhstan dated 29.12.2008 No. 116-IV (shall be enforced from 01.01.2009).

Note of the RCLI!

There are amendments to paragraph 1 by the Law of the Republic of Kazakhstan dated 04.07.2012 No. 25-V (shall be enforced from 01.01.2017).

1. The authorized body, managing natural monopolies and the regulated markets, considers the cases on administrative offences, provided by Articles 147-5, 147-6 (the first, second and third parts), 147-7, 147-8, 147-9, 186, 357-2 (first part) of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by the head of the authorized body, running the natural monopolies and the regulated markets, and his deputies, the heads of territorial bodies of the authorized body, administering the natural monopolies and the regulated markets, and their deputies.

Footnote. Chapter is supplemented by Article 565-1 in accordance with the Law of the Republic of Kazakhstan dated July 7, 2006 No. 174 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2008 No. 116-IV (shall be enforced from 01.01.2009); dated 04.07.2012 No. 25-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 565-2. An authorized body for control and regulation of activities, referred to a state monopoly area**

An authorized body, entitled to control and regulate the activities, referred to the state monopoly area, considers the cases on administrative offences, provided by Article 147-1 (first part) of this Code.

Cases on administrative offences and administrative penalties may be considered and imposed by a head of an authorized agency, controlling and regulating the activity, referred to the state monopoly area, and his deputies, the heads of territorial bodies of the authorized agency, controlling and regulating the activity, referred to the state monopoly, and their deputies.

**Footnote.** Chapter is supplemented by Article 565-2 in accordance with the Law of the Republic of Kazakhstan dated 07.07.2006 No. 174 as amended by the Law of the Republic of Kazakhstan dated 21.01.2010 No. 242-IV (the order of enforcement see Art. 2).

**Article 566. Bodies for state control over technical regulations and ensuring measurement traceability**

1. The bodies for state control over technical regulations and provision of measurement traceability, consider the cases on administrative offences, provided by Articles 161 (first part), 164, 219-9, 317 (first part), 317-4 (first part), 357 - 2 (first part), 496 (first part) of this Code.

2. Chief Inspector of Kazakhstan for state control and supervision and his deputies, and the chief state inspectors of oblasts and cities for the state control and supervision and their deputies are entitled to impose administrative penalties.

**Footnote.** Article 566 as amended by the Laws of the Republic of Kazakhstan dated 05.12.2003 No. 506, dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 13.01. 2012 No. 542-IV (shall be enforced from 26.07.2012); dated 28.06.2012 No. 24-V (shall be enforced upon expiry of ten calendar days after its first official publication), dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 567. The authorized body for registration of agricultural machinery**

1. The authorized body for registration of agricultural machinery considers the cases on administrative offences, provided by Articles 461 (the first, second and fourth parts) (regarding the offences committed by drivers of tractors, self-propelled

agricultural, irrigation and road-building machines), 470, 474, 475, 483 of this Code, in the part, related to the bodies for registration of agricultural machinery, tractors and other self-propelled equipment.

2. Cases on administrative offences and administrative penalties on behalf of the authorized body for registration of agricultural machinery may be considered and imposed by the engineers-inspectors of district and oblast competent bodies for registration of agricultural equipment.

**Footnote. The Article as amended by the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

#### **Article 567-1. The authorized state body for crop growing**

1. The authorized state body for crop considers the cases on administrative offences , provided by Articles 173 (in the second and sixth parts) (regarding the offences, committed by mutual insurance societies for plant growing), 175 (part two) (in terms of the offences, committed by the producers of crop production) of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by a head the authorized state body for crop growing and his deputies, the heads of territorial bodies and their deputies.

**Footnote. The Code is supplemented by Article 567-1 in accordance with the Law of the Republic of Kazakhstan dated 03.06.2003 No. 428 as amended by the Laws of the Republic of Kazakhstan dated 30.12.2009 No. 234-IV; dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 568. Bodies for state architectural-building control and supervision over the quality of construction**

**Footnote. Title is in the wording of the Law of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Art. 2 of the Law No. 116); as amended by the Law of the Republic of Kazakhstan dated 06.01.2011 No. 378-IV ( shall be enforced upon expiry of ten calendar days after its first official publication).**

1. The bodies for state architectural-building control and supervision over the quality of construction, consider the cases on administrative offences, provided by Articles 230, 231 (first part), 234, 235 (part one), 235-1 (the first, second and third parts), 236, 237-2, 238, 239, 278 (second part), 291, 357-2 (first part), 387, 499 of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by the Chief State Construction Inspector of the Republic of Kazakhstan and his deputies, as well as the chief state building inspectors of oblasts, cities of republican status, the capital.

Footnote. Article 568 is in the wording of the Law of the Republic of Kazakhstan dated 05.12.2003 No. 506, dated 21.10.2005 No. 80; as amended by the Laws of the Republic of Kazakhstan dated January 10, 2006 No. 116 (the order of enforcement see Art. 2 of the Law No. 116); dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006); dated July 21, 2007 No. 307 (the order of enforcement see Art. 2 of the Law), dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 13.01.2012 No. 542-IV (shall be enforced upon expiry of 10 calendar days after its first official publication), dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 569. The authorized body for statistics**

1. The authorized body for statistics considers cases on administrative offences, provided for in Articles 381, 381-2, 382, 383, 384 and 384-1 of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by the heads of territorial bodies of the authorized body for statistics and their deputies.

Footnote. Article 569 is in the wording of the Law of the Republic of Kazakhstan dated 19.03.2010 No. 258-IV.

Note of the RCLI!

There are amendments to Article 570 by the Law of the Republic of Kazakhstan dated 21.06.2012 No. 19-V (shall be enforced from 01.01.2013).

#### **Article 570. Tax Service**

1. The tax bodies consider the cases on administrative offences, provided for by Articles 88 (parts three, four and five), 88-1 (parts second, third), 163 (the first, second, fifth and eighth parts), 166, 205 - 208, 210 - 212, 213 (part one - third), 215-218, 218-1 (part one - sixth, eighth), 219, 357-2 (first part), 358, 358-1, 360 of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by the heads of tax bodies and their deputies.

Footnote. Article 570 as amended by the Laws of the Republic of Kazakhstan dated March 13, 2003 No. 394, dated December 5, 2003 No. 506, dated April 8, 2004 No. 542 (shall be enforced from January 1, 2005); dated December 13, 2004 No. 11 (shall be enforced from January 1, 2005), dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated December 11, 2006 No. 201 (shall be enforced from January 1, 2007); dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008), dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009), dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010), dated 09.11.2011 No. 490

-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 570-1. Financial Police**

1. Finance Police considers the cases on administrative offences, provided for by Articles 140 (first part), 141, 161-1, 164, 169-1, 176 (first part), 205 (the first, second, fourth and fifth parts), 206-2, 207, 212, 215, 358-361 of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by the head of the Finance Police and his deputies, the heads of financial police of oblasts, towns of national significance, the capital of Kazakhstan, interregional, regional, municipal and district departments of special units of financial police and their deputies.

Footnote. The Code is supplemented by Article 570-1 in accordance with the Law of the Republic of Kazakhstan dated 12.07.2001 No. 240 as amended by the Laws of the Republic of Kazakhstan dated 05.12.2003 No. 506, dated 09.12.2004 No. 10, dated 21.10.2005 No. 80, dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008), dated 17.07.2009 No. 188-IV (the order of enforcement see Art. 2); dated 07.12. 2009 No. 222-IV (the order of enforcement see Art. 2).

#### **Article 571. Bodies of the Ministry of Finance of the Republic of Kazakhstan**

1. Bodies of the Ministry of Finance of the Republic of Kazakhstan consider the cases on administrative offences, provided by Articles 176 (second part), 177, 178, 179-2, 184-2, 186, 204, 357-2 (first part) of this Code.

2. Cases on administrative offences and administrative penalties may be considered by:

1) *(is excluded)*.

2) for administrative offences, defined by Articles 176 (part two), 177, 178, 179-2, 184-2, 186, 204, 357-2 (first part) of this Code, - by the head of the authorized state body for public financial control and public procurement and his deputies, the heads of territorial bodies; the head of the authorized state body, regulating the auditing activity;

3) *(is excluded)*.

Footnote. Article 571 as amended by the Laws of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated October 21, 2005 No. 80, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated May 5, 2006 No. 139 (the order of enforcement see Art. 2 of the Law No. 139); dated July 5, 2006 No. 165 (the order of enforcement see Art. 2); dated July 7, 2006 No. 171 (the order of enforcement see

Art. 2), dated February 28, 2007 No. 235 (the order of enforcement see Art. 2); dated July 27, 2007 No. 315 (shall be enforced from the date of its publication), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008), dated 20.02.2009 No. 138-IV (the order of enforcement see Art. 2).

#### **Article 571-1. A central authorized body for internal control**

1. A central authorized body for internal control considers cases on administrative offences, provided by Article 167 of this Code.

2. Cases on administrative offences and administrative penalties may be considered by the head of the central authorized body for internal control and his deputies, heads of territorial divisions.

**Footnote.** Article 571-1 is in the wording of the Law of the Republic of Kazakhstan dated July 21, 2007 No. 304 (shall be enforced from January 1, 2008).

#### **Article 571-2. An authorized body for state regulation in ??bankruptcy**

1. An authorized body and its territorial bodies that perform state regulation of bankruptcy, consider the cases on administrative offences, provided by Article 155-1 (the first, second and third parts) of this Code.

2. Cases on administrative offences and administrative penalties may be considered by the head of the authorized body, performing the state regulation of ??bankruptcy, and his deputies, the heads of territorial bodies of the authorized body, performing the state regulation in the area of ??bankruptcy, and their deputies.

**Footnote.** Chapter 31 is supplemented by Article 571-2 in accordance with the Law of the Republic of Kazakhstan dated 05.07.2008 No. 60-IV (the order of enforcement see Art. 2).

#### **Article 572. The bodies of the National Bank of the Republic of Kazakhstan**

1. The bodies of the National Bank of Kazakhstan consider the cases on administrative offences, provided by Articles 166-1, 168, 168-2 (the fourth, ninth and tenth parts), 168-6, 168-7, 169, 169-2, 172-2 (parts 1 and 2), 179 (parts three and four), 180, 182, 188 (first and third parts), 188-1, 218, 357-2 (first part) of this Code, and Article 381, regarding the initial statistics data, collected within their competence.

2. Cases on administrative offences and administrative penalties may be considered by the Chair of the National Bank of Kazakhstan, his deputies, and the heads of regional branches.

3. The powers of the National Bank of Kazakhstan, as well as its employees who are eligible to make a protocol on administrative offence shall be determined in accordance with the Code.



Footnote. Article 572 as amended by the Laws of the Republic of Kazakhstan dated 28.03.2003 No. 398, dated 10.07.2003 No. 483 (shall be enforced from 01.01.2004); dated 05.12.2003 No. 506, dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006), dated 19.02.2007 No. 230 (the order of enforcement see Art. 2), dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008); dated 04.07.2009 No. 167-IV (the order of enforcement see Art. 2); dated 19.03.2010 No. 258-IV; dated 21.07.2011 No. 466-IV (shall be enforced upon expiry of thirty calendar days after its first official publication), dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 573. The authorized body for control and supervision of financial market and financial organizations**

1. The authorized body for control and supervision of financial institutions and financial organizations consider the cases on administrative offences, provided by Articles 88 (the first, 1-1, 1-2, sixth and seventh parts), 158-1, 158-2, 167-1 (part one), 168-2 (Part 1 - 3, fifth - eighth, eleventh and twelfth), 168-4, 170, 170-1, 171, 172, 172-1, 172-2 (Part 3 - 6), 173 (the first, third - fifth, seventh - fifteen parts), 174, 175 (the first, third and fourth parts), 175-1, 175-2, 179-3, 191, 193, 194, 194-1, 195, 195 - 1, 196, 196-1, 197-1, 199, 201, 201-1, 218, 357-2 (first part) of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by the first head of the authorized body for control and supervision of financial market and financial organizations, and his deputies.

Footnote. Article 573 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2011 No. 524-IV (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 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 574. Social security bodies of the Republic of Kazakhstan**

1. Social security bodies of the Republic of Kazakhstan consider the cases on administrative offences, provided for by Articles 88 (second part), 88-1 (first part) of this Code.

2. Cases on administrative offences and administrative penalties may be considered by the heads of Social Protection departments of Kazakhstan and their deputies.

Footnote. Article 574 as amended by the Laws of the Republic of Kazakhstan dated March 13, 2003 No. 394, dated December 5, 2003 No. 506, dated April 8, 2004 No. 542 (shall be enforced from January 1, 2005); dated July 27, 2007 No. 315 (shall be

enforced from the date of publication), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).

**Article 574-1. The authorized state body, performing regulation and supervision of pension funds, organizations, engaged in investment management of pension funds, custodian banks , insurance companies**

Footnote. Supplemented by Article 574-1, as amended by the Law of the Republic of Kazakhstan dated March 13, 2003 No. 394; Article is excluded by the Law of the Republic of Kazakhstan dated July 10, 2003 No. 483 (shall be enforced from January 1 , 2004).

**Article 575. Border guard service of the National Security Committee of the Republic of Kazakhstan**

Footnote. Title is in the wording of the Law of the Republic of Kazakhstan dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Border guard service of the National Security Committee of the Republic of Kazakhstan considers the cases on administrative offences, provided for by Articles 298 (first part), 306 (first part), 389, 390 (first part), 391 (first part), 391-1 (first part), 392 , 394 (first part) of this Code.

2. Cases on administrative offences and administrative penalties on behalf of the Border guard service of the National Security Committee may be considered and imposed by:

the Head of the Border guard service of the National Security Committee of Kazakhstan and his deputies, the heads of special groups and their deputies - a warning or a fine for individuals up to ten monthly calculation indices, for officials - up to fifty, for legal entities - up to two thousand monthly calculation indices;

the heads of border troops, commanders of military units of border control, naval military units and their deputies - a warning or a fine for individuals up to ten monthly calculation indices, for officials - up to twenty five monthly calculation indices.

3. Cases on administrative offences on the continental shelf of the Republic of Kazakhstan and administrative penalties may be imposed by:

1) for the illegal transfer of mineral and living resources of the continental shelf of the Republic of Kazakhstan to foreigners or foreign entities or foreign states:

a Head of the Border Service of the Republic of Kazakhstan and his deputies, the heads of special groups and their deputies - a fine up to two hundred monthly calculation indices , the heads of the border troops, commanders of military units of border control, maritime military units - a fine of up to two hundred monthly calculation indices;

2) *(is excluded)*.

Footnote. Article 575 as amended by the Laws of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated March 2, 2006 No. 131, dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008), by the Law of the Republic of Kazakhstan dated December 19, 2007 No. 11-IV (the order of enforcement see Art. 2); dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 576. State secret protection bodies**

1. State secret protection bodies consider cases on administrative offences, provided for by Articles 357-2 (first part), 385, 386 (the first, second) of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by:

the head of the authorized body for protection of state secrets, and his deputy, the head of the National Security Committee and his deputy - a fine for officials is up to twenty monthly calculation indices;

the head of the authorized body for protection of state secrets and his deputies, the Chairman of the National Security Committee of Kazakhstan and his deputies - a fine for officials up to fifty monthly calculation indices , for individuals - up to twenty, for legal entities - up to two hundred monthly calculation indices.

Footnote. Article 576 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

#### **Article 576-1. The Bodies of state control over production and turnover of excisable products**

1. The bodies of state control over production and turnover of excisable goods consider the cases on administrative offences, provided for by Articles 163 (the first, second, fifth and eighth parts), 213 (Part One - third), 357-2 (part one).

2. Cases on administrative offences and administrative penalties may be considered and imposed by the head (deputy) of the body of state control over production and turnover of excisable goods.

Footnote. Supplemented by Article 576-1 in accordance with the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).

**Article 576-2. The bodies of the correctional system of the Ministry of Justice of the Republic of Kazakhstan**

Footnote. Article 576-2 is excluded by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 576-3. The National Security bodies of the Republic of Kazakhstan**

Footnote. Article 576-3 is excluded by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 576-4. Local executive bodies**

1. A local executive body of an oblast considers the cases on administrative offences, provided by Articles 309-1 (part fifth, sixth, ninth, tenth), 309-4 (the fourth, fifth, sixth, seventh parts), 357-2 (first part) of this Code.

2. A local executive body of a town of republican status, the capital considers the cases on administrative offences, provided by Articles 309-1 (part fifth, sixth, ninth), 309-4 (the fourth, fifth, sixth, seventh parts), 357-2 (first part) of this Code.

3. Cases on administrative offences and administrative penalties may be considered and imposed by a governor of an oblast, a town of republican status, the capital and his deputies.

Footnote. Chapter 32 is supplemented by Article 576-4 in accordance with the Law of the Republic of Kazakhstan dated 21.07.2007 N 299, in the wording of the Law of the Republic of Kazakhstan dated 11.12.2009 No. 229-IV (the order of enforcement see Art. 2).

**Article 576-5. The authorized body for education**

1. The authorized body for education considers cases on administrative offences, provided for by Articles 311-1 (parts one - sixth), 357-2 (first part) of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by the head of the authorized body for education and his deputies, the heads of territorial bodies of the authorized body for education, and their deputies.

Footnote. Chapter 32 is supplemented by Article 576-5 in accordance with the Law of the Republic of Kazakhstan dated July 27, 2007 No. 320 (shall be enforced from August 9, 2007).

**Article 576-6. The authorized body for tourism**

1. The authorized body for tourism activities considers the cases on administrative offences, provided for by Articles 175 (part two) (regarding the offences, committed by tour operators and travel agents), 357-2 (first part) of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by the head of the authorized body for tourist activity and his deputies.

**Footnote.** Chapter 32 is supplemented by Article 576-6 in accordance with the Law of the Republic of Kazakhstan dated 05.07.2008 No. 59-IV (the order of enforcement see Art. 2); as amended by the Law of the Republic of Kazakhstan dated 15.07.2011 No. 461-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

#### **Article 576-7. The authorized body for gambling business**

1. The authorized body for gambling business considers cases on administrative offences, provided by Article 357-2 (part one).

2. Cases on administrative offences and administrative penalties may be considered and imposed by the head of the authorized body for gambling business and his deputies

**Footnote.** The Code is supplemented by Article 576-7 in accordance with the Law of the Republic of Kazakhstan dated 04.05.2009 No. 157-IV (the order of enforcement see Art. 2).

#### **Article 576-8. The authorized body for trade regulation**

1. The authorized body for trade regulation considers the cases on administrative offences, provided by Articles 204-1, 357-2 (first part) of this Code.

2. Cases on administrative offences and administrative penalties may be considered and imposed by the head of the authorized body for regulation of commercial activity or the person, performing his duties.

**Footnote.** The Code is supplemented by Article 576-8 in accordance with the Law of the Republic of Kazakhstan dated 04.05.2009 No. 156-IV (shall be enforced from 08.11.2009).

#### **Article 576-9. The authorized body for biofuel production**

1. The authorized body for bio-fuel production considers the cases on administrative offences, provided by article 147-10 (the first, third, eighth).

2. Cases on administrative offences and administrative penalties may be considered and imposed by:

- 1) the head of the authorized body for bio-fuel production and his deputies;

2) the heads of territorial bodies of the authorized body for bio-fuel production and his deputies.

Footnote. The Code is supplemented by Article 576-9 in accordance with the Law of the Republic of Kazakhstan dated 15.11.2010 No. 352-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication).

#### **Article 576-10. The authorized body for biofuels turnover**

1. The authorized body for biofuel turnover considers the cases on administrative offences, provided by article 147-10 (part nine).

2. Cases on administrative offences and administrative penalties may be considered and imposed by:

- 1) the head of the authorized body for biofuel turnover and his deputies;
- 2) the heads of territorial bodies of the authorized body for biofuel turnover and his deputies.

Footnote. The Code is supplemented by Article 576-10 in accordance with the Law of the Republic of Kazakhstan dated 15.11.2010 No. 352-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication).

### **Section 4. Proceedings on the Cases on Administrative Offences**

#### **Chapter 33. Basic provisions**

#### **Article 577. Objectives of proceedings on the cases of Administrative offences**

The objectives of proceedings on the cases on administrative offences are the timely, complete, full and objective clarification of the circumstances of each case, its resolution in accordance with this Code, the enforcement of the judgment, and identification of the causes and conditions that contributed to the commission of administrative offences.

#### **Article 578. The order of proceedings in the cases on administrative offences**

1. The order of proceedings in the cases on administrative offences by the judges and bodies (the officials), authorized to consider the cases on administrative offences is defined in this Code.

2. The order of imposing of administrative penalties by the court in a criminal or civil case is defined 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.

#### **Article 579. Petitions**



1. The persons, involved in the proceedings on administrative offence shall have the right to submit petitions, subjected to mandatory consideration by a judge, a body (an official), that is in charge of the case.

2. The petition is filed in a written form and is subjected to immediate consideration.

3. The decision to grant or refuse the petition shall be delivered in the form of a resolution.

**Article 580. The circumstances, precluding proceedings on administrative offence**

1. A case on administrative offence cannot be initiated, and started one should be completed in the presence of at least one of the following circumstances:

1) absence of an administrative offence;

2) absence of an administrative offence, including the failure of an individual at the time of the violation to reach the age, provided by this Code for imposition of administrative liability, or the insanity of an individual, who has committed an unlawful act;

3) abolition of the law or some of its provisions, establishing administrative responsibility;

4) if the law or some of its provisions, which establish administrative liability, or other normative legal act to be applied in the case of an administrative offence, on which the qualification of the act as an administrative offence depends, are no longer valid due to the recognition of the law and its provisions unconstitutional by the Constitutional Council of the Republic of Kazakhstan;

5) the expiration of the limitation period for bringing to administrative responsibility;

6) presence of the judge's and the body's (an official) decision for the same fact in regard to the person, brought to administrative responsibility, on imposing of an administrative penalty or an unrevoked order for termination of the case on administrative offence, and the presence of the decision to initiate criminal proceedings on the same fact;

7) death of the person against whom the proceedings are conducted;

8) in case of technical errors in the software, verified by an authorized body for ?? taxes and other obligatory payments to the budget, which led to the non-fulfillment of tax obligations by a taxpayer for the tax reporting forms, submitted in electronic format within the period, prescribed by the legislation of the Republic of Kazakhstan;

9) in other cases, provided by the tax legislature of the Republic of Kazakhstan.

2. A case on an administrative offence is terminated on the grounds, specified in subparagraph 2) of part 1 of this Article, and in case if the harm is lawful or the act was

committed under circumstances which exclude administrative responsibility in accordance with Chapter 5 of this Code.

Footnote. Article 580 as amended by the Laws of the Republic of Kazakhstan dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009); dated 10.07.2012 No. 32-V (shall be enforced upon expiry of ten calendar days after its first official publication)

#### **Article 581. Conditions that allow not attract to administrative responsibility**

A case on an administrative offence may be terminated in the manner, provided in this Code, in the cases, provided by Articles 67, 68, and in case of submission of the material to the prosecutor, the preliminary investigation body or inquiry agency in connection with the presence of the essential element of offence in the act, provided by the criminal legislation.

#### **Article 582. Prosecutor's supervision**

In accordance with Article 83 of the Constitution of the Republic of Kazakhstan the highest supervision over the strict and uniform application of laws in the proceedings on administrative offences on behalf of the State is carried out by the General Prosecutor of the Republic of Kazakhstan, both directly and through subordinate prosecutors.

#### **Article 583. Power of prosecutor to ensure the legality of proceedings on administrative offences**

1. Due to investigations of the cases of administrative offences the prosecutor may:
  - 1) Submit his protest against the decision in a case on an administrative offence to the court, agency or other authorized official;
  - 2) Give written instructions to the authorized officials and bodies (except the court) on additional expert investigation;
  - 3) Request investigations of state-controlled or subordinate organizations from the authorized bodies;
  - 4) Discontinue administrative proceedings in the cases, defined by the law;
  - 5) Suspend execution of the decision on the administrative penalty;
  - 6) Make a decision on release of a person, illegally subjected to administrative detention;
  - 7) Make a decision or a request on withdrawal of any prohibitive or restrictive measures, imposed by officials of the authorized state bodies in connection with the execution of their duties in case of violation of the rights and lawful interests of individuals and legal entities and the state;

8) Make a decision on initiation of a case on an administrative offence.

2. Prosecutor's acts specified in subparagraphs 6) and 7) of part 1 of this Article shall be subjected to immediate execution. The officials, responsible for the delay in the execution of the prosecutor's acts are brought to responsibility, defined by the law.

#### **Chapter 34. The participants of the cases on administrative offences, their rights and responsibilities**

##### **Article 584. The person against whom the proceedings are conducted on an administrative offence**

1. The person against whom the proceedings are conducted on an administrative offence shall have the right to get acquainted with the minutes and other records of the case, give explanations, to make comments on the content and design of the protocol, to present evidence, petitions and objections, to use a legal counsel for defense, during the proceedings to speak his native language or the language he speaks, and use a translator if he does not speak the language in which the proceedings are conducted, to challenge the application of measures to ensure the proceedings, the protocol on administrative offence and judgment, to make extracts from it and make copies of the available documents, and to use other procedural rights under this Code.

2. A case on administrative offence is considered with participation of a person in respect of whom the proceedings are conducted on an administrative offence. In the absence of the mentioned person, the case can be considered only in the cases when there is evidence of proper notice of the time and place of the proceedings and, if he did not submit a petition to postpone consideration of the case.

3. When considering a case on an administrative offence, committed by a person under eighteen years of age, or the commission of which leads to an administrative penalty in the form of administrative detention, confiscation or fee exemption of a subject, that appeared to be the instrument of an administrative offence, or the confiscation of income (dividends), money and securities received as a result of an administrative offence, as well as the administrative deportation from the Republic of Kazakhstan of a foreigner or a stateless person, or deprivation of a special right (except for the right to drive vehicles), provided to the person, the presence of the person brought to administrative responsibility is obligatory.

4. In case of failure of the persons, mentioned in the third part of this article, to appear in the court at the judge's and the body's (the official) call, considering the case on administrative offence and that is in charge of the administrative proceedings, the person may be subjected to detention.

The court resolution on the detention is executed by the bailiff or the Interior authority; the decision of a body (an official), considering the case on administrative offence - by the body of internal affairs (police).

5. A minor, in respect of whom the proceedings are conducted on an administrative offence, may be removed during the case consideration, the discussion of which could affect them.

Note. An appropriate notice (notice) in the Code is recognized as the notice of a person by a registered letter, telegram that is to be handed over to the person or someone, living together with him, adult family members against the signature on a receipt, which is to be returned to the sender of the receipt. A notification, addressed to the legal entity, shall be handed to the head or employee of the legal entity, who signs the receipt of the notification, indicating their names, initials and position.

Footnote. Article 584 as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008); dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010).

#### **Article 585. The victim**

1. The victim is an individual or a legal entity to whom an administrative offence brought physical, material or moral harm.

2. The victim has the right to study all records of the case and to give explanations, to present evidence, petitions and objections, to have a representative, to challenge the protocol on administrative offence and judgment in the case of administrative offence, use other procedural rights, defined by this Code.

3. A case on administrative offence is considered with participation of the victim. In his absence, the case can be considered only in the cases when there is evidence of proper notice of the time and place of the proceedings and, if he did not submit a petition to postpone consideration of the case.

4. The victim can be questioned as a witness in the manner provided in Article 594 of this Code. If the victim is a legal entity, his representative may be questioned as a witness.

Footnote. Article 585 as amended by the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 586. The legal representatives of the individual**

1. Protection of the rights and legitimate interests of an individual, against whom a case on an administrative offence is conducted, or the victim is a minor or under his

physical or mental state is not able to use his rights independently, is performed by their legal representatives.

2. The legal representatives of the individual are their parents, foster parents, guardians or other persons, who have a custody on him.

3. Kinship or relevant authority of the persons who are the legitimate representatives of the individual, are certified by the documents, defined by the legislation of the Republic of Kazakhstan.

4. The legal representative of the individual against whom the proceedings are conducted on an administrative offence shall be permitted to participate in the case since the administrative detention of the person, brought to administrative responsibility, or since making the protocol on administrative offence.

5. The legal representatives of the individual against whom the proceedings are conducted on an administrative offence and the victim have the rights and obligations, provided by this Code in respect of the persons they represent.

6. When considering a case on an administrative offence, committed by a person under eighteen years of age, the participation of his legal representative is mandatory. In case of failure of the legal representative of a minor to appear in the court, the legal representative may be subjected to detention, carried out by the Interior body (police).

#### **Article 587. Representatives of a legal entity**

1. Protection of rights and legitimate interests of a legal entity, against whom a case on an administrative offence is conducted or who is a victim, is carried out by his representatives.

2. A legal representative of a legal entity is the head of the executive body of the legal entity that acts on behalf of the legal entity. The powers of the legal representative of a legal entity are supported by the documents, certifying his official position.

Other persons, representing the interests of the legal entity, are the representatives on behalf of the entity, the powers of whom are determined by the power of attorney, issued by the executive body of the legal entity on behalf of the legal entity and signed by the head of the executive body.

3. Representatives of a legal entity, against whom an administrative offence is conducted, and of the victim have the rights and obligations, defined by this Code in respect of the persons they represent.

4. A case on an administrative offence is considered together with the representative of a legal entity, against whom the case on administrative offence is conducted. In the absence of the mentioned person the case can be considered only in case when there is evidence of his proper notice of the time and place of the case consideration, if he did not submit a petition to postpone the case consideration.

5. When considering the case on an administrative offence, the commission of which brings to an administrative penalty in the form of confiscation or the compensated taking of a subject, that appeared to be the instrument of an administrative offence, or the confiscation of income (dividends), cash and securities received as a result of an administrative offence, the presence of a representative of a legal entity, brought to administrative responsibility, is obligatory.

6. In case of failure of the legal representative of the person to appear before the judge and the body (the official) on-call, that is in charge of the case, the person may be subjected to detention, conducted by the Interior authority (police) on the basis of a decision of the judge, the body (the official), who's conducting the proceedings.

**Footnote. Article 587 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 588. A defense attorney**

1. A defense attorney is a person, who, in accordance with the law, protects the rights and interests of the person, brought to administrative responsibility, and provides legal assistance.

2. Lawyers, a husband (a wife), close relatives or legal representatives of the person, brought to administrative responsibility, may be the defense attorneys. Foreign lawyers are allowed to participate in the case as an attorney, if it is provided by an international treaty of the Republic of Kazakhstan with the corresponding state on a reciprocal basis and in the manner, determined by the legislature.

3. The lawyer is allowed to participate in administrative detention since the person was brought to administrative responsibility, or since making the protocol on administrative offence.

4. One and the same person cannot be a lawyer of the two persons, involved in administrative proceedings, if the interests of one of them are contrary to the interests of another.

5. A lawyer cannot reject from the protection of the person, brought to administrative responsibility.

**Footnote. Article 588 as amended by the Law of the Republic of Kazakhstan dated 11.12.2009 No. 230-IV (shall be enforced from 01.01.2010).**

#### **Article 589. Mandatory participation of a lawyer**

1. Participation of a defense counsel in the case on administrative offence is necessary in the following cases:

1) the person, brought to administrative responsibility, requests about it;



2) the person brought to administrative responsibility, due to physical or mental disabilities cannot exercise his right for protection ;

3) the person brought to administrative responsibility, does not speak the language in which the proceedings are conducted;

4) the case file has evidence, allowing to suggest that the person brought to administrative responsibility may be assigned to compulsory medical measures;

5) the person, brought to administrative responsibility, is a minor.

2. If under the circumstances, specified in paragraph one of this article, the attorney is not invited by the person, brought to administrative responsibility, his legal representatives, as well as others on his behalf, the judge, the body (the official) authorized to consider the cases on administrative offences, must ensure the participation of a defense counsel at the appropriate stage of the proceedings; they make a corresponding decision on it, compulsory for professional body of lawyers.

**Footnote. Article 589 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506.**

#### **Article 590. Invitation, appointment, replacement of a defense counsel, remuneration of his work**

1. A defense council is invited by the person, against whom a case on an administrative offence is conducted, his representatives, and others on behalf of or with the consent of the person against whom the proceedings are conducted on an administrative offence. The person against whom the proceedings are conducted on an administrative offence shall have the right to invite several defense councils to protect him.

2. At the request of the person against whom the proceedings are conducted on an administrative offence, participation of a lawyer is provided by the judge, the body (the official) entitled to consider the cases on administrative offences.

3. In the cases when the participation of the elected or appointed defense counsel is impossible within twenty-four hours, the judge, the body (the official) authorized to consider the cases on administrative offences, have the right to offer to the person, who is brought to administrative liability, to invite another defense counsel or take actions to appoint a counsel via the board of lawyers or its structural subdivisions. The judge, the body (the official), entitled to consider the cases on administrative offences have not the right to recommend to the person, who is put on the case of an administrative offence, to invite a particular person as an attorney.

4. In case of administrative detention, if appearance of a defense counsel, chosen by the person who is on an administrative offence, is not possible within three hours, the judge, the body (the official) authorized to consider the cases on administrative offences, offer the person against whom the case on administrative offence is

conducted, to invite another defense counsel, and in case of refusal they take measures to appoint a defense counsel through the bar council or its structural subdivisions.

5. Remuneration of the attorney's work is made in accordance with the legislature. The judge, the body (the official), entitled to consider the cases on administrative offences, under the presence of appropriate grounds, have the right to release the person, against whom the proceedings on administrative offence are conducted, fully or partially from payment of legal assistance. In this case, the payments are made ??by the state.

6. Expenses on salaries for lawyers can be attributed to the State and in the case, defined by part two of article 589 of this Code, when a lawyer was involved in the proceedings under the appointment, without signing an agreement with a client in the proceedings.

7. A lawyer is allowed to participate in the case on administrative offences as a defense counsel after presentation of the certificate and the order, certifying the authority to conduct a particular case. Other persons, defined in the part 2 of Article 588 of this Code, are to present the document confirming their right to participate in the case as a defense counsel (a marriage certificate and the documents, specified in the third part of Article 586 and the third part of Article 587 of this Code).

**Footnote. Article 590 as amended by the Law of the Republic of Kazakhstan dated 11.12.2009 No. 230-IV (shall be enforced from 01.01.2010), dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication)**

#### **Article 591. Refusal of defense attorney**

1. The person against whom the proceedings are conducted on an administrative offence shall have the right at any time of the proceedings to refuse from the defense attorney, which means his intention to carry out his protection by himself. The refusal of defense attorney is not admitted on the grounds of lack of funds to pay for legal assistance. A refusal shall be filed in a written form.

2. A refusal of defense attorney does not deprive the person, against whom the proceedings are conducted on an administrative offence, of the right to continue to apply for the admission of the counsel to participate in the case. The counsel's involvement in the case does not lead to the repetition of the actions that have been committed by this time during the consideration of the case on administrative offence.

#### **Article 592. The powers of a defense attorney**

1. A defense attorney has the right to: familiarize with the case materials, participate in the proceedings; give evidence; make petitions and objections; with the

permission of the judge, body (official), entitled to consider the case, to put questions to the parties during the proceedings, to challenge the appliance of measures to ensure the proceedings and the judgment; use other rights, provided by the law.

2. A defense attorney is not entitled to: take any actions against the interests of his client and hamper implementation of his rights; despite the position of the defendant to admit his involvement in the administrative offences and his guiltiness; to report on the defendant's reconciliation with the victim; to revoke complaints and petitions, filed by the defendant; to disclose information, which became known to him in connection with the appeal for legal assistance and its implementation.

#### **Article 593. Representative of a victim**

1. Representatives of the victim may be lawyers and other persons, authorized by the law to represent legitimate interests of the victim during the proceedings on an administrative offence.

2. Representatives of the victim have the same procedural rights as well as the individuals and entities they represent within the limits, provided herein.

3. The representative shall not have the right to perform any act contrary to the interests of the represented person.

4. Personal involvement of the victim in the case does not deprive him of the right to have a representative on the case.

#### **Article 594. Witness**

1. Any person, who may be aware of the circumstances that are relevant to the case, unless otherwise provided by the law, may be summoned to the court as a witness in a case on an administrative offence.

2. A witness has the right: to refuse to testify against himself, wife (husband) or close relatives, to make statements and comments about the validity of their statements, recorded to the appropriate protocol; when considering the case to speak their native language; to have free assistance of a translator.

3. A witness must appear when summoned by the judge, the body (the official), who is in charge of the administrative proceedings, truthfully tell all he knows of the case and to answer questions, to verify the correctness of his testimony by signing the protocol.

4. A witness is warned about the administrative responsibility for failure or refusal to give evidence, for false testimony to the body (the official), authorized to consider the cases on administrative offences and about the criminal liability for these acts in the court.

5. In case of failure of the witness to appear before a judge, the body (the official) on-call, who is in charge of the administrative proceedings, he may be subjected to detention by the Interior authority (police) on the basis of a resolution of the judge, the body (the official).

6. When questioning the minor witness who is under 14, participation of a teacher or a psychologist is obligatory. If necessary, a questioning is carried out in the presence of a legal representative of such a witness.

**Footnote. Article 594 as amended by the Law of the Republic of Kazakhstan dated December 28, 2004 No. 24.**

#### **Article 595. Attesting Witness**

1. In the cases, provided by this Code, an attesting witness is an adult, who is not interested in the outcome of the case, who can fully and correctly realize the actions, happening around him.

2. Involvement of a witness in the proceedings on an administrative offence is reflected in the records on personal search, inspection of a vehicle, the things, seizure of documents and things of an individual, inspection of territories, premises and property, owned by a legal entity, confiscation of documents and property, owned by a legal entity.

3. The witness must appear when summoned by an official, who is in charge of the administrative proceedings, to take part in the proceedings on the case and sign a protocol on the actions, conducted with his participation, their content and results.

4. The witness has the right to make statements and comments on the conducted actions that are to be recorded to the protocol.

5. If necessary, the witness may be questioned as a witness in the manner, provided by Article 594 of this Code.

#### **Article 596. A Specialist**

1. Any person disinterested in the outcome of the case, with the special knowledge and skills necessary to assist in the collection, study and evaluation of evidence, and in the application of technology, can be appointed as an expert for participation in the proceedings on an administrative offence.

2. The specialist has the right: to know the purpose of the summon to appear in the court; to refuse to participate in the proceedings, if he does not have the special knowledge and skills; to study the case materials, related to the procedural act, committed with his participation; upon authorization of the judge, the body (official), who is in charge of the administrative proceedings, to put questions to the persons, involved in the case; in the frames of the legal proceedings to study the case materials,

except for the comparative ones, with recording of its progress and results in the minute or the official document, which is a part of the proceedings; to study the protocol of the procedural action, in which he took part, and to make statements and comments, that are to be recorded in the protocol, on completeness and correctness of the recording of the process and results of the actions, carried out with his participation

3. The specialist must: appear when summoned by the judge, the body (the official), performing a case on an administrative offence; to participate in the proceedings, using the specific knowledge, skills, and scientific and technological devices; to give explanations about his actions; to certify by his signature the fact on performance of such acts, their content and results.

**Footnote. Article 596 as amended by the Law of the Republic of Kazakhstan dated July 4, 2006 No. 151.**

### **Article 597. Expert**

1. Any person, not interested in the case, with special scientific knowledge can be an expert. A forensic examination can be performed by:

- 1) the employees of the judicial examination bodies;
- 2) the persons, involved in forensic activities under a license;
- 3) other persons in compliance with the law on the one-time-only basis.

2. The expert has the right: to study the case materials, related to the subject of examination; to make motions on submission of additional materials, required to give an opinion; to participate in the proceedings upon the permission of the body (official), who is in charge of the administrative proceedings, and to put questions to the individuals, involved in the case, on the subject of the examination; to study the minute of the legal procedure, in which he took part, and to make comments on the completeness and correctness of the recording of his actions and statements, that are to be included in the minutes; upon the agreement with the judge, the body (the official), who scheduled the forensic examination, to give his opinion, within his competence, on the circumstances, established during the forensic examination, important for the civil case, beyond the scope of the questions, listed in the resolution on scheduling of a forensic examination: to give opinions and evidence in his native language or in a language he speaks; to have free assistance of a translator; to challenge a translator; to appeal decisions and actions of the court and other persons, involved in the proceedings, that infringe his rights during the expertise; to receive reimbursement of expenses, incurred during the expertise and the remuneration for the work done, if the forensic expertise is not a part of his official duties.

3. The expert must: to appear in the court on call of a judge, a body (an official), who is in charge of the administrative proceedings; to conduct a comprehensive, full

and objective investigation of objects, presented to him; to give an informed written opinion on the questions, put to him; to refuse to give an opinion and write a motivated letter on impossibility to give an opinion and submit it to the body (the official), who scheduled the forensic examination, in the cases, defined by part 13 of Article 611 of this Code; to give testimony on the issues, related to the conducted research and the conclusion; to provide safety of the objects, that are under investigation; not to disclose information about the circumstances of the case and other information, learnt by him during the examination.

4. For giving a false conclusion in the court, the expert is brought to criminal responsibility, provided by the law.

5. The expert, who is an employee of a judicial examination body, is considered as familiar with his rights and obligations and warned of the criminal liability for giving knowingly false conclusion in the court.

**Footnote. Article 597 is in the wording of the Law of the Republic of Kazakhstan dated 20.01.2010 No. 241-IV.**

#### **Article 598. Translator**

1. Any adult person, disinterested in the outcome of the case, is appointed as a translator, speaking the languages (understanding deaf and dumb signs) that are necessary for translation of the proceedings on an administrative offence.

2. A translator is appointed by the judge, the body (the official), who is in charge of the administrative proceedings.

3. A translator has the right: to refuse to participate in the proceedings if he does not have the knowledge, required for translation; during the translation to put questions to the persons, involved in the case, to clarify the translation; to study the minute of the legal proceedings, in which he took part, and to make comments on the completeness and correctness of recording of the translation, that are to be included in the protocol.

4. The translator must: appear when summoned by the judge, the body (the official), who is in charge of the administrative proceedings, and perform a complete and accurate translation and certify the accuracy of the translation by his signature in the corresponding minute.

5. The translator is warned about the administrative responsibilities for performance of erroneous or false translation, when considering an administrative case by the body (the official), entitled to consider the cases on administrative offences and about the criminal liability for commission of these acts in the court.

6. The provisions of this Article shall be applied to the person, involved in the case on administrative offence, who understands the signs of the deaf and dumb person.

#### **Article 599. Prosecutor**



1. In order to implement his powers, defined by Article 583 of this Code, the prosecutor has the right to participate in the proceedings on an administrative offence. At that, the prosecutor presents evidence and participates in their examination; tells the court, the body (the official), considering the case, his opinion about the guilt of the person, against whom the proceedings are conducted on an administrative offence, as well as about other issues, raised during the case consideration; offers the court, the body (the official), considering the case, to apply the provisions of the law and impose an administrative penalty or exempt from it.

2. The prosecutor shall be notified of the time and place of considering the case on an administrative offence, committed by a minor, as well as the offences, resulting in the administrative arrest. In his absence, such case may be considered only if there is evidence of timely notification of the public prosecutor of the place and time of the case consideration and if he did not submit a petition to postpone consideration of the case.

#### **Article 600. Responsibility for non-execution of procedural duties**

1. Failure to fulfill the procedural obligations, provided by Articles 594, 596, 597, 598 of this Code, by a witness, specialist, expert and translator entails administrative liability, established in Articles 515, 516 and 517 of this Code.

2. In case of committing the actions, defined in the part 1 of this article, when considering a case on administrative offence, a complaint or an appeal against the decision on the case, a corresponding note should be made in the records for considering the complaint or the appeal against the decision on the case.

3. A decision on imposition of fines is delivered.

#### **Article 601. The Circumstances, excluding the opportunity to participate in the proceedings on an administrative offence**

1. The persons, who work for government agencies, supervising and controlling observance of the rules, the violation of which was the ground for initiation of the case, or if they have previously acted as the other participants in the proceedings, they are not allowed to participate in the proceedings on an administrative offence as an advocate and a representative.

2. An expert and a translator are not allowed to participate in the proceedings on an administrative offence if: their incompetence was revealed; they are the relatives of the person, brought to administrative responsibility, the victims, their representatives, an advocate, representative, a prosecutor, a judge, a member of the collegial body or an

official, who are in charge of the present case, or if they have previously acted as other participants in the proceedings, as well as if there is a ground to believe that these people are interested in the case personally, directly or indirectly.

3. Previous participation of the person in the case as an expert is the ground to abate him from performance of the examination in the cases when it is scheduled again after the examination, conducted with his participation.

**Footnote. Article 601 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2010 No. 241-IV; dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 602. Recusation of persons whose participation in the proceedings is not allowed**

1. If there are circumstances, defined by Article 601 of this Code, excluding the possibility of participation of a defense counsel, a representative, a prosecutor, an expert and a translator in the proceedings on an administrative offence, the mentioned persons shall be subject to recusation.

2. An application on recusal or disqualification is submitted to the judge, the body (the official), who is in charge of the administrative proceedings.

3. An application on recusal or disqualification is considered within three days from the date of the application's submission.

4. Having considered the application on recusal or disqualification, the judge, the body (the official) makes a resolution to satisfy the application or refuse to grant the application.

#### **Article 603. Reimbursement of expenses to a victim, a witness, an expert, a specialist, a translator or an attesting witness**

1. The expenses, prescribed by the civil procedure legislation, are reimbursed to the victim, witness, expert, specialist and translator, incurred during appearance before the court, the body (the official), who is in charge of the administrative proceedings, including the travel costs of the persons from the place of residence or stay to the place of proceedings and back, and in the cases when it is due to the stay in another place - the cost of renting accommodation and per diem expenses.

2. The person, summoned to the court as a victim, witness, expert, specialist and translator, keeps his average wage in the prescribed manner during his absence, related to the appearance before the court, the body (to the official), who is in charge for considering the case on an administrative offence.

3. The work of an expert, specialist and translator is paid in accordance with the order, defined by the legislature.

### **Chapter 35. Evidence and proof**

## **Article 604. Evidence**

1. Evidence in a case on an administrative offence is any evidence on the ground of which, established by this Code, the judge or the body (the official), who is in charge of the administrative proceedings, establishes the presence or absence of an administrative offence, the guilt of an individual, brought to the administrative responsibility, and other circumstances, important for proper resolution of the case.

2. This data is set by: the explanations of the person, brought to administrative responsibility; testimony of the victim, witnesses; expert opinions; material evidence; testimony of the special certified measurement and control devices; other documents; the records on administrative offence and the protocols, defined by this Code.

When considering the materials on administrative offences, the data of the special certified measurement and control devices can be used as evidence.

3. Actual data should be declared inadmissible as evidence, if they were obtained in violation of this Code, which, through deprivation of legal rights of the parties or violation of other rules of the process, had influenced and could influence the reliability of the received actual data, including the following:

- 1) use of violence, threats, fraud and other illegal activities;
- 2) use of error of the person, involved in the process, about his rights and obligations, arising from non-explanation, incomplete or incorrect explanation;
- 3) in connection with the legal procedure, conducted by the person who is not entitled to carry out proceedings on the case;
- 4) in connection with the participation in the proceedings of the person, subjected to recusation;
- 5) violation of the order of the procedural actions;
- 6) from an unknown source;
- 7) with appliance of the methods that are contrary to modern scientific knowledge.

3. Inadmissibility of the use of evidence as proof is established by the judge or by the body (the official), who is in charge of the case on an administrative offence, at his own initiative or at the request of the participants.

4. The evidence, obtained in violation of law, is deemed to have no legal effect and cannot be the ground for the case decision, and cannot be used in proving any circumstances of the case, except for the fact of the relevant violations and the guilt of those, who committed them.

**Footnote. Article 604 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006); dated 04.07.2008 No. 55 -IV (the order of enforcement see Art. 2).**

## **Article 605. Circumstances to be proven in a case on an administrative offence**

In the case on administrative offence the following is subjected to be proved:

- 1) the existence of an administrative offence;
- 2) the person, who has committed a wrongful act, for which this Code provides for administrative liability;
- 3) the culpability of the individual in an administrative offence;
- 4) the circumstances, mitigating or aggravating administrative responsibility;
- 5) the nature and the size of damage caused by an administrative offence;
- 6) the circumstances, providing exemption from administrative liability;
- 7) the reasons and conditions that contributed to the commission of an administrative offence, and other circumstances, important for proper resolution of the case.

**Article 606. Explanations of a person brought to administrative responsibility, testimony of a victim and a witness**

1. Explanations of the person against whom the proceedings are conducted, the victim and the witness' testimony are the information, related to the case and given by these persons in oral or written forms.

2. Explanations of the person against whom the proceedings are conducted, the testimony of the victim and the witness is recorded in the protocol on administrative offence or on appliance of the measures to ensure the proceedings, and if necessary - in the protocol of questioning and is attached to the case.

**Article 607. The burden of proof and evidence**

1. Proofs are given by the court participants.

2. Evidence may be presented by the parties and other participants of the administrative proceedings.

3. If the evidence is insufficient, the court or the agency, considering the case may ask the participants of the process to provide additional evidence or collect them at their own initiative.

**Footnote. Article 607 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506.**

**Article 608. Grounds for exemption from proving**

1. The circumstances, recognized by the court, the body (the official), entitled to consider an administrative offence, as well-known, do not need to be proved.

2. The circumstances, established by a court judgment in a civil case or a decision of the judge on a case on an administrative offence, do not need to be proved when considering other administrative cases, involving the same persons.

3. The following circumstances are considered to be established without evidence, if in the frames of the legal procedure the contrary is established:

- 1) the correctness of the research methods, generally accepted in modern science, technology, arts, crafts;
- 2) knowledge of the law by the person;
- 3) knowledge of his or her official and professional duties;
- 4) absence of special training or education of a person, who has not presented corresponding documents, proving the skills, and does not mention the school or other institution, where he passed special training or education.

#### **Article 609. Securing of evidence**

1. The parties, who have a reason to fear that submission of evidence, necessary for them, can be impossible or difficult, can ask the judge, the body (official), considering the case on administrative offence, about the security of this evidence.

2. Security of evidence is provided by the submission of documents, the data and conclusions, performance of an examination, on-site review and other means by the organizations, regardless of their participation in the case.

#### **Article 610. An application for security of evidence**

1. A statement on securing of evidence shall include: the evidence that must be secured; the circumstances, the confirmation of which requires the evidence; the reasons which led the applicant to request a security as well as the case for which this evidence is required.

2. The application is submitted to the court, the body (official), considering the case on administrative offence.

#### **Article 611. Schedule and execution of an expertise**

1. Examination shall be scheduled by the judge, the body (official), who is in charge of the administrative proceedings, when the circumstances, important for the case, can be received in the result of the study of the case files, made by an expert, taking into account special scientific knowledge.

2. Presence in the case of the acts of audits, checks, conclusions from departmental inspections and official documents, made upon the results of inspections, conducted by experts during the proceedings, does not exclude the examination on the same issues.

3. The judge, the body (official), who is in charge of the administrative proceedings, is entitled to schedule an expertise at the petition of the parties or at their own initiative.

4. The examination can be conducted by the workers of the examination body or other persons, meeting the requirements of Article 597 of this Code. The examination can be entrusted to the person, offered by the parties. Request of the judge, the official on summoning of the person, entrusted to conduct the expertise, is obligatory for the head of the organization where the person works.

5. The judge, the body (official), who is in charge of the administrative proceedings, delivers a decision on scheduling of an examination, that contains:

- 1) the name, initials of the judge, official, the name of the court, the body;
- 2) the date, time and place of the examination;
- 3) the reasons for scheduling of an examination;
- 4) the name, first name or the patronymic of an expert or an examination body, where it must be performed;
- 5) the questions put to the expert;
- 6) the list of materials available to the expert.

6. To perform complex expert examinations, a commission examination may be scheduled, which is carried out by at least two experts of one specialty.

7. If the establishment of the facts, important for the case, requires investigations in different branches of knowledge, a complex examination is scheduled to be conducted by experts from various fields within their competence.

8. Prior to forwarding the decision on scheduling an examination, the body (the official), who scheduled a forensic examination must submit it to the person, against whom the proceedings are conducted on an administrative offence, and to the victim, and explain them their rights:

to challenge the expert, or make a petition for dismissal of the judicial body to perform the examination;

apply for appointment of the persons, stated by them, as the experts or employees of specific legal expertise bodies, as well as on conduction of an examination by the commission of experts;

apply for putting of additional questions to the expert or about clarifying of the put ones;

under the permission of the body (the official), who scheduled a forensic examination, to be present during the examination, to give explanations to the expert, except for the cases, hampering the examination;

get acquainted with the expert's conclusion or with the message about impossibility to give a conclusion after its submission to the body (the official), who scheduled a forensic examination, to submit their comments and make petitions on scheduling of an additional or re-examination, and scheduling of new examinations.



Examination of the victims is made ??only with their written consent. If they have not reached the age of majority or found incompetent by a court, the written consent for the examination is given by their legal representatives.

9. Upon the results of the examination, the expert (s) on his behalf gives a conclusion, drawn up in accordance with the requirements of Article 612 of this Code, and forwards it to the judge, the body (official), who has scheduled the examination.

10. The lack of clarity or completeness of the conclusions, and the need to handle additional issues, related to the previous examination, the additional examination can be scheduled and entrusted to the same or another expert (s).

11. If the expert's conclusion is unreasonable or his findings are questionable or the procedural rules were violated considerably in scheduling and conducting the examination, the follow-up examination can be scheduled to study the same objects and the same issues. The examination is entrusted to the commission of experts, which does not include an expert (the experts), who conducted the previous examination.

12. A judge's, a body's (official) decision on scheduling of an additional examination and re-examination must be motivated. With the instruction to perform the additional and re-examination, the expert (s) should be provided with the conclusions, drawn up upon the results of the previous examinations.

13. If the examiner before the study makes sure that the questions put to him are beyond his knowledge or the materials, submitted to him, are unsuitable or insufficient to give an opinion and cannot be filled, or the state of science and expert practice does not allow to answer these questions, he makes a motivated letter on impossibility to give an opinion and sends it to the judge, the body (the official).

**Footnote. Article 611 as amended by the Laws of the Republic of Kazakhstan dated 05.12.2003 No. 506; dated 20.01.2010 No. 241-IV.**

## **Article 612. Expert's conclusion**

1. Expert's conclusion is the conclusions, submitted in a written form, on the questions put to him by the judge, the body (the official), who is in charge of the administrative proceedings, based on the findings of the study of the case files, including the evidence and the samples, taken with the use of scientific knowledge. The conclusion contains the methods applied by the expert in the study, the explanation of the answers, given to the put questions and the circumstances, important for the case, established at the initiative of the expert.

2. The conclusion is drawn by the expert on his own behalf (the experts) after inspections, taking into account its results, and is certified by his (their) signature and personal seal. In case of performing the examination by the examination body, the expert's signature is confirmed by the seal of that body.

3. The expert's conclusion must contain: the date of its registration, the time and place of the examination; the grounds for a forensic examination; the data on the judge, the body (the official), who are in charge of the administrative proceedings; the information about the forensic examination body and (or ) an expert (the experts), responsible for examination (first name, middle name, education, specialty, professional experience, academic degree and academic rank, position); the note, certified by the signature of the expert about the fact that he is warned about criminal responsibility for giving a false conclusion in the court; the questions put to the expert (s); the information about the participants of the process, who were present during the examination, and the explanations; given by them; the objects; the content and the results of inspection with the methods applied; the evaluation of the results of the inspections, explanation and formation of findings to the questions, put to the expert (s).

4. The conclusion should contain the grounds for failure to answer some or all of the put questions, if the circumstances, specified in the part 13 of article 611 of this Code, were established during the examination.

5. The materials illustrating the expert's conclusion (photo tables, charts, graphs, tables, and other materials), certified in the order, specified in the part 2 of this Article, shall be applied to the conclusion and are its integral part. The conclusion must also be attached with the rest of the objects, left after the examination, including the samples.

6. The expert's conclusion is not obligatory for the court, the body (the official), who is in charge of the administrative proceedings, but their disagreement with the conclusion must be motivated.

**Footnote. Article 612 is in the wording of the Law of the Republic of Kazakhstan dated 20.01.2010 No. 241-IV.**

#### **Article 612-1. Obtaining samples**

1. The judge has the right to obtain samples, including those, showing the qualities of a man, animal, substance, object, if their investigation is important for the case.

2. The samples are also the samples of materials, substances, raw materials, finished products.

3. A motivated decision on receipt of samples is delivered and shall indicate the following: the person, who will receive the samples; the person (organization), which should provide the samples; what kinds of samples and in what amount are to be received; when and to whom the person should come to get these samples; when and to whom the samples must be submitted after their receipt.

4. The samples can be received by the judge personally, and if necessary - with participation of a physician or other healthcare professional if it is not associated with the taking off of the opposite sex, from whom the samples are taken, and does not

require special skills. In other cases, the samples can be taken at the request of a judge by a doctor or other medical specialist.

5. A judge, an expert, a doctor or other specialist have the right to take the samples.

6. In the cases, when taking of samples is a part of an expert study, it can be performed by the expert.

7. Samples can be taken from the parties and from third parties.

8. The judge summons the person, tells him the decision on the receipt of the samples, explains him and other persons, involved in the procedural action, their rights and responsibilities.

9. The judge personally or with the specialist performs the necessary steps to take samples, packages them and seals.

10. The results of the receipt of the samples are recorded in the minutes of the procedural action (the trial), including the descriptions of the actions taken to obtain samples in the order in which they were performed, the scientific-research and other methods, applied in this action, as well as the samples themselves.

**Footnote. The Chapter is supplemented by Article 612-1 in accordance with the Law of the Republic of Kazakhstan dated July 4, 2006 No. 151.**

#### **Article 612-2. Obtaining of samples by a doctor or other specialist and an expert**

1. The judge sends the person, from whom the samples should be taken, to the physician or other specialist, and the decision with the corresponding instruction. The decision should specify the rights and responsibilities of all the participants of the proceedings.

2. A doctor or other specialist, at the instruction of the judge, performs the necessary actions and takes the samples. The samples are packed and sealed, after that, together with the official document, made by a doctor or other professional, are forwarded to the judge.

3. During the investigation, the experimental samples can be made by the expert, and he notifies about it in the conclusion.

4. A judge has the right to be present in making such samples, that is recorded in the minute, made by him.

5. After the investigation, the expert attaches the samples to his conclusion in a packed and sealed form.

6. If the samples were obtained at the instruction of the judge by a specialist or an expert, he makes an official document that is signed by all the participants of the proceedings and is forwarded to the judge to be attached to the case files.

7. The received samples are attached to the minutes in a packed and sealed form.

**Footnote. The Chapter is supplemented by Article 612-2 in accordance with the Law of the Republic of Kazakhstan dated July 4, 2006 No. 151.**

### **Article 612-3. Protection of individual rights in obtaining samples**

Methods and scientific-technical means for taking of the samples should be safe for human health and life. The appliance of complex medical procedures or methods, that cause severe pain, is permitted only with the written consent of the person, from whom the samples should be taken, and if he has not reached the age of majority or has a mental illness - with the consent of his legal representatives.

**Footnote. The Chapter is supplemented by Article 612-3 in accordance with the Law of the Republic of Kazakhstan dated July 4, 2006 No. 151.**

### **Article 613. Physical evidence**

1. Material evidence in the case on administrative offence is the subjects, which were the subjects or the instrument of the offence or which kept the traces of it.

2. Where necessary, the evidence is photographed or otherwise recorded and attached to the case. A note about it shall be written in the minutes of an administrative offence or a protocol provided herein.

3. The judge, the body (the official), who is in charge of the administrative proceedings, shall take the necessary steps to secure the evidence for resolving the case on the merits, and to make a decision on them in the end of the case consideration.

**Footnote. The Article as amended by the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

### **Article 614. Protocol on administrative offence**

Evidence in the case on an administrative offence is the actual data, contained in the minutes on administrative offence, recorded in accordance with the rules of the Code, proving the circumstances, accepted by the judge, the body (the official), who is in charge of the administrative proceedings.

### **Article 615. Documentation**

1. Documents are considered as evidence in the case, if the information, contained in them or certified by the organizations, the officials and individuals is important for the case on an administrative offence.

2. The documents may contain the data, recorded in a written or other form. The documents are also the materials, containing computer information, photos and filming, sound and video recordings, received, demanded or presented in the order, defined by this Code.

3. The judge, the body (the official), who is in charge of the administrative proceedings, shall take the necessary measures to ensure the safety of the documents

for resolving of the case on the merits, and to deliver a decision on them in the end of the case consideration.

4. In the cases when the documents have the qualities, defined by Article 613 of this Code, they are the physical evidence.

**Footnote. Article 615 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 616. Call for additional information**

1. The judge, the body (official), who is in charge of the administrative proceedings, may issue a regulation on call for the additional information, necessary for resolution of the case, from organizations and public associations.

2. The judge's, the body's (the official's) regulation on call for the additional information contains the essence of the case, specifies the circumstances that are to be clarified. This regulation is obligatory for the court to which it is sent, and should be executed on time.

3. The called information must be sent within three days from the date of receipt of the call, and with a conducted offence, resulted in administrative detention - immediately.

4. When it is not possible to provide the specified information, within three days the organizations, the public associations must inform the judge, the body (the official), that issued the regulation.

#### **Article 617. Evaluation of evidence**

1. A judge, a member of the collegial body, an official, who is in charge of an administrative offence, estimates the evidence by their inner conviction, based on a comprehensive, full and objective consideration of the evidence in its totality, guided by the law and conscience. No evidence has pre-determined force.

2. Any evidence is to be evaluated in terms of relevance, validity, reliability, and all the evidence together - efficiency for resolving the case.

3. The proof is recognized to be relevant to the case if it is the actual data that confirm, negate or doubt the findings on existence of the circumstances, important for the case.

4. Evidence shall be admissible if it is obtained in the manner, prescribed by this Code.

5. The proof is considered to be valid if it is established that it is true.

6. The weight of evidence is recognized as sufficient to solve the case, if all the admissible and credible evidence is collected, that conclusively establishes the truth about each and all of the circumstances that are to be proved.

## **Chapter 36. Taking measures to ensure proceedings on administrative offences**

### **Article 618. Measures to ensure the proceedings on an administrative offence**

1. In order to prevent an administrative offence, establishment of identity of a suspect in a crime, a protocol on administrative offence, when its drawing is impossible at the place of an administrative offence, the timely and proper consideration of the case and execution of the taken regulations, the authorized officer within his powers, may apply the following measures to the individual to ensure the proceedings on an administrative offence:

- 1) delivery to the site of the protocol drawing on administrative offence;
- 2) an administrative detention of an individual;
- 3) a bringing;
- 3-1) preventive restriction of freedom of movement;
- 4) personal examination and inspection of a vehicle, a small size ship and things;
- 5) the seizure of documents and things;
- 6) suspension of driving of a vehicle or a small boat and examination of his alcoholic, narcotic, toxic condition;
- 7) detention, delivery and prohibition of operation of a vehicle or a small size vessel;
- 8) an inspection;
- 9) medical examination of an individual for a state of alcoholic, narcotic intoxication.

2. In respect of a legal entity the following measures may be applied to ensure the proceedings on an administrative offence:

- 1) inspection of premises, territories with the goods, vehicles and other property, and the related documents, owned by a legal entity;
- 2) seizure of documents, belonging to a legal entity;
- 3) seizure or confiscation of goods, vehicles and other property, belonging to the legal entity.

3. An official shall be responsible for the harm caused by the illegal use of measures to ensure the proceedings on an administrative offence.

4. Implementation of measures to ensure the proceedings on an administrative offence may be appealed in compliance with the rules of Article 633 of this Code.

**Footnote. Article 618 as amended by the Laws of the Republic of Kazakhstan dated 09.12.2004 No. 10; dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006) ; dated 29.04.2010 No. 272-IV (the order of enforcement see Art. 2 ).**

### **Article 619. Delivery**



1. Delivery, or a forced bringing of an individual, a representative of a legal entity, in order to prevent an offence, establishment of identity of the offender, and drawing of a protocol on administrative offence or making of a protective receipt if it impossible to make it on the spot, if making of a protocol or a protective receipt is mandatory, is conducted if the following is made:

1) improper use of the transport vehicles, the rules of order and safety of traffic, the rules for ensuring the security of goods in transportation, fire safety, sanitation and anti-epidemic rules on transport vehicles, - by an authorized official of the Interior body (police), if he has no identity cards, and no witnesses who can report the required data about him, and if he has not the necessary documents for the vehicle;

1-1) the offences, defined by Articles 79-1 and 79-5, 79-6 of this Code - by the officers of the Interior body to the Interior agency (police);

2) forest violations or violations of hunting rules, fishing regulations, and protection of fish stocks and other violations of the law on protection and use of wildlife - by the employees of state and departmental protection service for forestry and hunting, by the authorized officials of the bodies, conducting the state supervision over the observance of the rules of hunting, by the fishery bodies, the officials of other agencies, performing the state and departmental control over the protection and use of wildlife, the officials of the reserves and other protected areas, as well as by the officers of the Interior bodies (police) to the Interior services (the police) or to the local government bodies;

3) Administrative offences, related to infringement on the protected objects, other people's property - by the paramilitary security personnel to the premises of the paramilitary security agency or in the Interior services (police);

4) violations of the state border of the Republic of Kazakhstan, border and customs regimes, the regime in the border checkpoints across the state border of the Republic of Kazakhstan and the customs border of the Customs Union, malicious disobedience to a lawful order or a requirement of the serviceman of the Border Troops of the National Security Committee of the Republic of Kazakhstan, the other military forces, military units, a member of the Interior body (police) - by a military servant, law enforcement officer (police) or other individual, protecting the state border of the Republic of Kazakhstan, in a sub-division, a military unit, the Border Service of the National Security Committee of the Republic of Kazakhstan, the Interior authority (police), the local government body;

5) offences in the customs area - by the customs officers, the Interior body (police) to the premises of the customs agency, a body of internal affairs (police);

5-1) offence in business area, trade and finance, taxation, infringing on the established order of management and the government institutions, corruption offences - by the Financial Police Officers;

5-2) the offences committed during the security actions to secure the protected persons, - by the security staff of the President of the Republic of Kazakhstan;

6) Other administrative offences under the presence of appropriate instructions of the prosecutor or a request from the officials, authorized to draw up protocols on administrative offences - by the officers of the Interior authority to the Interior services (police) or any other state body.

2. When committing violations on the continental shelf, in the territorial waters (sea) and the internal waters of the Republic of Kazakhstan, the infringer, the identity of whom cannot be established on the site, and the vessels and instruments of the administrative offence, used to make illegal activity on the continental shelf, in the territorial waters (sea) and the internal waters of the Republic of Kazakhstan, the ownership of which cannot be established during the inspection, shall be delivered to the port of the Republic of Kazakhstan (foreign ships - to one of the ports of the Republic of Kazakhstan, opened for foreign vessels) to repress the offence, as well as to identify the offender's personality, and ownership of the detained vessels and the instruments of the offence and to draw the protocol on administrative offence.

3. The delivery must be performed as soon as possible.

4. A protocol on delivery is made or an appropriate note is recorded in the protocol on administrative offence or administrative detention.

If it is impossible to deliver the person within the time limits, defined for bringing him to administrative responsibility, a written notification, indicating the reasons of the failure to deliver the person, is forwarded to the addressing body (official).

**Footnote.** Article 619 as amended by the Laws of the Republic of Kazakhstan dated 12.07.2001 No. 240; dated 09.08.2002 No. 346; dated 05.12.2003 No. 506; dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); dated 19.12.2007 No. 11-IV (the order of enforcement see Art. 2); dated 04.12.2009 No. 215-IV (the order of enforcement see Art. 2); dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 620. Administrative detention**

Administrative detention, that is, the temporary suspension of an individual's freedom, in particular, the freedom of action and movement with a forced imprisonment in a special room for a certain period of time to stop his illegal actions, can be performed:

1) by the bodies of internal affairs (police) - for commission of a disorderly behavior, battery, offences in family relations, malicious disobedience to a lawful order or demand of the bodies of internal affairs (police), the person, involved in public order provision, a military servant, performing his responsibilities for the public order protection, as well as the contempt of court, illegal operations with foreign currency and payment documents, the illegal sale of goods or other items, the illicit trade of goods, free sale of which is prohibited or restricted, trade, rent and other illegal use of objects of copyright and (or) related rights, implementation of business activity without registration or licensing, disobedience to the Interior officer (police) or other authorized official when drinking alcoholic beverages in public places or appearance in public when drunk, offending human dignity and public morals, in violation of fire safety rules and traffic rules, the hunting rules, fishing and the protection of fish stocks and other violations of the law on protection and use of flora and fauna, violation of the order of organization of meetings, rallies, marches, picketing and demonstrations, actions for establishment of associations, whose activities are banned, and active participation in them, violation of the actions, breaching the law and order in emergency conditions, violation of the rules of carrying and possession of weapons, illegal possession of uniforms and insignia, unlawful quit of a military unit, violation of the order of stay by foreigners and stateless persons in the Republic of Kazakhstan;

2) by the commandant of the region, where a state of emergency was announced, and military patrols - for violation of the emergency state and the actions, breaching the law and order in a state of emergency;

2-1) by the officials, involved in anti-terrorist operations within their competence - for violation of the legal regime of the antiterrorist operation, or failure to perform the requirements, set in the antiterrorist operation;

3) by the Border Service of the National Security Committee of the Republic of Kazakhstan - for violations of the border regime of the state border, the regime in the state border checkpoints of the Republic of Kazakhstan, the smuggling through the state border of the Republic of Kazakhstan, the illegal transfer of mineral and living resources of the continental shelf, the territorial waters (sea??) and internal waters of the Republic of Kazakhstan, disobedience to a lawful order or requirement of a military man in connection with the performance of his duties for protection of the state border of the Republic of Kazakhstan;

4) by the senior military servant in the location of the protected object, by the law enforcement bodies, special government agencies, a paramilitary security officer - for offences, related to infringement on the protected objects, other people's property;

5) by the fishery agencies, the agencies, performing the state supervision over observance of the rules of hunting, and the forestry bodies and hunting - for violation of the rules, monitored by these bodies;

6) by transport control bodies - for violation of the rules, monitored by these bodies ;

7) by the officials of the military auto-police - for violation of traffic rules by the drivers or other persons, driving vehicles of the Armed Forces of the Republic of Kazakhstan, other troops and military formations of the Republic of Kazakhstan;

8) the state control bodies for environmental protection and natural resources, reserves and other protected areas - for violation of the environmental legislature;

9) the tax bodies' officials - for tax offences;

9-1) by the officials of the financial police - for offences in business, trade and finance areas, taxation, infringing on the established order of governance and the state power institutions, for corruption offences in accordance with the jurisdiction of the cases on administrative offences;

10) the officials of the State Mining Authority, the Border Service of the National Security Committee of the Republic of Kazakhstan, the authorized body for Geology and Mining, the bodies for Environment and Natural Resources protection, the republican fisheries agency - for administrative offences on the continental shelf, territorial waters (sea) and inland waters, related to the violation of license terms, regulating the permitted activities on the continental shelf, territorial waters (sea) and internal waters of the Republic of Kazakhstan, the violation of the rules of the resource or marine scientific research, violation of the rules of dumping of wastes and other materials, the failure to perform the legal requirements of the officials, protecting the continental shelf, territorial waters (sea) and inland waters of the Republic of Kazakhstan to stop the vessel or obstruction of its implementation;

11) by the customs officials - for violation of the customs legislature;

12) by the officials of the Security Service of the President of the Republic of Kazakhstan - is an offence is committed during the security measures, taken to provide the security of the protected persons;

13) by the officers of justice - for non-fulfillment of the requirements to stop illegal activity in the courtroom during the hearing, as well as during the compulsory fulfillment of the court executive orders.

Footnote. Article 620 as amended by the Laws of the Republic of Kazakhstan dated 12.07.2001 No. 240; dated 03.07.2003 No. 464; dated 05.12.2003 No. 506; dated 09.12.2004 No. 10; dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); dated 22.06.2006 No. 147; dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008); dated 19.12.2007 No. 11-IV (the order of enforcement see Art. 2); dated 10.07.2009 No. 176-IV (the order of enforcement see Art. 2); dated 10.07.2009 No. 179-IV (the order of enforcement see Art. 2); dated 04.12.2009 No. 215-IV (the order of enforcement see Art. 2); dated 08.04.2010 No. 266-IV (the order of enforcement see

Art. 2); dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 621. The procedure of administrative detention**

1. A protocol on administrative detention is drawn up. The protocol shall contain the date, time and place of its drawing; position, name and initials of the person who drew the protocol; the identity of the detainee; the time, place, and the grounds for detention. The protocol shall be signed by the official, who drew it and by the detainee. In case if the detainee refuses to sign the protocol, there should be a record about it. A copy of the protocol on detention is handed the person, detained for administrative offence.

2. At the request of the person, arrested for committing an administrative offence, his relatives, the administration of the place of his work or study, as well as his lawyer are notified of his location. Parents of a minor or the persons, substituting them, are notified of the arrest of the minor.

**Footnote. Article 621 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 622. Terms of an administrative detention**

1. Administrative detention is carried out within the time, required to achieve the goals, set in Article 618 of this Code, and may last up to three hours.

2. A person against whom a proceeding is initiated on violation of the state border of the Republic of Kazakhstan, border and customs regime or regime of the state border checkpoints of the Republic of Kazakhstan and the customs border of the Customs Union, as well as on an administrative offence on the continental shelf, territorial waters (sea) and internal waters of the Republic of Kazakhstan, may be detained if necessary to identify and to clarify the circumstances of the offence, up to forty-eight hours with a written notification of the prosecutor within twenty-four hours from the time of arrest. The persons, who allowed violation of the order, established by the introduction of curfews in the areas, where a state of emergency was announced, may be detained by the law-enforcement bodies (police) or military patrols until the end of the curfew, and those, who have no the identification documents - before establishment of their identity, for not more than forty-eight hours.

3. A person, against whom a case on an administrative offence is conducted, leading to the administrative detention as one of the administrative penalties, may be subject to administrative detention before considering the case on an administrative offence, but not more than forty-eight hours.

4. Administrative detention period is calculated from the time of delivery of an individual in accordance with Article 619 of this Code, and a person who is intoxicated , - since his detoxification (sober), confirmed by a medical specialist.

**Footnote. The Article as amended by the Laws of the Republic of Kazakhstan dated December 19, 2007 No. 11-IV (the order of enforcement see Art. 2); dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010).**

#### **Article 623. Calculation of terms**

1. The deadlines, set by this Code, shall be calculated for hours, days, months, and years.

2. When calculating the terms, the very hour and the very day, which starts the period, are not taken into account. This rule is not applied to the calculation of the terms for detention.

3. Off-hours are also included when calculating the terms.

4. When calculating the terms by the days, the terms are calculated after the zero hour of the first day and will expire at twenty-four hours of the last day of the term.

5. When calculating the terms by months or years, the term expires on the corresponding day of the last month, but if this month has not a corresponding day, the term ends on the last day of the month. If the end of the term is not a working day (weekend, holiday), the last day of the period shall be the first day, following the working day, except for calculation of the term for administrative detention and administrative arrest.

#### **Article 624. Location and order of detention of persons, subjected to administrative detention**

1. The persons, subjected to administrative detention, are kept in specially designated premises, meeting sanitary requirements and eliminating the opportunity for an unauthorized abandonment.

2. Conditions of detention of the persons, subjected to an administrative detention, food standards and order of medical care for such persons are determined by the executive bodies.

3. Juveniles, subjected to an administrative detention are kept separately from adults.

#### **Article 625. Bringing to the court**

1. In the cases, provided in Article 618 of this Code, the bringing to the court of an individual or representative of a legal entity , against whom an administrative case in



conducted, the legal representative of a minor person, brought to administrative responsibility, is performed.

2. The bringing to court is performed by internal affairs bodies and financial police on the basis of a judge's, a body's (official) decision, considering the case on administrative offence in the order, prescribed by the Ministry of Internal Affairs of the Republic of Kazakhstan and the Agency of the Republic of Kazakhstan on Fighting Economic and Corruption Crimes (Financial Police) in the cases on administrative offences, considered by the financial police.

**Footnote. Article 625 as amended by the Laws of the Republic of Kazakhstan dated 09.12.2004 No. 10; dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 625-1. Preventive limitation of freedom of movement**

1. Preventive limitation of freedom of movement is a measure of an individual prevention in relation to a person who has no a certain place of residence and (or) identity documents, in the absence of administrative offences and crimes in his actions, and the inability to identify his personality in other ways.

2. Preventive limitation of freedom of movement is used by the internal affairs bodies upon the approval of the court and consists of a temporary confinement of the person in a special institution of the interior bodies for up to thirty days.

3. The order and conditions for use of a preventive limitation of freedom of movement, as well as the grounds for release from the institutions of the internal affairs' bodies, are defined by the legislature of the Republic of Kazakhstan.

**Footnote. Chapter 36 is supplemented by Article 625-1 in accordance with the Law of the Republic of Kazakhstan dated 29.04.2010 No. 272-IV (the order of enforcement see Art. 2).**

#### **Article 626. Personal search and search of the things of an individual**

1. Personal search, search of things of an individual, is conducted if necessary to detect the instruments or objects of an administrative offence.

2. Personal inspection is performed by the officials, listed in Article 620 of this Code.

3. Personal search can be performed with a person of the same sex and inspected in the presence of two witnesses of the same sex.

4. Personal things (hand luggage, luggage, hunting and fishing things, harvested products, and other items) that are with an individual, that is, an examination,

conducted without disturbing their structural integrity, is performed ??by the authorized officials, listed in Article 620 of this Code in the presence of the person, owing these things, and with the participation of two witnesses.

5. In exceptional cases, when there are grounds to believe that the individual has an instrument or other things, that could be used to harm the lives and health of others, the personal search of things can be made without witnesses with notification of the prosecutor of it within twenty-four hours.

6. If necessary a photo, film, video film recording is made and other established methods of fixation of evidence are applied.

7. A protocol on a personal search, the search of the things of an individual is drawn up. A copy of the protocol on the personal search is handed to the person, against whom the case is conducted and to his legal representative. The protocol shall include the date and place of its drawing, position, name and initials of the person, who drew it, the data of the person, subjected to a personal search, the, quantity, and other identification characteristics of the things, including the, brand, model, caliber, series, number, signs of weapons, the amount and of ammunition, special technical devices for special search operations and cryptographic means for information protection.

8. The minutes of the search shall contains the note about the appliance of a photo-, filming, and video recording, and other methods of fixation of documents. The materials, obtained during the search with photo-, filming, and video recording, and other established means for fixation of evidence shall be attached to the protocol.

9. A protocol on personal search, search of the things shall be signed by the official , who drew it, by the person, subjected to the search, by the owner of the things, subjected to inspection, and by the witnesses. In case if the person, subjected to a personal search, the owner of the things, subjected to inspection, rejects to sign the protocol, there should be a corresponding note about it.

**Footnote. The Article as amended by the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

#### **Article 627. Inspection of vehicles, small size vessels**

1. Inspection of vehicles, small size vessels is made ??in order to detect the instruments or objects of an administrative offence.

2. Inspection of vehicles, small size vessels, that is an inspection, carried out without affecting the structural integrity, is made by the authorized officials, listed in Article 620 of this Code, with participation of two witnesses.

In exceptional cases (in remote areas, in the absence of adequate communication means, or when due to other objective reasons, there is no opportunity to attract individuals as witnesses) the inspection of vehicles, small size vessels, that is the inspection, carried out without affecting the structural integrity, can be conducted

without witnesses, but with the use of technical devices to fix and record its progress and results.

3. Inspection of vehicles, small size vessels is performed in the presence of the owner of the things, or his representative or the person, operating the vehicle, small size vessel legally. In emergency cases, they may be subject to examination in the absence of the mentioned persons.

4. If necessary, in order to record the things, identified during the inspection of vehicles and small size vessels, ??the photo, filming, and video recording are made.

5. A protocol on inspection of vehicles, small size vessels is drawn up. A copy of this protocol is given to the owner of the vehicle, small size vessels, subjected to examination, or his representative or the person, who drives the vehicle, small boat legally.

6. The minutes on inspection of vehicles, small size vessels shall contain the date and place of its drawing, position, name and initials of the person, who drew it, information about the owner of the vehicle, small size vessel, subjected to inspection, information about the, brand, model, state registration number, other identification characteristics of the vehicle, small size vessels.

7. The minutes on the inspection shall have a note about use of photography and filming, video-recording, other established methods for fixing the documents. The materials, obtained during the inspection with the use of photography and filming, video recording, other established means of evidence fixation shall be attached to the protocol.

8. A protocol on inspection of vehicles, small size vessels shall be signed by the official, who drew it, by the person against whom the proceedings are conducted, the owner of the vehicle, small size vessel, subjected to inspection, or his representative. If a person against whom the proceedings are conducted, the owner of the vehicle, small size vessel, subjected to inspection, his representative, rejects to sign the protocol, there should be a corresponding note in it.

**Footnote. Article 627 as amended by the Laws of the Republic of Kazakhstan dated 05.12.2003 No. 506; dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008); dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 627-1. Inspection**

In order to detect the signs of an administrative offence, other material objects and circumstances, important for drawing a protocol on administrative offence, the authorized officer, within its may inspect the terrain, objects, documents, and live persons.

Footnote. Supplemented by Article 627-1 in accordance with the Law of the Republic of Kazakhstan dated December 9, 2004 No. 10.

**Article 627-2. General rules for an examination**

1. An inspection, as a rule, is performed immediately when needed. During the inspection the minutes are drawn up. The protocol shall include the date and place of its drawing, the position, the name and initials of the person, who drew it, the data about the inspected person, the, quantity, and other identification characteristics of the things, including the, model, caliber, series, number, signs of weapons, the number and of ammunition, special technical devices for special search operations and cryptographic means for information protection

A protocol on inspection shall be signed by the person, who drew it, by the inspected person, the owner of the inspected things and the witnesses. In case if the inspected person, the owner of the inspected things, rejects to sign the protocol, there should be a corresponding note about it in the protocol.

2. Inspection of living persons is conducted by the officers, listed in Article 620 of this Code. The inspection of living persons is carried out by the person of the same sex with the inspected one, and in the presence of two witnesses of the same sex.

Inspection of belongings of the living person, that is the inspection, performed without violation of their structural integrity, is carried out ??by the authorized officials , listed in Article 620 of this Code, in the presence of the owner of these things and with participation of two witnesses.

In exceptional cases, when there are grounds to believe that a living person has weapons or other things, that could be used to harm the lives and health of others, the personal search of the things can be performed without witnesses with notification of the prosecutor within twenty-four hours.

3. Inspection of areas, objects, documents, except for those, mentioned in the part 2 of this article, is performed with the presence of witnesses. In exceptional cases (in remote areas, in the absence of adequate communication means, or due to other objective reasons it is impossible to attract individuals as witnesses), the inspection can be conducted without the presence of witnesses, but with the use of technical devices for recording its progress and results.

4. If necessary, the inspection is conducted with participation of the offender, the victim, the witnesses, and the expert.

5. Examination of the revealed traces and other material objects is conducted on the site of an administrative offence. If extra time is required for the inspection or the on-site inspection is difficult, the objects can be removed and packaged, and in a sealed form, with no damages, delivered to any other place, convenient for inspection.

6. All the things, discovered and seized during the inspection, must be shown to the witnesses and other participants of the inspection, and a corresponding note should be made in the protocol.

7. The objects that may be relevant to the case are subjected to withdrawal. The withdrawn objects are packed, sealed and certified by the signatures of the authorized official and the witnesses.

8. The persons, involved in the inspection, have the right to draw the authorized officer's attention to anything that, in their opinion, would help to clarify the circumstances of the case.

9. If necessary, during the inspection, the measurements are made, the plans and schemes of the inspected objects are drawn, and photographs are taken, and a note about it is recorded in the protocol, which shall be attached with these materials.

10. A copy of the protocol is given to the person against whom the proceedings are conducted, or his representative.

**Footnote. Article 627-2 is in the wording of the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006); as amended by the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 628. Withdrawal of things and documents of an individual**

1. Withdrawal of documents and things which are the subject or the instrument of offences, discovered at the scene of a crime or during the proceedings on an administrative offence, defined by Article 618 of this Code, shall be performed by the persons, authorized to implement the appropriate measures to ensure the proceedings, with participation of two witnesses.

In exceptional cases (in remote areas, in the absence of adequate communication means, or due to other objective reasons it is impossible to involve individuals as witnesses), the withdrawal of documents and things that are the instruments of offences, detected on the site of the offence or during the proceedings on the administrative offence, defined by Article 618 of this Code, may be carried out without the presence of witnesses, but with the use of technical devices for recording of its progress and results.

2. A protocol on withdrawal of things and documents is drawn up, a copy of which is given to the person, against whom the case is conducted, or his representative, or an appropriate note is made in the protocol on administrative offence.

3. The minutes on withdrawal of documents and things (the protocol on administrative offence) contains the data on the and details of the withdrawn documents, quantity, and other identification features of the withdrawn things, including the, model, caliber, series, number, other identification signs of weapons

withdrawn, the number and of ammunition, special means for special search operations and cryptographic means for data protection.

4. The protocol shall be signed by the person, who drew it, by the person, whose documents and things are withdrawn and by the witnesses. In case if the person, whose documents and things were withdrawn, rejects to sign the protocol, a corresponding note should be made in the protocol.

5. Before considering the case on administrative offence, the withdrawn things and documents are stored in the places, determined by the official, who performed the withdrawal, in the order, defined by the appropriate state body.

6. The confiscated firearms and other weapons, and ammunition, special technical devices for special search operations and cryptographic means for data protection are stored in the order, determined by the Ministry of Internal Affairs of the Republic of Kazakhstan.

7. After consideration of the case in accordance with the judgment, the withdrawn documents and things are returned to their owner or confiscated or sold, or stored, or destroyed in the prescribed manner. The withdrawn documents on administrative offences in traffic area are kept before execution of the judgment.

7-1. The withdrawn driving license or a certificate, issued instead of a driving license for a decision about the testing the knowledge of traffic rules, is returned to the driver in case if the owner passed the test to check his knowledge of traffic regulations.

If a driver does not pass the exam on knowledge of traffic rules within two months from the date of receipt of the official's decision to pass the exam, the official, who issued the decision, takes measures, provided by the legislation of the Republic of Kazakhstan on road traffic safety.

Instead of the withdrawn driving license, the driver receives a temporary certificate in the form, defined by the authorized body.

8. The withdrawn award, medal, badge to the honorary title of the Republic of Kazakhstan, Kazakh SSR, Soviet Union and other countries are to be returned to their rightful owner, and if he is unknown, they are sent to the Presidential Administration of the Republic of Kazakhstan.

**Footnote. Article 628 as amended by the Laws of the Republic of Kazakhstan dated 05.12.2003 No. 506; dated 27.07.2007 No. 314 (shall be enforced from January 1, 2008); dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2); dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 629. Suspension from driving of a vehicle, a small size vessel and examination for intoxication**



1. A driver, a navigator, driving a vehicle, a small size boat, for whom there are reasonable grounds to believe that he is in a state of intoxication, shall be suspended from driving a vehicle, a small size boat and tested for intoxication.

2. Suspension from driving of a vehicle, a small size boat, non-medical examination and sending to the medical examination for intoxication is conducted by traffic policemen and military police car respectively - for committing offences by a person, driving a vehicle of the Armed Forces of the Republic of Kazakhstan, and of the transport control bodies.

Along with the traffic policemen, the neighborhood police inspectors have the right to suspend a driver from driving a vehicle, in respect of whom there are reasonable grounds to believe that he is drunk, and other law enforcement officers, who, in this case, must record the fact of violations in a written form and take actions to deliver the driver and the vehicle to the nearest internal affairs body.

3. Sending for examination of intoxication, the examination of intoxication and registration of the results, are conducted in the order, defined by the Government of the Republic of Kazakhstan. In case if the driver, the ship driver does not agree with the results of the examination, he is sent to a medical examination to a hospital.

4. The protocol on administrative offence shall have the note on suspension from driving a vehicle, a small size vessel for examination for intoxication.

5. The protocol on administrative offence shall specify the date, time, location, and the grounds for suspension of driving for the intoxication examination. A copy of the protocol is given to the person, against whom the case is conducted, or his legal representative.

6. (The part is excluded - dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

7. An act of examination for intoxication is attached to the corresponding protocol.

**Footnote. Article 629 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506; dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 630. Detention, delivery and prohibition of the operation of a vehicle, a small size vessel**

1. When committing the offences, defined in the articles:

283 - 285, 287, 289, 297, 298, 298-1, 302 - 306, 447, 447-1, 447-2, 447-3, 447-4, 451, 453, 457, 460, 461 (part two, 3 and 3-1), 463 (parts two and three), 463-4 (part 3, 4), 467, 470 (the first, second, fourth, fifth parts), 471 (second part), 514 (in the part of offences, specified by Articles 461 - 471), 524 (in the part of offences, specified by Articles 461 - 471) of this Code, the authorized officer, defined in the part 2 of this Article, shall have the right to detain, deliver, and prohibit the use of vehicles, small

boats through their delivery for temporary storage in the special areas or parking lots, including with the use of another vehicle (tow truck), a small size vessel until elimination of the reasons for detention;

461 (parts 1, 4-8), 463-4 (parts one and two), 468, 469 of this Code, the authorized officer, defined in the second part of this article, shall have the right to prohibit the operation of vehicles by withdrawal of the state registration numberplates before elimination of the reasons for prohibition of the vehicle's use.

Delivery (evacuation) of the vehicle for the temporary storage in the special areas or parking lots can also be applied in the cases of violation by drivers of the rules of stopping or parking of vehicles during their absence, as well as to the vehicles, abandoned by drivers on the road unattended, when it is impossible to establish their location.

2. Detention, delivery and prohibition of the operation of the vehicle, a small size vessel, are performed ??by traffic policemen, military police car when committing an administrative offence by a person, driving a vehicle of the Armed Forces of the Republic of Kazakhstan, the transport control bodies within their powers, the forestry, hunting entities, and the protected natural areas, fisheries (when violating the legislation on forestry, fishing, hunting, and the protected areas).

3. An act of the established form on detention, delivery and prohibition of the use of the vehicle, and the small size vessel is drawn and attached to the protocol on administrative offence.

The use of the vehicle, small size vessel with defects, with which the use is prohibited, or re-equipped without a corresponding permission, or not registered in the prescribed manner, or without the state or compulsory technical inspection, as well as without state registration number plates or with the hidden, forged or inconsistent with the national standards the number plates, is prohibited.

4. Storage of the detained vehicle, a small-sized vessel is conducted at the special sites or parking lots, created by the decision of the local executive bodies and which are the municipal property.

**Footnote.** Article 630 is in the wording of the Law of the Republic of Kazakhstan dated 09.12.2004 No. 10; as amended by the Laws of the Republic of Kazakhstan dated 21.10.2005 No. 80, dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2), dated 24.01.2011 No. 399-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 631. Inspection of territories, facilities, goods or other property, belonging to a legal entity, as well as the relevant documents**

1. Inspection of territories, facilities, goods or other property, belonging to a legal entity, as well as the relevant documents is conducted by the officials, authorized to draw up protocols on administrative offences of the legal entities in accordance with Article 636 of this Code.

2. Examination is performed in the presence of a representative of a legal entity with participation of two witnesses.

3. A protocol on inspection shall be drawn up. A copy of the protocol is given to the representative of a legal entity in respect of which the proceedings are conducted.

4. The minutes of inspection of territories, facilities, goods or other property, belonging to a legal entity, as well as the relevant documents, the date and place of its drawing, position, name and initials of the person, who drew it, the data on the corresponding legal entity, as well as the identity of its representative or a worker, the information about the examined territories, and facilities, the amounts and other identification features of the goods and other things, the names and properties of documents are indicated.

5. The minutes on inspection shall have a note on appliance of photography and filming, video-recording and other established methods of fixing the documents. The materials obtained through photo, film, video recording and other established means of fixation of evidence, shall be attached to the protocol.

6. A protocol on inspection of territories, facilities, goods or other property, belonging to a legal entity, as well as the relevant documents shall be signed by the official, who drew it, a representative or, in the emergency cases, by an employee of a legal entity, as well as by a witness. In case if a representative or employee of a specified legal entity rejects to sign the protocol, a corresponding note should be made in it.

**Footnote. Article 631 as amended by the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 632. Withdrawal of documents and property, belonging to the legal entity**

Withdrawal of documents, goods or other property, things, which were the subject or the instrument of an administrative offence belonging to a legal entity, found on the site of an administrative offence or during the inspection of the territories, facilities, vehicles, goods or other property, belonging to a legal entity, shall be performed by the persons, defined by Article 620 of this Code, as well as the authorized officials, entitled to draw up the protocols on administrative offences, specified by articles 177-3, 177-4, 177-5, 317-1 of this Code. Withdrawal of documents, goods or other property, belonging to the legal entity, as well as their storage are conducted in accordance with Article 628 of this Code.

Footnote. Article as amended by the Law of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008); dated 04.12.2008 No. 97-IV (the order of enforcement see Art. 2).

**Article 632-1. Seizure of goods, vehicles and other property, belonging to a legal entity**

1. Seizure of goods, vehicles and other property, belonging to a legal entity, which were the tools or objects of an administrative offence, is a list of the goods, vehicles and other assets with the announcement of a representative of a legal entity in respect of which the measure is applied to ensure the proceedings an administrative offence, of the prohibition to dispose them (and, if necessary, to use), and tis applies in case if these goods, vehicles and other assets cannot be withdrawn, and (or) their safety can be achieved without the seizure. The goods, vehicles and other assets that are seized, can be transferred for storage to other persons, appointed by the official, who imposed the arrest.

2. Seizure of the goods, vehicles and other property, belonging to the entity, is conducted by the authorized officials, defined in Article 620, part 1 of Article 636 of this Code, in the presence of the owner of the goods, vehicles and other property, and two witnesses.

In urgency cases, the seizure of goods, vehicles and other property can be carried out in the absence of the owner.

3. If necessary, photo, film, video recording is applied.

4. A protocol on seizure of goods, vehicles and other property, owned by the legal entity shall be drawn up. The protocol on seizure of goods, vehicles and other property, belonging to the entity, the date and place of its drawing, position, name and initials of the person, who drew it, the information on the legal entity for which the measure is applied to ensure the proceedings an administrative offence, and the owner of the goods, vehicles and other property seized, their inventory and identification signs, and a note on appliance of photography, filming, and video recording are made. The materials, received during the seizure with appliance of photography, filming, and video recording, are attached to the prtocol.

5. If necessary, the goods, vehicles and other seized property are packaged and (or) sealed.

6. A copy of the protocol on seizure of goods, vehicles and other property, belonging to the entity, is given to the representative of a legal entity in respect of which the measure is applied to ensure the proceedings on an administrative offence.

7. Alienation or concealment of goods, vehicles and other seized property, belonging to the entity, by the legal entity , against whom the measure is applied to

ensure the proceedings on an administrative offence, or by a person, storing the seized property, shall bring to responsibility, established by the Laws of the Republic of Kazakhstan.

Footnote. Supplemented by Article 632-1 in accordance with the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506; Article as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008); dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 633. Appeal to the measures to ensure a case on administrative offence**

1. A person in respect of whom the measures were applied to ensure the proceedings on an administrative offence, may, within ten days from the date of appliance of these measures to make a complaint to a higher authority (higher official) or to the court.

2. At the request of an individual or a representative of a legal entity, he immediately receives a copy of the relevant protocols and other materials necessary for protection of the rights and legitimate interests of the person in respect of whom the measures have been applied to ensure the proceedings.

3. A complaint is made in a written form and must be considered within five days.

4. Upon the results of the complaint's consideration, the decision is made to satisfy or to refuse it.

5. The appeal against the appliance of the measures to ensure the proceedings on an administrative offence to a higher authority (higher official) is not an obstacle to the re-appeal of these measures in the court.

6. A copy of the decision is immediately given to an individual or a representative of a legal entity, and in case of the absence of these persons, it will be sent to them within a day from the date of the decision making.

7. The damage, caused by unlawful actions of officials, shall be compensated in accordance with the rules, established by the legislature.

Footnote. Article 633 as amended by the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 37. Initiation of cases on administrative offences**

### **Article 634. Reasons and grounds for initiation of an administrative case**

1. The grounds for initiating an administrative case are:

1) direct detection by an authorized official of the fact of an administrative offence taking into account the provisions of part 2-1 of this Article;

2) the materials, received from the law enforcement agencies, and other state bodies, local self-government bodies;

3) the letters or statements of individuals and legal entities, as well as the announcements in the media;

4) the readings of the certified special measurement and control technical devices.

2. The grounds for initiating an administrative case are the presence of sufficient data, showing the signs of an administrative offence.

2-1. The ground for initiation of an administrative offence in compliance with the sub-paragraph 1) of part 1 of this Article with respect to the subject of private enterprise is the result of inspection, conducted in accordance with the Law of the Republic of Kazakhstan "On the State Control and Supervision in the Republic of Kazakhstan."

The part is not applied in case of reveal of administrative offence in controlling and supervising the areas, specified in paragraphs 3 and 4 of Article 3 and paragraph 3 of Article 12 of the Law of the Republic of Kazakhstan "On the State Control and Supervision in the Republic of Kazakhstan", as well as in the area of the state statistics and during implementation of other forms of control by the tax bodies.

3. A case on an administrative offence is considered to be initiated from the time of drawing a protocol on an administrative offence, or making a decision by the prosecutor on the administrative offence, and from the moment of announcing the fact by the judge (court) on the contempt of court by the person, participating in the court proceedings.

Footnote. Article 634 as amended by the Laws of the Republic of Kazakhstan dated June 29, 2007 No. 270 (shall be enforced upon expiry of 10 days after the date of its publication); dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008); dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2); dated 17.07.2009 No. 188-IV (the order of enforcement see Art. 2); dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 635. A Protocol on administrative offence**

### **Note of the RCLII!**

Up to 01.01.2013 on the text of Article 635, the words "identification number" are considered as the words "taxpayer identification number" in accordance with the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

1. A protocol on administrative offence is drawn by an authorized officer, except for the cases, provided in Article 639 of this Code.



2. A protocol on administrative offence shall have the address (the place) of its drawing, the position, name and initials of the person, who drew it; the data on the person, against whom the case is initiated (for individuals - first name, middle name (upon availability), the date of birth, place of residence, name and details of the identification document, identification number, information on the registration of residence, place of work, for legal entities - the name, location, number and date of state registration (re-registration) of a legal entity, identification number and bank details); the place, and the time of committing the administrative offence; the article of a special part of section 2 of this Code, which provides administrative liability for the offence; names, surnames, middle names (if available), addresses of witnesses and victims, if any; explanation of an individual or representative of a legal entity, against whom a case is initiated; the name, number, the date of metrological verification, readings of a technical device, if it was used for recording and fixing of the administrative offence; other information necessary for the case's resolving, as well as the documents, proving the fact of committing an administrative offence.

3. When drawing up a protocol on an administrative offence, rights and obligations, provided by this Code are explained to an individual or a representative of a legal entity in respect of whom a case is initiated, as well as to the other participants of the case; a note of it is made in the protocol.

4. A protocol on administrative offence is signed by the person, by the person (representative of the person), who committed the administrative offence, except for the cases, provided in this article. In the presence of the victims and witnesses, as well as in the cases of participation of witnesses, the protocol is signed by these persons too.

5. In case of absence or failure to appear of the duly notified person who committed an administrative offence, the protocol on administrative offence is signed by the person, who drew it, with a note of the absence of the person, who committed an administrative offence.

6. In case of refusal to accept a protocol on administrative offence by the person, against whom the administrative proceedings are conducted, a corresponding note should be made in the protocol by the person, who drew it.

7. An individual or representative of a legal entity, against whom a case is initiated, must be given the opportunity to review the protocol on administrative offence. The said persons may submit explanations and comments on the content of the protocol, as well as to state the reasons for its refusal to sign, which is attached to this protocol. In case of failure of these parties to sign the protocol on administrative offence, there should be a corresponding note in the protocol.

8. A copy of a protocol on administrative offence is given on receipt to an individual or representative of a legal entity, against whom a case is initiated, and a victim, immediately after its drawing, except for the cases, provided in this part.

A protocol on administrative offence in the cases of its drawing in the absence of the person, against whom a case is initiated on the grounds, specified in subparagraph 4) of part 1 of Article 634 of this Code, and also provided by parts 5 and 6 of this article, is sent as a registered letter with a notification of the person, against whom the case is initiated.

Note. When drawing up the protocol in relation to the person, who has committed an administrative offence in the traffic safety area, the identification number is specified in case of it exists.

**Footnote. Article 635 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 636. The officials who have the right to draw up protocols on administrative offences**

1. The protocols on administrative offences, considered by the courts, can be drawn up by:

1) the authorized officials:

of the enforcement bodies (Articles 79-1, 79-3, 79-4, 79-5, 79-6, 83-1, 85-3, 86, 86-1, 87-3, 87-4, 87-5, 96, 111 - 117, 135-1, 136, 136-1, 136-2, 141-1, 143, 143-1, 147-1 (part 2), 159, 162, 163 (part 3 and 4), 163-2, 163-3, 163-4, 165, 203, 234-1, 283 (parts 1 and 3), 298 (part 2 and 2-1), 298-1 (part 2), 306-2, 314, 317-1 (for violation of safety requirements for civil and service weapons and ammunition, chemical products, related to drugs turnover, psychotropic substances and precursors, civil pyrotechnic substances and products with their application), 318 - 321, 324 1, 324-2, 330, 330-1 (part 2), 331, 332, 334 (the third part), 335, 336, 336-1 (part 3), 336-2 (part 3), 336-3 (part 2), 336-4 (part 2), 338 (Part 1), 338-1 (the first, second, tenth and eleventh parts), 339, 340, 341 (part 2), 344, 354-1, 355 -357, 357-1, 357-7 (second part), 362, 362-1, 363, 365, 366, 368, 368-1, 369 (second part), 370 (second part), 371 (part 2), 372, 373, 374 (Part One - Four), 374-1, 380 (part two), 380-2, 388, 390 (part two), 391-1 (parts two and three), 394 (part two, 3 and 4), 394-1, 396 (part four), 446 (second part), 461 (Part 3-1), 463 (parts second, third), 463-3 (part five), 464-1 (part first and second), 465 (second part), 466 (second part), 467, 468 (parts one and two), 468-1, 468-2, 469, 471 (parts 1-2 and the second), 473 (part 3), 474, 474-1, 475, 477 (part 3), 484, 500 (second part), 501, 514 (in the terms of offences, defined by Articles 461 - 471), 518, 521, 524 (in terms of offences, provided by Articles 461 - 471), 531);

of an authorized body for industrial safety (Articles 225-1 (for violations in the protected areas of gas supply systems), 226 (part 3 - 5), 228, 229, 314, 317-1 (for violations of safety requirements for machinery and equipment, chemicals in terms of fire and explosion hazards), 356);

of the commandants of separate areas (articles 362, 363);

of the bodies of the Ministry of Defense of the Republic of Kazakhstan: military police car (for offences committed by military personnel and military servicemen called up for trainings, (Articles 388, 461 (part 3-1), 462 (part 2, 3), 464 (second part), 465, 466, 467 (part 1 - 3, 5), 468 (second part), 469, 471, 477 (part three), as well as for all violations of traffic rules, committed by the persons (except for soldiers and conscripts, called up for trainings), driving a vehicle of the Armed Forces of the Republic of Kazakhstan;

of the Military Traffic Police of the National Security Committee of the Republic of Kazakhstan (for the offences, defined by Articles 461 (part 3-1), 463-3 (part five), 464-1 (parts one and two), 465 (second part), 466 (part two), 467, 468-2, 469, 477 (part 3) of this Code, committed by the persons, driving vehicles of special government agencies);

of the bodies of the military police (Articles 389-1, 512-1 - 512-5);

of the authorized body for use and protection of water resources (Article 124 (first part), 278 (first part), 356);

of the authorized body for veterinary medicine (Article 317-1 (for violations of safety requirements for food products, subjected to veterinary control);

of the bodies for forestry, fishing and hunting (Article 147-1 (second part), 283 (part 1, 3), 298 (part two, 2-1 and 3), 298-1 (second part), 304 (part 2), 305 (second part), 306 (part 2), 306-2, 356, 357-1;

of the authorized body for environmental protection (Articles 240-2 and 246 (second part), 283 (part one) (when these violations are committed in areas, outside the forest reserve), 304 (part 2), 305 (part 2), 306 (part 2), 306-1 (part 3), 306-3 (parts 2 and 3), 317-1 (for violations of safety requirements for chemical products), 356;

of the state control bodies for study and use of mineral resources (articles 124 (when these violations are not the violations of sanitary rules and regulations, and the requirements for the air protection), 317-1, 356);

of the healthcare bodies (Article 87-2, 317-1 (for violations of safety requirements for toys, chemicals), 322 (parts 3 and 4), 324, 326-328;

of the authorized body for culture (Article 81, 82, 130);

of the authorized body for tourism activities (Article 158-3, 356, 357-3);

of the authorized body for gambling business (Articles 168-3, 338 (part one), 338-1);

of the bodies for plant protection (Articles 308, 317-1 (for violations of safety requirements for chemical products);

of the bodies for seed production and grain market regulation (Article 309-2 (part 4), 356 (part 3);

of the authorized body for production of biofuels (Article 147-10 (part 2, 6, 7, 13 (in terms of the biofuel production));

of the authorized body for bio-fuel turnover (Article 147-10 (part 4, 5, 10, 11, 12, 13 (related to bio-fuel turnover), 14);

of the authorized body for livestock breeding (Article 310-1 (parts 1-1 and 2), 357-1);

of the authorized body for agriculture (Article 317-1 (for violations of safety requirements for machinery and equipment, chemical products);

of the state architectural-construction control and supervision (Article 231 (part 2), 232, 233, 235 (part two), 235-1 (part four), 237, 278 (part one), 357-1);

of the state anti-fire service (Article 231 (part 2), 233, 312-1, 356);

of sanitary and epidemiological supervision bodies (Article 85 (part 4 and 5), 140 (part 2), 161 (part 4 and 5), 163, 222 (first part), 231 (part 2, 233, 278 (part one), 304 (part two), 315, 317-1 (for violations of safety requirements for food, toys, chemicals, 323 (part 2), 324, 326-328, 356, 362, 494 (part two);

of the authorized body for information and communication (Article 317-1 (for violations of safety requirements for communications), 356, 357-1, 357-2 (part 2), 492 (second part), 494 (second part), 494 - 1 (part 3 and 5), 496 (part two);

of the authorized body for civil aviation (Articles 356, 443 (part five) and 446-1);

of the authorized body for transport and communications (Article 317-1 (for violations of safety requirements for machinery and equipment, chemical products), 356, 357-1, 442, 445);

of transport control bodies (Articles 356, 357-1, 357-2 (part two), 453 (part 2), 454 (parts 1-3), 471 (part 1-1), 484);

of the bodies of the Ministry of Finance of the Republic of Kazakhstan (Article 158 (when these violations are committed by auditors, audit companies), 168-3, 168-5, 168-8, 175 (part 2) (when these violations are committed by audit companies), 176 (part 3), 177, 177-1, 177-2, 177-3, 177-4, 177-5, 179 (parts one and two), 179-1, 183, 184, 184-1 (except for the parts 3 and 5), 185);

of the central authorized body for internal control (Article 356);

of the authorized body for control and supervision of financial market and financial organizations (Article 158, 167-1 (parts two and three), 168-3, 184, 184-1 (part 3 and 7), 190, 192, 200, 202, 356);

of the bodies for state control over production and turnover of excisable products (articles 163 (part 3, 4, 6, 7 and 9), 163-4 (part 3 and 4), 213 (part 4 - 6), 214, 218-1 (part 7), 357-1, 357-2);

of the financial police (Article 140 (part 2), 143, 143-1, 143-2, 144-1, 145, 146-1, 151, 151-1, 154, 154-1, 155, 155-2, 156, 157, 159 (part 3 and 4), 158-4, 162, 163 (part 3 and 4), 176 (first part), 179 (parts one and two), 179-1, 200, 203, 211, 213 (part 5

and 6), 214, 217, 218-1 (part 7), 275-1, 306-2, 355, 357-1, 357-2 (part 2), 357-3, 357-5, 514 -519, 521, 522, 529, 532-535, 537-1);

of the tax bodies (Articles 154, 155, 156, 157, 163 (part 3, 4, 6, 7 and 9), 163-4 (part 3 and 4), 168-1, 208-1, 209, 213 (part 4 - 6), 214, 218-1 (part 7), 357-1, 357-2, 357-5, 359, 361, 374 (part 5, 6, 7, 8, 9), 532-535);

of the customs bodies (Article 140 (part 2), 218-1 (Part Seven), 400-1, 400-2, 405 (first part), 409, 410, 413, 413-1, 413-2, 414, 415, 417, 417-1, 418, 421, 423, 424, 425-1, 426 - 430, 433), and on the administrative offences, committed in automobile checkpoints across the state border of the Republic of Kazakhstan, provided by Articles 323 (part two) 357-1, 461 (part 3-1) of this Code;

of the judiciary bodies (Articles 129, 145, 168-3, 175 (part two) (when these violations are committed by private notaries), 353, 354, 354-2, 354-3, 356, 357-4, 357-5, 357 - 6, 376);

of the bodies, that are the licensors in accordance with the legislature (Article 140 (second part), 192, 231 (second part), 232, 233, 235 (second part), 237, 302 (part three), 342 (part two), 342 - 1 (paragraphs fourth, fifth, sixth of the part 5), 343 (first part), 356, 356-1, 357-1, 357-2 (Part Two), 357-3, 357-5, 477 (part three);

of the authorized body for a state monopoly (Article 147-12 (part 1 and 3 (for excess of the maximum price of retail sales of oil products), 147-1);

#### **Note of the RCL!**

**There are amendments to paragraph by the Law of the Republic of Kazakhstan dated 04.07.2012 No. 25-V (shall be enforced from 01.01.2016).**

Of the authorized body, administering the natural monopolies and the regulated markets (Article 147-6 (Part 2-1), 356);

of the authorized agency for entrepreneurship (Article 153, 356, 357-3);

of the bodies for technical regulation and traceability and their local bodies (Article 161 (part four), 317 (parts two and three), 317-1, 317-2, 317-4 (parts two and three), 338-1 (part third, ninth, tenth and twelfth), 356, 357-1, 496 (second part), 501);

#### **Note of the RCL!**

**There is the wording of paragraph by the Law of the Republic of Kazakhstan dated 04.07.2012 No. 25-V (shall be enforced from 01.01.2016).**

of the bodies for state power supervision and control (Article 219-8 (parts two and three), 223-225, 225-1 (for violations in the protected areas of electric and heating networks), 356, 357-1);

of the authorized body for industrial policy regulation (Article 317-1 (for violations of safety requirements for machinery and equipment, chemical products, toys);

of the authorized body for trade (Article 158 (when these violations are committed by stockbrokers and (or) exchange dealers, as well as the employees of commodity exchanges), 168-3);

of the authorized state body for state registration of legal entities, civil status acts, regulatory assessment activities, registration and documentation of the citizens of the Republic of Kazakhstan (Articles 157-1 and 158 (in terms of violation of the legislation of the Republic of Kazakhstan on assessment activities), 356, 357-1, 357 4, 376);

of the authorized body for oil and gas area (Articles 147-11, 147-12 (parts two and three (in excess of maximal price for wholesale distribution of commercial or liquefied petroleum gas));

of the atomic energy bodies (Articles 222, 315, 316, 317-1 (for violation of safety requirements for machinery and equipment);

of the Border Guard Service of the National Security Committee of the Republic of Kazakhstan (Article 298 (parts two and three), 298-1 (second part), 303 (second part), 304 (second part), 305 (second part), 306 (second part), 355, 388, 390 (second part), 391 (part two), 391-1 (parts two and three), 393, 394 (part second, third and fourth);

of the bodies for state secrets' protection (Article 344 (part 3) (for offences, related to the state secrets), 386 (part three);

of the Republican Guard (Article 388), the National Security Committee (Article 362-1, 388);

of the Security Service of the President of the Republic of Kazakhstan during the security actions (Articles 135-1, 136, 160, 220, 312, 323 (second part), 330, 331, 332, 333, 336, 355, 356-2, 362-1, 368, 369 (second part), 370, 371 (second part), 373, 388, 463 (Part 1-1), 465, 472, 473, 529);

of the Accounts Committee for control over execution of the republican budget and audit committees of oblasts, towns of republican status, the capital (Articles 168-5, 168 -8, 176 (part three), 177-3, 177-4, 177-5, 184-1 (part five), 309-5 (first part), 356);

of the bodies for state labor inspection (Article 87-2, 317-1 (for violations of safety requirements for chemical products), 356;

of the authorized body for education (Article 87-2, 311-1 (part 7), 356, 357-1;

of the local executive bodies of oblasts, cities of republican status, the capital (Article 127 (part two), 163-6, 165, 237-1, 309-1 (part seventh, eighth), 309-4 (parts eighth, ninth), 309 - 5 (part two), 342, 342-1 (part one, third, paragraphs second, third of the fifth part), 343, 357-1, 357-2 (part two), 346-352);

of the authorized body for execution of enforcement documents (Article 175 (part two) (when these violations are committed by private bailiffs);

of the state regulation bodies for bankruptcy (Article 155-1 (Part Four), 356);

of the control bodies for provision of health services (Article 85 (fourth and fifth parts), 85-1 (second part), 85-2 (second part), 322 (part five)

of the antimonopoly authority (Article 147);

of the authorized state body for religious activity (Articles 374-1, 375);



of the authorized body for space activities (Articles 230-1, 230-2);  
of the local executive bodies of oblasts, cities of republican status, the capital, districts, cities of regional importance (Article 163-6, 165, 226 (part one and two), 349);  
of the correctional institutions or detention centers (Article 367);  
2) the judicial enforcement agents, bailiffs and other court personnel, authorized by the chairman of the court or the presiding officer in the court (Articles 513-531);  
3) the authorized employees of the National Bank of the Republic of Kazakhstan (Articles 158, 168-3, 179 (parts one and two), 179-1, 183, 187, 188 (second part), 356, 357-1, 357-5);  
4) the officials, authorized by governors of oblasts (city of republican status, the capital) (article 514-2).

2. For administrative cases, the consideration of which is within the jurisdiction of the bodies, defined by Articles 543 - 576-10 of this Code, the minutes on the offences have the right to be authorized by officials may be drawn by the officials of these bodies. In addition, the protocols on administrative offences shall be drawn by:

the officials of the authorized body for transport and communications (part 2 of Article 175 (when these violations are committed by carriers of passengers), the second part of Article 451, Article 452, part two and three of Article 453, Article 454, the third part of Article 455, Article 457, Part four of Article 477, article 478, 479, part three and four of Article 480, article 481 (for offences committed in auto and electric vehicles);

the officials of the specialized organizations of the authorized bodies for forestry, fishing and hunting (Articles 121, 125, 126, 250, 252, 282-298-1, 299, 302 (parts two and three), 304 (parts one and two); 305 (part one and two), 306 (parts one and two);

the huntsman, director of game and fish farms, who are in charge of wildlife protection (Articles 298, 298-1 (parts one and two)).

**Footnote. Article 636 as amended by the Laws of the Republic of Kazakhstan dated July 12, 2001 No. 240, dated March 28, 2003 No. 398, dated June 3, 2003 No. 428, dated July 3, 2003 No. 464, dated July 10, 2003 No. 483 (shall be enforced from January 1, 2004), dated December 5, 2003 No. 506, dated May 6, 2004 No. 551, dated July 6, 2004 No. 572, dated December 9, 2004 No. 10, dated April 13, 2005 No. 40 ( shall be enforced from January 1, 2005), dated July 8, 2005 No. 67 (the order of enforcement see Art. 2); dated July 8, 2005 No. 72 (the order of enforcement see Art. 2 ); dated October 21, 2005 No. 80, dated November 22, 2005 No. 90 (the order of enforcement see Art. 2 of the Law), dated January 10, 2006 No. 116 (the order of enforcement see Art. 2 of the Law No. 116); dated January 16, 2006 No. 122 (shall be enforced from January 1, 2007), dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006), dated May 5, 2006 No. 139 (the order of enforcement see Art. 2**

of the Law No. 139); dated June 22, 2006 No. 147, dated July 5, 2006 No. 165 (the order of enforcement see Art. 2), dated July 7, 2006 No. 174, dated July 7, 2006 No. 171 (the order of enforcement see Art. 2); dated July 7, 2006 No. 181 (shall be enforced from January 1, 2007), dated December 11, 2006 No. 201 (shall be enforced from January 1, 2007), dated 09.01.2007 No. 213 (the order of enforcement see Art. 2); dated January 12, 2007 No. 220 (the order of enforcement see Art. 2); dated January 12, 2007 No. 222 (shall be enforced upon expiry of 6 months after the date of its official publication), dated 12.01.2007 No. 224 (shall be enforced from 01.01.2012), dated February 19, 2007 No. 230 (the order of enforcement see Art. 2), dated February 28, 2007 No. 235 (the order of enforcement see Art. 2); dated July 6, 2007 No. 276, dated July 21, 2007 No. 299; dated July 21, 2007 No. 304 (shall be enforced from January 1, 2008); dated July 21, 2007 No. 307 (the order of enforcement see Art. 2 of the Law), dated July 26, 2007 No. 311 (shall be enforced upon expiry of 10 calendar days after the official publication), dated July 27, 2007 No. 320 (shall be enforced from August 9, 2007), dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008); dated December 19, 2007 No. 11-IV (the order of enforcement see Art. 2), dated 26.05.2008 No. 34-IV (the order of enforcement see Art. 2), dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2), dated 05.07.2008 No. 59-IV (the order of enforcement see Art. 2), dated 05.07.2008 No. 60-IV (the order of enforcement see Art. 2), dated 05.07.2008 No. 64-IV (the order of enforcement see Art. 3), dated 04.12.2008 No. 97-IV (the order of enforcement see Art. 2); dated 25.12.2008 No. 113-IV (shall be enforced from 01.01.2009), dated 29.12.2008 No. 115-IV (shall be enforced from 01.01.2009); dated 29.12.2008 No. 116-IV (shall be enforced from 01.01.2009); dated 20.02.2009 No. 138-IV (the order of enforcement see Art. 2); dated 04.05.2009 No. 156-IV (shall be enforced from 08.11.2009), dated 04.05.2009 No. 157-IV (the order of enforcement see Art. 2), dated 04.07.2009 No. 166-IV; dated 10.07.2009 No. 176-IV (the order of enforcement see Art. 2), dated 10.07.2009 No. 177 (the order of enforcement see Art. 2); dated 10.07.2009 No. 178-IV; dated 11.07.2009 No. 184 (the order of enforcement see Art. 2); dated 16.07.2009 No. 186-IV; dated 17.07.2009 No. 188-IV (the order of enforcement see Art. 2); dated 28.08.2009 No. 192-IV (shall be enforced from 08.03.2010), dated 09.11.2009 No. 197-IV (the order of enforcement see Art. 3), dated 04.12.2009 No. 215-IV (the order of enforcement see Art. 2); dated 07.12.2009 No. 221-IV (the order of enforcement see Art. 2); dated 07.12.2009 No. 222-IV (the order of enforcement see Art. 2); dated 08.12.2009 No. 225-IV (the order of enforcement see Art. 2); dated 06.01.2010 No. 238-IV (the order of enforcement see Art. 2), dated 21.01.2010 No. 242 -IV (the order of enforcement see Art. 2); dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010); dated 08.04.2010 No. 266-IV (the order of enforcement see Art. 2), dated 29.04.2010 No. 272-IV (the order of enforcement see Art. 2); dated 28.06.2010 No. 295-IV (shall be enforced upon expiry

of six months after its first official publication), dated 30.06.2010 No. 297-IV (shall be enforced from 12.07.2010), dated 15.07.2010 No. 340-IV (the order of enforcement see Art. 2); dated 06.10.2010 No. 343-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 15.11.2010 No. 352-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication), dated 23.11.2010 No. 354-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 10.01.2011 No. 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 11.01.2011 No. 385-IV (shall be enforced upon expiry of ten calendar days after its first official publication ), dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 26.01.2011 No. 400-IV (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 28.01.2011 No. 402-IV (shall be enforced from 05.08.2011), dated 18.04.2011 No. 429-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011), dated 15.07.2011 No. 461-IV (shall be enforced upon expiry of thirty calendar days after its first official publication), dated 21.07.2011 No. 465-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 11.10.2011 No. 484-IV ( shall be enforced upon expiry of ten calendar days after its first official publication), dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 03.12.2011 No. 505-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 28.12.2011 No. 524-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 06.01.2012 No. 529-IV (shall be enforced upon expiry of 21 calendar days after its first official publication), dated 09.01.2012 No. 533-IV (shall be enforced upon expiry of 10 calendar days after its first official publication), dated 09.01.2012 No. 535-IV (shall be enforced upon expiry of 10 calendar days after its first official publication); dated 12.01.2012 No. 540-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 13.01.2012 No. 542-IV ( shall be enforced from 26.07.2012); dated 18.01.2012 No. 546-IV (shall be enforced upon expiry of thirty days after its first official publication), dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication ), dated 15.02.2012 No. 556-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 16.02.2012 No. 557-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 04.07.2012

No. 25-V (shall be enforced upon expiry of ten calendar days after its first official publication), dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication), dated 10.07.2012 No. 31-V (shall be enforced upon expiry of ten calendar days after its first official publication), dated 10.07.2012 No. 33-V (shall be enforced upon expiry of ten calendar days after its first official publication), dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication), dated 26.11.2012 No. 57-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 637. Initiation of administrative cases by the prosecutor**

1. The prosecutor makes a decision to initiate administrative cases, provided by Articles 80-87, 89-110-1, 151, 158-5, 334-1, 342-344, 346-352, 353, 356-1, 356-2, 357-3, 366, 375, 381-1, 513, 516-1, 521-1, 531, 537 of this Code.

2. The prosecutor is entitled to make a decision on initiation of a case about another administrative offence.

3. The prosecutor's decision to initiate an administrative case shall contain the information, specified in Article 635 of this Code.

**Footnote.** Article 637 as amended by the Laws of the Republic of Kazakhstan dated 09.08.2002 No. 346; dated 13.03.2003 No. 394; dated 05.12.2003 No. 506; dated 09.07.2004 No. 583; dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); dated 21.07.2007 No. 308; dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008); dated 10.02.2011 No. 406-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 638. Terms of drawing up a protocol on an administrative offence**

1. A protocol on administrative offence is drawn up immediately after reveal of the administrative offence during monopolistic activity - after the making of the corresponding decision upon the results of an investigation or inspection, and for administrative offences in the ??taxation area or use of budget funds, as well as in technical regulation area and traceability - after completion of corresponding inspection.

2. In the cases when additional clarification of circumstances of an administrative offence, the identity of an individual or the data on a legal entity, and the identity of a representative of a legal entity in respect of whom the proceedings are initiated, the protocol on administrative offence is drawn up within three working days from the date of establishment of these data, and for the administrative offences, defined by Articles 168, 168-6, 168-7, 169, 172-2 (parts one and two), 179 (part third and fourth), 180, 182, 187 and 188 of this Code, as well as the transfer of materials of administrative

offences to the territorial branches within ten working days from the date of reveal of the offence or the person, who committed it.

3. In the cases, when the expertise is required, the protocol on administrative offence is drawn within a day from the time of receipt of the examination report.

3-1. In the cases when for an administrative offence, defined by Articles 240 (first part), 250 (first part), 261, 265, 304 (part two), establishment of the amount of damage done to the environment is required, the protocol on administrative offence is drawn ?? within a day after the establishment of the amount of damage caused to the environment.

4. In the cases when the requirements, specified in the part 2 of this article cannot be executed due to failure to identify an individual, a protocol on administrative offence shall be drawn up on the fact of an administrative offence in the terms, established by this Article.

5. In the cases when for the materials on administrative offences, the data of the certified special test and measurement devices is used, the protocol on administrative offence can be drawn in the absence of the offender.

**Footnote. Article 638 as amended by the Laws of the Republic of Kazakhstan dated July 12, 2001 No. 240; dated December 9, 2004 No. 10; dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006); dated July 7, 2006 No. 174; dated 09.01.2007 No. 213 (the order of enforcement see Art. 2); dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2); dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 639. The Cases when a Protocol on Administrative offence is not Drawn**

1. When an administrative offence, leading to imposition of an administrative penalty in the form of a warning or a fine, if it does not exceed the five monthly calculation indices, and the person (an individual, a body or a person, managing a legal entity) admitted the fact on committing the offence and in the cases, provided by parts 1-1, and two of this article, the protocol on administrative offence is not drawn. A penalty in the form of a warning is issued by the authorized officer at the scene of an administrative offence, except for the offence in finance and trade areas. When imposing the penalties in the form of a fine, the issuance of receipts of the established form, that is a document of strict financial importance, is performed by the authorized officer at the scene of an administrative offence.

The person, who committed an administrative offence, confirms his agreement with the imposed penalties by the signature on the second copy of the warning or a payment document.



1-1. A protocol on administrative offence is not drawn when committing an administrative offence in traffic safety area, except for the cases, provided in the third part of Article 539, the third part of Article 639 of this Code.

A penalty in the form of a fine is imposed and can be charged by the authorized officer in accordance with Article 710 of this Code.

If an administrative offence is fixed by the certified special instrumentation system and devices, operating in automatic mode, the fine shall be imposed in the form of orders on the need to pay a fine with the attachment of the readings of the special technical device, and the owner (owner) of a vehicle is duly notified of it.

2. When filing an application by individuals on restoration of violated rights, the cases on administrative offences, provided by Articles 80-113 of this Code, shall be considered by the court without drawing a protocol on offence. The protocol is not drawn in the cases if a case on an administrative offence is initiated by the prosecutor and during the establishment by a judge (a court) of the fact of contempt in the cases, provided part 3 of Article 541 of this Code.

3. If a person litigates the penalty, imposed on him in the order, prescribed by the parts 1 and 1-1 of this article, or is unable to pay the fine at the scene of an administrative offence, a protocol on administrative offence is drawn up in accordance with Article 635 of this Code, with taking the measures on the cases on administrative offences, provided by Article 618 of this Code.

**Footnote. Article 639 as amended by the Laws of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from January 1, 2006); dated 29.06.2007 No. 270 (shall be enforced upon expiry of 10 days after the date of its publication); dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2); dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication)**

#### **Article 640. Forwarding of a protocol (the prosecutor's decision) to consider the case**

1. Within three days from the moment of drawing, the protocol (the prosecutor's decision) on an administrative offence is forwarded for consideration to the judge, the body (official), who is authorized to consider the case on administrative offence.

2. The protocol (the prosecutor's decision) on the administrative offence, the responsibility for which may lead to administrative detention, is sent to the judge immediately after its drawing.

3. In the cases when the protocol is drawn by the unauthorized person, in inappropriate drawing of the protocol design and other materials of the case, and in other cases, provided by subparagraph 4) of Article 646 of this Code, the defects of the protocol and other materials are removed within not more than three days from the date of their receipt from the judge, the body (the official), considering the case on



administrative offence. The corrected protocol and other materials of the case with the amendments are re-sent to the judge, the body (the official), considering the administrative proceedings, within a day from the date of elimination of defects.

**Footnote. Article 640 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506.**

#### **Article 641. Termination of a case on an administrative offence for its submission for consideration**

If there is at least one of the circumstances, provided by Articles 580, 581 of this Code, the official, who is in charge of the case, delivers a decision to terminate the case on administrative offence.

### **Chapter 38. Consideration of administrative cases**

#### **Article 642. The place of considering a case on administrative offence**

1. A case on an administrative offence is considered at the place of its commission, and in the cases, provided by this Code at the location of the official (an authorized state agency), the jurisdiction of which will cover the administrative offence.

2. The cases on administrative offences, provided for in Articles 246, 247, 447, 447-1, 447-3, 461-487 of this Code, may be considered at the place of registration of vehicles, vessels, including those of small size, or at the place of residence of the person, against whom the case on administrative offence is conducted.

3. The cases of administrative offences provided for in Articles 295, 296, 298, 298-1, 335 and 336 of this Code shall be considered at the place of their commission or residence of the person against whom the proceedings are conducted on an administrative offence.

4. The cases on administrative offences of minors, their parents or guardians, are considered at the place of residence of the person, against whom the proceedings are conducted on an administrative offence.

**Footnote. Article 642 as amended by the Laws of the Republic of Kazakhstan dated 05.12.2003 No. 506, dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after the first official publication).**

#### **Article 643. Preparations for considering the case on administrative offence**

1. A judge, a member of the collegial body, an officer, during preparation for consideration of the case on administrative offence establishes the following questions:

1) whether consideration of the case is in his jurisdiction;

2) whether there are circumstances, that exclude the possibility of considering this case by the judge, the member of the collegial body, the official;

3) whether a protocol on administrative offence and other protocols, provided herein, as well as other materials are drawn correctly;

4) whether there are circumstances which exclude the proceedings, as well as circumstances, allowing not to bring a person to administrative responsibility;

5) whether there are the petitions and objections;

6) whether the persons, defined by Articles 584-588 of this Code are notified of the place and time of the case consideration.

2. Requirements of subparagraphs 1), 3) and 6) of part 1 of this Article for the cases on contempt of court, considered in compliance with the part 3 of Article 541 of this Code, shall not be applied.

**Footnote. Article as amended by the Law of the Republic of Kazakhstan dated June 29, 2007 No. 270 (shall be enforced upon expiry of 10 days from the date of its official publication).**

**Article 644. The circumstances, excluding the possibility of considering an administrative case by a judge, a member of the collegial body, an officer**

A judge, a member of the collegial body, an officer, considering the administrative proceedings, cannot consider the case in case if that person:

1) is a relative of the person, brought to responsibility, or of a victim, their representatives, a defense counsel;

2) is interested in resolving the case directly or indirectly.

**Footnote. Article 644 as amended by the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 645. Recusal and disqualification of a judge, a member of the collegial body, or an official**

1. In the presence of the circumstances, provided by Article 644 of this Code, a judge, a member of the collegial body, an official must declare the refusal.

2. In the presence of the circumstances, provided by Article 644 of this Code, the person, against whom the case is conducted, the victim, the legal representatives of the individual and a representative of a legal entity, a defense counsel, a prosecutor have the right to challenge the judge, the member of the collegial body, the official.

3. An application on recusal is filed to the chairman of a corresponding court, head of a collegial body, the higher official.

4. An application on recusal is considered by the chairman of the court, a collegial body, a higher official within a day from the date of its receipt.

5. Upon the results of considering the application for recusal, a decision is made to grant or refuse the application in its satisfaction.

**Footnote. Article 645 as amended by the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 646. The judge's, the body's (the official's) decision, taken in preparation for considering an administrative case**

1. The judge, the body (official), when preparing for consideration of an administrative case shall make the following decisions:

1) to schedule the time and place of the hearing;

2) to summon the people, to reclaim the necessary additional materials of the case. If necessary, the judge may also schedule an examination;

3) to postpone consideration of the case;

4) to return a protocol on administrative offence, and other case files to the body (the official), who drew up the protocol, in the case of drawing the protocols and other case materials by the unauthorized persons, incorrect drawing of the minutes and diminution of the presented materials, that cannot be fulfilled during the case consideration;

5) about submission of the protocol on administrative offence and other materials for considering upon the jurisdiction thereof, if consideration of the case is not related to its competence or a decision to challenge a judge or an official is made;

6) about submission of the case for consideration on its merits in accordance with Article 642 of this Code;

7) on termination of the case in the presence of the circumstances, specified in Articles 580-581 of this Code.

2. The decisions, provided by subparagraphs 1) - 6) of part 1 of this Article, shall be made in the form of a resolution.

3. The solution, provided by subparagraph 7) of part 1 of this Article, shall be in the form of a resolution.

3-1. The judge, the bodies (the officials) entitled to consider the cases on administrative offences, having found that there are two or more cases opened against one and the same person, have the right to bring these cases into one case to be considered jointly.

4. When preparing for the re-consideration of the case on administrative offence in connection with failure to appear without reasonable excuse of the person, brought to responsibility, his representative, a witness in the cases, defined by part 4 of Article

584, part six of Article 586 and part 5 of Article 594 of this Code, a judge, a body (an official), considering the case, may issue an order on delivery of the specified persons.

**Footnote. Article as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 314 (shall be enforced from January 1, 2008), dated 05.07.2012 No. 30 -V (shall be enforced upon expiry of ten calendar days after its first official publication ).**

#### **Article 647. Deadlines for considering the cases on administrative offences**

1. The cases on administrative offences are considered within fifteen days from the day of receipt of the protocol on administrative offence and other materials of the case by the judge, the body (the official), entitled to consider the case.

1-1. The case on contempt of court by a person, involved the process, established during the trial, is considered by the judge (the court) in the same meeting of the first, appellate or supervisory court.

2. In case of a request from the participants of the proceedings on an administrative offence or if an additional clarification of circumstances of the case is required, the judge, the body (the official), considering the case, may prolong the terms, but not more than one month, and for the cases on fulfillment of tax obligations, for a period of time, specified for appeal.

3. A case on an administrative offence, the commission of which leads to administrative arrest, administrative deportation from the Republic of Kazakhstan, is considered on the day of receipt of the protocol on administrative offence and other case files, and in relation to the person, subjected to administrative detention - no later than forty-eight hours from the time of his arrest.

**Footnote. Article 647 as amended by the Laws of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated December 13, 2004 No. 11 (shall be enforced from January 1, 2005); by the Law of the Republic of Kazakhstan dated June 29, 2007 No. 270 (shall be enforced upon expiry of 10 calendar days from the date of its official publication).**

#### **Article 648. The order of considering the cases on administrative offences**

1. The judge, presiding in the meeting of the collegial body, or an official, when starting considering the administrative case:

1) declares those, who consider the case, what case is to be examined, who and on the basis of which articles of this Code is brought to responsibility;

2) makes sure of the appearance to the court of an individual or a representative of a legal entity, brought to administrative responsibility, and other persons, involved in the case;

3) establishes the identity of the participants of the case and verifies the powers of the legal representatives of an individual or a business representative, a lawyer;

4) investigates the reasons of failure to appear of the participants of the case and makes a decision on considering the case in the absence of the specified persons or postponing of the case consideration;

5) If necessary, issues a ruling on delivery of the persons, participation of whom is a mandatory part of the proceedings, and appoints a translator;

6) explains the persons, involved in the proceedings, their rights and responsibilities;

7) resolves the alleged recusals and petitions;

8) reads out the protocol on administrative offence, and if necessary - the other materials of the case;

9) makes a decision to postpone consideration of the case in connection with: an application on self-recusal, or disqualification of a judge or an officer, as well as the member of the collegial body, in case if his recusal will hamper considering the case on the merits; the recusal of a defense counsel, an authorized representative, an expert or an interpreter; with the necessity of appearance in to court of the persons, participating in the proceedings, or the demand of additional case files, and in the cases, specified in part two of Article 56 of this Code. If necessary, the judge (the official) makes a decision on scheduling of examination;

10) makes a decision to transfer the case for its considering in the court in the cases provided by Article 646 of this Code.

1-1. The presiding officer, having established the facts of contempt of court, committed by the person during the proceedings, shall be entitled to announce the fact without compliance the requirements of subparagraphs 2), 4), 8) and 10) of part 1 of this Article to make a decision on imposition on the offender of an administrative penalty, provided by Article 513 of this Code.

The fact on contempt of court by the person, directly involved in the proceedings, should be recorded in the protocol on the court session.

2. The judge, presiding in the meeting of the collegial body, or an official, having started considering the administrative case, listens to the explanations of the individual or representative of a legal entity , who is involved in the case, the testimony of others, involved in the proceedings, the experts' explanations, researches of other evidence in the case of the prosecutor's participation in the case shall listen to his conclusion.

3. In the necessary cases the other proceedings are made, provided by this Code.

**Footnote. Article 648 as amended by the Laws of the Republic of Kazakhstan dated 02.03.2006 No. 131, dated 29.06.2007 No. 270 (shall be enforced upon expiry of 10 days from the date of its official publication), dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 649. The circumstances that are to be clarified in a case on an administrative offence**

A judge, a body (an official) when considering a case on an administrative offence must find out whether the violation was committed, whether the person is guilty in a crime, whether it is subject to administrative liability, whether there are circumstances mitigating or aggravating the responsibility, whether the damage is caused to property, and find out other circumstances, important for proper resolving of the case.

## **Article 650. The decisions upon the results of considering the case on the administrative offence**

1. Having considered the administrative proceedings, the judge, the body (the official) shall make one of the following decisions:

- 1) on imposing of an administrative penalty;
- 2) on termination of the proceedings;
- 3) on transfer of the case to the judge, the body (the official) competent to impose a penalty of another and size for this administrative offence, as well as the transfer of the case to the place of registration of a vehicle (a ship, including a small size vessel), in the cases, provided by Article 642 of this Code;

*4) is excluded by the Law of the Republic of Kazakhstan dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010).*

1-1. When sending of a driver of a vehicle for an exam to test his knowledge of traffic rules, a decision to send the driver to the test is made, and its copy is issued to the person, sent to the test.

2. The order on termination of proceedings shall be made in the following cases:

1) the presence of circumstances, excluding the proceedings in compliance with Article 580 of this Code;

2) the presence of circumstances, allowing not to bring to administrative responsibility, defined by Article 581 of this Code;

3) the transference of the case files to the appropriate bodies to resolve the issue on bringing to disciplinary responsibility in accordance with Article 35 of this Code.

**Footnote. Article 650 as amended by the Laws of the Republic of Kazakhstan dated 04.07.2008 No. 55-IV (the order of enforcement see Art. 2); dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010).**

## **Article 651. Judgment on the case on an administrative offence**

1. The judgment in the case of administrative offence shall contain:

1) position, name, initials of the judge, official, the name and composition of the collegial body, that rendered the decision;



2) the date and place of the case consideration;

**Note of the RCLI!**

**There is an amendment to subparagraph 3) by the Law of the Republic of Kazakhstan dated 12.01.2012 No. 538-IV (shall be enforced from 01.01.2013).**

3) the information on the person in respect of whom the case is considered: for individuals - the surname, first name, date of birth, place of residence, the name and details of the identity document, tax identification number, information on the registration of residence, place of work; for legal entities - the name, legal form, location, number and date of state registration as a legal entity, tax identification number and bank details;

3-1) the language of proceedings;

4) the Article of this Code, providing liability for an administrative offence;

5) the circumstances, set out in the proceedings;

6) a decision on the case;

7) the procedure and terms of appeal of the decision;

8) the deadline for voluntary payment of the fine.

2. The judgment on the case on administrative offence must be motivated.

If during resolving the question on imposition of penalties for administrative offences, the judge, at the same time, is solving the issue on compensation for damage caused to property, the decision indicates the amount of damage, which is to be recovered, the deadline and the order of payment.

When making a decision on administrative deportation from the Republic of Kazakhstan, the reasonable deadline within which a foreigner or a stateless person must leave the territory of the Republic of Kazakhstan is indicated.

3. The judgment on an administrative offence, should resolve the issues on the seized documents and things that were with the person, on the seized documents and property, belonging to a legal entity, provided that:

1) The things, which were the tools or objects of an administrative offence and owned by an individual or a legal entity, brought to administrative liability in the cases, defined by the provisions of the special part of Section 2 of this Code, shall be confiscated or transferred to the appropriate institutions or destroyed; in other cases - returned to their owners;

2) the things that are forbidden for treatment, are submitted to the appropriate agency or destroyed;

3) the things of no value, and those, that cannot be used, must be destroyed, and in case of a petition of the interested parties, the things can be given to them;

4) the documents, which are the physical evidence, remain in the case for the duration of its storage or sent to the interested parties.

4. A resolution of the collegial body is adopted by a simple majority vote of the members of the collegial body, attending the meeting. In case of equality of votes the chairman's vote shall be decisive.

5. The judgment on the case on an administrative offence shall be signed by the judge presiding in the session of the collegial body, the official, who issued the ruling.

**Footnote. Article 651 as amended by the Laws of the Republic of Kazakhstan dated 05.12.2003 No. 506, dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); dated 22.06.2006 No. 147, dated 12.01.2007 No. 224 (shall be enforced from 01.01.2012), dated 27.07.2007 No. 314 (shall be enforced from 01.01.2008); dated 21.07.2011 No. 467-IV (shall be enforced from 01.07.2011); dated 12.01.2012 No. 538 -IV (shall be enforced from 01.01.2012).**

#### **Article 652. Announcement of a judgment for the case on an administrative offence and handing a copy of resolution**

1. Judgment on the case on administrative offence is declared immediately after the termination of the proceedings.

2. An individual or a representative of a legal entity in respect of whom the judgment is delivered in the case on an administrative offence, and the victim, the legal representative of the individual, the authorized body (the official), who initiated the administrative proceedings, a copy of the decision is given, and (or) is sent within three working days from the day of its announcement. In case of delivering a decision on an administrative arrest, a copy of the decision is immediately sent to the prosecutor.

3. In the cases on administrative offences, provided by Articles 332 and 369 of this Code, the person to whom a firearm and ammunition are entrusted to perform official duties or are given to temporary use to the organization, a copy of the decision is sent to the corresponding organization.

**Footnote. Article 652 as amended by the Laws of the Republic of Kazakhstan dated 05.12.2003 No. 506, dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 653. A decision on a case on an administrative offence**

The decision on the case on administrative offence shall contain the information, defined by part 1 of Article 651 of this Code, except for the period and the order of appeal.

#### **Article 654. A presentation on ??elimination of reasons and conditions, that resulted in an administrative offence**

1. When establishing the reasons and conditions that led to administrative offences, the judge delivers a particular resolution, and the body (official) submits presentation on the measures taken for their elimination to the appropriate organization and the officials.

2. The heads of organizations and other officials must consider the particular resolution and the representation within one month from the date of its receipt and report on the measures taken to the judge, the body (official), who made a presentation.

**Footnote. Article 654 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506.**

### **Chapter 39. Reconsideration of regulations on administrative offences that did not come into force**

#### **Article 655. The right for appeal, cassation against the decision on an administrative offence**

1. Judgment on the case on administrative offence may be appealed by the persons, defined in Articles 584-588 of this Code, as well as be challenged by the prosecutor.

2. Resolution of the judge and the specialized district and equivalent to it administrative court and the juvenile court on imposition of an administrative penalty may be appealed, and protested to a higher court.

2-1. The judgment on the case on contempt of court, delivered by the judge (the court) in compliance with part 1-1 of Article 648 of this Code may be appealed, protested to a higher court. The resolution of the Supreme Court, rendered at the court hearing on contempt of court cannot be reconsidered.

3. The decision, rendered by the body (the official) on an administrative offence may be challenged, appealed to a higher body (higher official) or to a specialized regional and equated to it an administrative court and the juvenile court at the location of the body (official).

**Footnote. Article 655 as amended by the Laws of the Republic of Kazakhstan dated 09.08.2002 No. 346, dated 02.07.2003 No. 451, dated 29.06.2007 No. 270 (shall be enforced upon expiry of 10 days from the date of its official publication), dated 05.07.2008 No. 64 - IV (the order of enforcement see Art. 3).**

#### **Article 656. The order of appeal, cassation against the decision on an administrative offence**

1. A complaint to the judgment on the case on administrative offence is sent to the judge, the body (the official), who rendered the judgment on the case, who must within three days from the day of the receipt of the complaint or protest send them with the entire case files to the appropriate court, the parent body (higher official).

1-1. In case of appeal, cassation against the decision on the case on contempt of court in accordance with part 2-1 of Article 655 of this Code, the court shall attach the decision with an extract from the protocol of the hearing in terms of the fact's establishment.

2. A complaint may be filed, and the protest submitted directly to the court, the parent body (superior officer), authorized to consider them. The procedure for filing complaints directly to the court against the decision on the case on administrative offence, issued by the body (the official), is defined by the civil procedural law.

3. Complaint or protest to the judge's resolution on imposition of a penalty in the form of administrative detention may be sent to a higher court on the day of receipt of the complaint or protest.

4. If consideration of the complaint or protest is not in the competence of the judge to whom the ruling is appealed, the complaint is sent according to its jurisdiction.

**Footnote. Article as amended by the Law of the Republic of Kazakhstan dated June 29, 2007 No. 270 (shall be enforced upon expiry of 10 days from the date of its official publication).**

#### **Article 657. The terms of appeal, cassation against the decision on an administrative offence**

1. Complaint or protest against the decision on an administrative offence may be filed within ten days after the handing of the copy of the decision, and if the persons, defined in Articles 584-588 of this Code, did not participate in considering the case, - from the date of its receipt.

2. In case of missing of the term, specified in part one of this article for valid reasons, the term, at the request of the person against whom a decision is made, can be restored by the court, the body (the official), entitled to consider the complaint.

#### **Article 658. The complaint (protest)**

1. A complaint (protest) shall be submitted in a written form and must include:

1) the name of the court, the parent body (the official), to which the complaint is filed;

2) the surname, name and patronymic (the exact name of the legal entity), place of residence or the location (address) of the complainant or appellant;

3) the name of the agency or institution or the name and position of the person, against whose act or an action the protest is filed;

4) the content of the contested or challenged legal act or a procedure, as well as the reasons why the appellant believes the protest or legal act or action are violating his rights or freedoms;

5) a clear formulated request of the complainant or appellant.

2. Complaint or protest is signed by the complainant. A complaint, submitted by the legal entity shall be signed by its representative or other authorized person.

3. If a complaint or protest is filed in the interests of another person, it must contain the name, surname, and place of residence or location (address) of the person for whose interest the complaint or protest is filed. The complaint is attached with the authority.

4. Complaint or protest is submitted in a duplicate and attached with the contested or challenged legal act, issued by the body, the agency or the official, as well as any other documents to support the arguments mentioned in the complaint or protest.

**Footnote. Article 658 as amended by the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 659. Suspension of execution of the decision in connection with an appeal or protest**

1. Timely filing of the complaint suspends fulfillment of the decision on imposition of administrative penalties before consideration of the complaint, except for the cases on administrative penalties in the place of the administrative offence.

2. The prosecutor has the right to suspend the execution of the decision on an administrative penalty for the period of inspection of their legality, to give written instructions to the authorized officials and bodies (except the court) on organization of an additional validation. Upon the results of the inspection, the prosecutor makes a protest to the appropriate authority to cancel or change the decision or cancels the suspension of the execution of the decision.

3. Bringing of the protest by the prosecutor suspends fulfillment of the decision before consideration of the protest.

#### **Article 660. The terms for considering a complaint, a protest against the decision on an administrative offence**

1. Complaint or protest against the decision on an administrative offence is subjected to consideration within ten days of their receipt.

2. Complaint or protest against the decision on the administrative detention, if a person, brought to responsibility, is serving an administrative detention is subject to consideration within one day from the moment of filing the complaint or protest.

#### **Article 661. The judge's sole consideration of a complaint, a protest against the judge's resolution on a case on an administrative offence**

Complaint or protest to the judge's decision of the specialized district and equivalent to it administrative court and the juvenile court in a case on an administrative offence is considered by a single judge of the superior court.

Complaint or protest against the decision of the court on the fact of contempt of court, the delivered by the judge (the court) in the order, specified in part 1-1 of Article 648 of this Code, shall be considered by a single judge of the superior court, and in case of delivering such a decision, by an appellate or supervisory court, are considered by a panel of the court of higher instance.

**Footnote.** Article 661 is in the wording of the Law of the Republic of Kazakhstan dated 29.06.2007 No. 270 (shall be enforced upon expiry of 10 days from the date of its official publication), dated 05.07.2008 No. 64-IV (the order of enforcement see Art. 3).

#### **Article 662. Preparing for considering a complaint, a protest against the decision on an administrative offence**

When preparing for consideration of a complaint, a protest against the decision on an administrative offence, the judge, the higher body, the official:

- 1) asks whether there are circumstances which exclude the proceedings;
- 2) permits the petitions, demands additional materials, summons the persons, the participation of whom is deemed necessary to consider the complaint and the protest; the judge shall schedule an examination if necessary;
- 3) sends them with the entire case files upon the jurisdiction if consideration of the complaint or protest is not within his jurisdiction.

#### **Article 663. Consideration of the complaint or protest against the decision on an administrative offence**

1. The parent body (the official), having started to consider the complaint, protest against the decision on an administrative offence:

- 1) declares who is considering the complaint, protest; which complaint or protest shall be examined; who filed the complaint or protest;
- 2) makes sure about appearance of an individual or a representative of a legal entity in respect of whom the judgment is delivered, and also the persons, summoned for participation in considering the complaint, protest;
- 3) verifies the bodies of the person or the legal entity, protector and representative;
- 4) establishes the reasons of failure to appear of the participants of the case and makes a decision on the complaint, protest or in their absence, or on suspension of considering the complaint or protest;



5) explains the persons, involved in considering the complaint, protest, their rights and responsibilities;

6) resolves the stated objections and motions;

7) reads out the complaint, a protest against the decision on a case on an administrative offence, and other materials of the case if necessary.

2. When considering a complaint, a protest against the decision on an administrative offence, he checks the legality and validity of the decision rendered on the available and additionally submitted materials. The parent body (the official) is not associated with the arguments of the complaint, protest, and checks the case in full, at that, it may establish new facts and examine new evidence.

3. The parent body (the official) may postpone consideration of the complaint, protest due to the absence of the summoned persons, and demand of the additional case materials, scheduling of an examination, and in other cases, when it is necessary for a full, comprehensive and objective review of the complaint or protest.

4. The rules provided by parts 1, 2 and 3 of this Article shall be applied to the cases of considering the complaints, protests by the judge of a higher court (the court of higher instance) against the decision on a case on an administrative offence, rendered by a judge (court). The order of considering the complaints, protests against the decision to an administrative offence, issued by the body (official), authorized to impose administrative penalties, is defined by the Civil Procedure Code.

5. If a complaint against the decision on an administrative offence came at the same time to the court and superior officer, the complaint shall be considered by the court.

**Footnote. Article as amended by the Laws of the Republic of Kazakhstan dated 29.06.2007 No. 270 (shall be enforced upon expiry of 10 days from the date of its first official publication), dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 664. The decision on the complaint, the protest against the decision on an administrative offence**

1. Having considered a complaint, a protest against the decision on an administrative offence, a judge of a superior court, a parent body (official) takes one of the following decisions:

1) about leave the decision unchanged, and the complaint, protest - without satisfaction;

2) about changes in the regulations;

3) to cancel the regulation and termination of the case under the circumstances, defined in Articles 68 and 580, 581 of this Code, as well as the unproven circumstances, upon which the decision was rendered;

4) to cancel the decision and deliver a new resolution on the case;

5) to cancel the regulations and send the case to consideration upon the jurisdiction, if during considering the complaint or protest, it was revealed that the decision was rendered by the unauthorized judge, body (official).

2. The decision upon the results of considering a complaint or a protest shall be delivered in the form of a regulation on the complaint, the complaint against the decision on the case. The regulation and the judgment, rendered in the case, delivered in the case, defined by subparagraph 5) of part 1 this Article shall contain the information, specified in part 1 of Article 651 of this Code.

3. The regulation of a judge of a higher court on the complaint, the protest against the judge's decision of the special district and equivalent to it administrative court and the juvenile court, as well as the judge's regulation, delivered in the case, defined by subparagraph 5) of this Article, may be appealed in accordance with the provisions of Chapter 40 of this Code. The regulation of the parent body (official) on the complaint, the protest against the decision on an administrative offence can be appealed, protested to the court in accordance with the Civil Procedure Code.

**Footnote. Article 664 as amended by the Laws of the Republic of Kazakhstan dated 02.07.2003 No. 451, dated 05.07.2008 No. 64-IV (the order of enforcement see Art. 3).**

#### **Article 665. Grounds for cancellation or change of a resolution in the case on an administrative offence**

The grounds for cancellation or change of resolution on administrative offence and the imposition of the regulations are:

- 1) nonconformity of findings of a judge, a body (official) to the evidence on the factual circumstances of the case, set out in the judgment in the case on administrative offence, examined during considering the appeal, protest;
- 2) incorrect application of the law on administrative responsibility;
- 3) considerable breach of the procedural provisions of this Code;
- 4) inadequacy of the imposed administrative penalty to the nature of the committed the offence, the identity of the person or property status of a legal entity.

#### **Article 666. Nonconformity of findings of a judge, a body (official) to the evidence on the factual circumstances of the case, set out in the judgment in the case on administrative offence, examined during considering the appeal, protest**

1. Having established, that the findings, set out in the judgment in the case on administrative offence about the actual circumstances of the case, do not match the evidence, examined in considering the appeal, protest, the judge of a higher court, the parent body (official) cancels that decision fully or partially and makes a new decision in accordance with the results of considering the complaint or protest.

2. A judge of a superior court, the parent body (official), evaluating the investigated complaint, protest may recognize the facts as proven that were not established by the decision on an administrative offence or were not taken into account by the judge, the body (official) that rendered the decision.

#### **Article 667. Incorrect application of the law on administrative responsibility**

1. Incorrect application of the law on administrative responsibility is:

1) violation of requirements of the Section 1 and the general part of the Section 2 of this Code;

2) application of a wrong article or part of the article of a special part of Section 2 of this Code, that were subjected to be applied;

3) imposition of a more severe administrative penalty than it is provided by the sanction of the corresponding article of the Section 2 of this Code.

2. Having recognized incorrectness of a legal assessment of the offence in the result of considering the complaint, protest, the judge of the superior court, the parent body (official) has the right to change the qualification of the offence on the article of the law that has less severe administrative punishment.

3. A judge of a superior court, the parent body (official) upon the results of considering the complaint or protest, has the right to apply the law, providing more severe administrative penalty or impose a more severe administrative penalty only if a complaint (protest) on these grounds was filed by a victim (a prosecutor).

#### **Article 668. Considerable breach of the procedural rules of this Code**

1. Substantial violations of procedural rules of this Code are the violations of the principles of the general provisions of this Code in the proceedings and during consideration, that influenced or could influence the delivery of a legal and motivated regulation by depriving or restricting legal rights of the persons, involved in the case, non-observance of the procedure on an administrative offence or otherwise prevented comprehensive, full and objective investigation of the circumstances of the case,

2. The judgment shall be discontinued when the one-sidedness or incompleteness of the case was the result of an erroneous exclusion from the study of admissible evidence or unfounded refusal to study the evidence that may be important for the case; non-investigation of evidence, subjected to mandatory study.

3. Decision is subjected to cancellation at any case, if:

1) the proceedings were not terminated under the presence of the grounds, specified in Articles 577, 580, 581 of this Code;

2) the decision is made by the judge, body (official), who is not authorized to consider cases on administrative offences;

3) the case was considered without a defense counsel when his participation is mandatory by the law, or otherwise the right of the person, against whom the proceedings are conducted, to have a lawyer is violated;

4) the right of the person is violated, against whom the proceedings are conducted, to use his native language or the language he speaks, and a translator;

5) the person, against whom the proceedings are conducted, is not entitled to give an explanation of the circumstances of the case;

6) the decision has not been signed by any of the persons, defined in the part 5 of Article 651 of this Code.

4. Having established that in considering an administrative case a violation of procedural rules was committed, defined in subparagraph 1) of part 3 of this Article, a judge of a superior court, the parent body (the official) revokes the decision and terminates the proceedings.

5. If during considering the case on an administrative offence, any other considerable breach of procedural rules was committed, a judge of a superior court, the parent body (the official) shall consider the case, taking measures to eliminate the committed violation, cancels then the judge's regulation of the corresponding specialized district and the equal to it administrative court and the juvenile court, the subordinate body (the official) and renders a new decision, taking into account the results of the case consideration.

**Footnote. Article 668 as amended by the Laws of the Republic of Kazakhstan dated 02.07.2003 No. 451, dated 05.12.2003 No. 506, dated 05.07.2008 No. 64-IV (the order of enforcement see Art. 3).**

**Article 669. Inconformity of the imposed administrative penalty to the nature of the offence , the identity of the person or property financial status of a legal entity**

1. Having recognized an imposed administrative penalty as unfair because of its excessive strictness, not complying with the nature of the offence, the identity of the person or property status of a legal entity, a judge of a superior court, a parent body (an official) softens the penalty, applying the general rules for imposing the administrative penalties.

2. A judge of a superior court, a parent body (official) may impose a more severe penalty on the offender (entity) than it was determined by the decision on an administrative offence, but only if the prosecutor's protest or the victims' complaint was brought on these grounds.

**Article 670. Cancellation or changing of a decision on termination of the case**

1. A decision on terminating the proceedings may be cancelled by the judge of a higher court, the parent body (the official) with rendering a decision on imposing an administrative penalty at the complaint of the victim or at the prosecutor's protest on invalidity of terminating the case.

2. The decision on terminating the proceedings can be changed in terms of the termination at the complaint of the person against whom the proceedings are terminated.

**Article 671. Announcement of a decision on a complaint, a protest against the decision on an administrative offence**

1. A decision on a complaint, a protest against the decision on an administrative offence shall be announced immediately after its rendering.

2. A copy of the decision on the complaint, the protest against the decision in the case on administrative offence, within three days after it was imposed, is given or sent to an individual or a representative of a legal entity in respect of which it was issued in the case, the victim in case if he appeal to them or, at his request, to the prosecutor, who brought the protest.

3. A decision on a complaint, a protest against the decision in the case on administrative detention is sent to the authority (the official), executing the decision, and to the person against whom it is made, - on the day of rendering the decision.

**Footnote. Article 671 as amended by the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Chapter 40. Revision of the entered into force regulations on administrative offences and decisions on the appeals, the protests to them**

**Article 672. Exceptional procedure of revising of the entered into force regulations on administrative offences and definitions on appeals, protests to them**

1. Upon the protest of the persons, defined in parts 1 and 2 of Article 674 of this Code, the judicial review of the entered into force decisions is possible on administrative offences, imposed by the judge of a specialized district and equivalent to it administrative court and the juvenile court, and the decisions of the chairmen of the regional and equal to them courts, the judges of the superior courts on the complaint, the protest against decisions of the judges of the specialized regional and similar administrative courts and juvenile courts, chairmen of district and similar court, and the decisions, rendered by the judges (chairmen of the district and equal to them courts), in the case, defined by subparagraph 5) of part 1 of Article 664 of this Code.

The revision of the entered into force regulations on the facts of contempt of court is also possible, rendered by the judge (the court) in the order, specified by part 1-1 of Article 648 of this Code, except for the decisions of the Supreme Court. Review of the case for worsening the situation of the person, brought to administrative liability, or a person, against whom an administrative proceeding is terminated, is allowed during one year from the date of entry into force of a decision of a court or state body.

2. The entered into force judgments of the court on administrative offences are reviewed at the appeal of the persons, mentioned in parts one and two of Article 674 of this Code, in case if the Constitutional Council of the Republic of Kazakhstan recognizes the law or other regulation as unconstitutional, which was applied in the case on administrative offence.

**Footnote. Article 672 as amended by the Laws of the Republic of Kazakhstan dated 09.08.2002 No. 346, dated 02.07.2003 No. 451, dated 29.06.2007 No. 270 (shall be enforced upon expiry of 10 days from the date of its official publication), dated 05.07.2008 No. 64 - IV (the order of enforcement see Art. 3), dated 10.07.2012 No. 32-V (shall be enforced upon expiry of ten calendar days after its first official publication)**

**Article 673. The courts, entitled to review the decisions on administrative cases and regulations upon the results of considering the complaints, protests against them**

The entered into force decisions and judgments, defined in Article 672 of this Code, may be reviewed by the board of regional and similar courts, and the judgments on contempt of the court, specified in Article 672 of this Code - by the collegium of the higher court.

**Footnote. Article as amended by the Law of the Republic of Kazakhstan dated June 29, 2007 No. 270 (shall be enforced upon expiry of 10 days from the date of its official publication).**

**Article 674. A protest against a decision on administrative offences and a regulation upon the results of considering a complaint, a protest against them**

1. The right to protest the entered into force decision and judgment, defined in Article 672 of this Code, belongs to the Prosecutor General, his deputies, prosecutors of oblasts and prosecutors and their deputies, equal to them.

2. The right to appeal a petition for review of the entered into force regulations and decisions, defined in Article 672 of this Code, belongs to the person, brought to administrative responsibility, victims, lawyers, legal representatives and representatives of the defined persons.



Footnote. Article 674 as amended by the Law of the Republic of Kazakhstan dated August 9, 2002 No. 346.

**Article 675. Suspension of execution of the decision on imposition of an administrative penalty**

1. Bringing of the protests by the persons, defined in part 1 of Article 674 of this Code, against the entered into force regulations and judgments, defined in Article 674 of this Code, shall suspend the execution of these decisions, regulations.

2. Bringing of the protests by the persons, defined in part 1 of Article 674 of this Code, against the decision on the administrative arrest, issued by the judge, does not suspend the execution of this decision.

**Article 676. Revision of the entered into force regulations on administrative cases in the Supreme Court of the Republic of Kazakhstan**

The Collegium of the Supreme Court of the Republic of Kazakhstan at the protest of the Prosecutor General of the Republic of Kazakhstan and his deputies shall have the right to verify the legality and validity of the entered into force decision on any case on administrative offence, as well as the regulation (decision) on appeal or protest against the decision and to reconsider the made decision.

Footnote. Article 676 as amended by the Law of the Republic of Kazakhstan dated August 9, 2002 No. 346.

**Chapter 41. Rehabilitation. Compensation for damage, caused by the unlawful actions of the body (the official), authorized to consider cases on administrative offences**

**Article 677. Rehabilitation by recognizing the innocence of a person, brought to administrative responsibility**

1. A person in respect of whom the judge's, the body's (the official's) decision is delivered, authorized to consider cases on administrative offences, on termination of the case on the grounds, specified in subparagraphs 1) - 7) of part 1 of Article 580 of this Code shall be presumed innocent and cannot be subjected to any restrictions in rights and freedoms, guaranteed by the Constitution and laws of the Republic of Kazakhstan.

2. The judge, the body (the official), entitled to consider the cases on administrative offences, should take all the legal measures for rehabilitation of the person, defined in the part 1 of this article, and compensation for the damage, caused by illegal actions of the judge, the body (the official), authorized to consider the cases on administrative offences.

**Article 678. The persons, who have the right for compensation of damage, caused by illegal actions of the body (the official) authorized to consider the cases on administrative offences**

1. The harm, caused to a person in the result of an unlawful administrative detention, administrative arrest, coercive medical measures, shall be compensated from the state budget in full, regardless of fault of the judge, the body (the official), authorized to consider the cases on administrative offences.

2. The right for compensation of damage, caused by unlawful actions of the judge, the body (the official), authorized to consider the cases on administrative offences, belongs to:

- 1) the persons, defined in part 1 of Article 584 of this Code;
- 2) the persons against whom the proceedings should have not been initiated, and the started one was subjected to termination on the grounds, provided by subparagraphs 1) - 7) of part 1 of Article 580 of the Code, if the proceedings had been initiated despite the circumstances, excluding the case on an administrative offence, or was not terminated from the moment they were revealed.

3. In case of death of an individual, the right to receive compensation in the prescribed order goes to his heirs.

4. The damage is non-refundable to the person, if it is proved that the person, during the proceedings, prevented the proceedings by voluntary self-incrimination and thereby contributed to the consequences, described in part 1 of this article.

5. The provisions of this Article in the absence of circumstances, defined in subparagraph 2) of part 2 of this article shall not be applied to the cases where administrative sanctions and other measures of administrative and legal pressure, imposed to the person, are canceled or changed due to expiry of periods of limitations, adoption of a law, eliminating the administrative responsibility or mitigating the administrative penalty.

**Footnote. Article 678 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

**Article 679. Refundable damage**

The persons, defined in Article 678 of this Code, have a right for full compensation of property damage, non-pecuniary damage and restoration of all the lost or impaired rights.

**Article 680. Recognition of the right for compensation**

Having made a decision on full or partial rehabilitation of a person, the body (the official), authorized to consider the cases on administrative offences, should recognize his right for compensation. A copy of the decision on termination of the case, on

cancellation or change of other illegal decisions, is handed and sent by mail to the person interested. At the same time a notice, explaining the procedure for compensation is forwarded to him. In the absence of information on the place of residence of the heirs, relatives or dependents of a deceased person, who has the right for compensation of damages, the notice is sent to them within five days from the date of their application to the body (the official), authorized to consider the cases on administrative offences.

#### **Article 681. Compensation for property damage**

1. Damages, caused to the persons, defined in Article 678 of this Code, includes the compensation of:

- 1) salary, pension, benefits, and other income, that they lost;
- 2) property, illegally confiscated or seized for a fee on the basis of the judge's decision. If it is impossible to return the property, its cost is returned;
- 3) the fines levied for execution of the illegal decision of the body (the official), authorized to resolve the case; the procedural costs and other amounts, paid by the person in connection with the illegal actions;
- 4) the amounts paid by the person for legal aid;
- 5) other expenses incurred as a result of the illegal imposition of administrative sanctions.

2. The amounts, spent for maintenance of the persons, defined in part 1 of Article 584 of this Code, in the places of execution of an administrative arrest, the procedural costs, associated with the proceedings, as well as the salary of the persons for any work , performed during the administrative arrest, cannot be deducted from the amounts, payable for the harm, caused by illegal actions of the body (the official), authorized to consider the cases on administrative offences.

3. When receiving copies of the documents, specified in Article 652 of this Code, with the notice of the order of compensation of damage to the persons, specified in parts two and three of Article 678 of this Code, shall have the right to file a request on compensation for property damage to the body (official), that made ??the decision to terminate the case, to cancel or amend other illegal decisions. If the case was terminated by a higher authority (the official) or a court, the request for compensation of damages should be submitted to the body (the official), that rendered the unlawful decision. If the case that had been considered by the judge, is terminated by a higher court, a request on compensation of damages goes to the judge, who delivered the unlawful resolution. In case of rehabilitation of the minor, the request for compensation of damages may be filed by his legal representative.

4. Not later than one month from the date of receipt of an application, the body (the official), defined in part 3 of this Article, assesses the amount of the damage, by

requesting payment from the financial bodies and social security bodies if necessary, and then issues a decision on payment of compensations taking into account the inflation rates. If the case was terminated by the court, these actions are performed by the judge, who considered the case.

5. A copy of the decision, certified by the official seal, is handed over or sent to the person for presentation to the bodies, that are obliged to make the payment. The order of payment is determined by the legislature.

#### **Article 682. Elimination of consequences of moral damage**

1. The body (the official), who made a decision on rehabilitation of a person, must make a formal apologies to him for the caused damage.

2. The claims for compensation in cash for moral damages are brought in the order of civil proceedings.

3. If the person was illegally brought to administrative responsibility, and information about it was published in the media, released in radio, television or other media, at the request of that person, and in case of his death - at the request of his family or the public prosecutor, the appropriate media must, within one month, make an announcement about it.

4. At the request of the persons, defined in Article 678 of this Code, the body (the official), authorized to consider the cases on administrative offences, within two weeks shall submit a written report on abolition of his illegal decisions at their place of their work, study, and residence.

#### **Article 683. Deadline for request**

1. The requirements on cash payments in respect of property damage may be brought within one year from the date of receiving the decisions by the persons, defined in Article 678 of this Code on making such payments.

2. Demands for restoration of other rights may be brought within six months from the date of receipt of the notice explaining the procedure for restoration of the rights.

3. In case of missing these deadlines for reasonable excuse, they may be restored at the request of the interested parties by the body (the official), authorized to consider the cases on administrative offences.

#### **Article 684. Compensation for harm to legal entities**

The damage, caused to legal entities by the unlawful actions of the body (the official), authorized to consider the cases on administrative offences, is reimbursed by the state in full and within the period, specified in this Chapter.

#### **Article 685. Restoration of the rights in the ordinary proceedings**

If the request for rehabilitation or compensation for damages is not satisfied or a person does not agree with the decision, he may apply to a court for civil proceedings.

## **Chapter 42. Peculiarities of the cases on the persons, enjoying privileges and immunities of administrative responsibility**

### **Article 686. Administrative responsibility of a deputy of the Parliament of the Republic of Kazakhstan**

1. A deputy of the Parliament of the Republic of Kazakhstan during his office shall not be subjected to delivery, the measures of administrative punishment, imposed by a court without the consent of the corresponding House of Parliament of the Republic of Kazakhstan.

2. To obtain consent for bringing the deputy to the administrative responsibility, leading to imposition of an administrative penalty in the court order, the delivery, the General Prosecutor of the Republic of Kazakhstan makes a corresponding presentation in the Senate and the Majilis of the Parliament of the Republic of Kazakhstan. The presentation shall be submitted before sending the case on administrative offence to the court, and the decision on the need for forced delivery of the deputy to the court, the body (to the officer), authorized to consider the cases on administrative offences.

3. If the relevant House of the Parliament of the Republic of Kazakhstan gives consent for bringing the MP to administrative responsibility, leading to imposition of an administrative penalty in the court order, further proceedings are conducted in the manner, defined by this Code, taking into the peculiarities, specified by this Article.

4. If the relevant House of the Parliament of the Republic of Kazakhstan gives consent for delivery, the issue on appliance of the measure to the deputy to ensure the proceedings on administrative offence, is resolved in accordance with this Code.

5. In case if the corresponding House of the Parliament of the Republic of Kazakhstan did not give consent for bringing the MP to administrative responsibility, leading to imposition of an administrative penalty in the court order, the proceedings shall be terminated for this ground.

6. In case if the corresponding Chamber of the Parliament of the Republic of Kazakhstan did not give consent for delivery, other measures to ensure the proceedings on administrative offence may be applied to the deputy in the order, provided by this Code.

7. Supervision over legality of the proceedings on administrative offence in the court order against the deputy of the Parliament of the Republic of Kazakhstan is conducted by the Prosecutor General of the Republic of Kazakhstan.

**Article 687. Administrative responsibility of the candidates for presidency, for the Parliament deputies**

1. The candidates for presidency, for the Parliament, from the date of their registration and before publication of the election results cannot be subjected to detention, the measures of administrative punishment, imposed by a court, without the consent of the Central Election Commission.

2. The presentation on bringing the candidates for presidency, for the Parliament to administrative responsibility is submitted to the Central Election Commission by the General Prosecutor of the Republic of Kazakhstan before sending the case on administrative offence to the court.

3. When the General Prosecutor receives the decision of the Central Electoral Commission, the further proceedings on the case are conducted in the order, provided by Article 643 of this Code.

**Article 688. Administrative responsibility of the Chairman or members of the Constitutional Council of the Republic of Kazakhstan**

1. The chairman or the members of the Constitutional Council of the Republic of Kazakhstan during their office may not be subjected to detention, the measures of administrative punishment, imposed by a court order, without the consent of the Parliament of the Republic of Kazakhstan.

2. In order to receive consent to bring the Chairman or members of the Constitutional Council of the Republic of Kazakhstan to the administrative responsibility, leading to imposition of an administrative penalty in the courts, the detention, the General Prosecutor of the Republic of Kazakhstan makes a corresponding representation in the Parliament of the Republic of Kazakhstan. The presentation shall be submitted before sending the case on administrative offence to the court, the decision on the need for forced conveying of the Chairman or a member of the Constitutional Council of the Republic of Kazakhstan to the court, the body (to the officer), authorized to consider the cases on administrative offences.

3. When the General Prosecutor of the Republic of Kazakhstan receives the decision of the Parliament of the Republic of Kazakhstan, further proceedings on the case are performed in the order, established by Article 643 of this Code.

**Article 689. Administrative responsibility of a judge**

1. A judge cannot be arrested, subjected to detention, measures of administrative punishment, imposed by a court of law, without the consent of the President of the Republic of Kazakhstan, based on the conclusion of the Supreme Judicial Council of the Republic of Kazakhstan, or in the case specified in subparagraph 3) of Article 55 of



the Constitution of the Republic of Kazakhstan, without the consent of the Senate of the Republic of Kazakhstan.

2. To obtain consent to bring a judge to administrative responsibility, leading to imposition of an administrative penalty in the courts, the detention, the General Prosecutor of the Republic of Kazakhstan makes a presentation to the President of the Republic of Kazakhstan, and in the case, provided by subparagraph 3) of Article 55 of the Constitution - to the Senate of the Parliament of the Republic of Kazakhstan.

Presentation shall be submitted before sending the case on administrative responsibility to the court by the decision on the need for forced conveying the judge to the court, the body (to the officer), authorized to consider the cases on administrative offences.

3. When the General Prosecutor of the Republic of Kazakhstan receives a decree from the President of the Republic of Kazakhstan, the Senate of the Parliament of the Republic of Kazakhstan, the further proceedings on the case are performed in the order, established by Article 643 of this Code.

#### **Article 690. Administrative responsibility of the Prosecutor General of the Republic of Kazakhstan**

1. Prosecutor General of the Republic of Kazakhstan during his office shall not be subjected to detention, measures of administrative punishment, imposed by a court of law, without the consent of the Senate of the Parliament of the Republic of Kazakhstan.

2. To obtain consent for bringing the Prosecutor General of the Republic of Kazakhstan to administrative responsibility, leading to imposition of an administrative penalty in the courts, the detention, the first Deputy General Prosecutor submits a presentation to the Senate of the Parliament of the Republic of Kazakhstan. The presentation shall be submitted before sending the case on an administrative offence to the court, the decision on the need for forced conveying of the Prosecutor General to the court, the body (to the officer), authorized to consider the cases on administrative offences.

3. After the first Deputy Prosecutor General of the Republic of Kazakhstan receives the decision of the Senate of the Republic of Kazakhstan, the further proceedings on the case are performed in the order, established by Article 643 of this Code.

4. Supervision over legality of the proceedings on an administrative offence in the court in respect of the General Prosecutor of the Republic of Kazakhstan is performed by his first deputy.

#### **Article 691. Consideration by the judge of an administrative case against the deputy of the Parliament of the Republic of Kazakhstan, the Chairman or members of the Constitutional**

## **Council of the Republic of Kazakhstan, the judges, the Prosecutor General of the Republic of Kazakhstan**

1. The case is considered under the general rules with the peculiarities of the cases on the persons, enjoying privileges and immunity from administrative responsibility.

2. The judge has the right to apply to the deputy of the Parliament of the Republic of Kazakhstan, the Chairman or members of the Constitutional Council of the Republic of Kazakhstan, the judge, the Prosecutor General of the Republic of Kazakhstan, the detention as a measure of the proceedings on administrative offence, making a presentation on giving consent for that in the order, prescribed by the second part of article 686 of this Code, if it was rejected to give consent for detention by the state bodies, defined in paragraph 4 of Article 52, paragraph 5 of Article 71, paragraph 2 of Article 79, paragraph 3 of Article 83 of the Constitution of the Republic of Kazakhstan, before considering the case by the judge, or if such consent has not been requested.

### **Article 692. The persons with diplomatic immunity from administrative responsibility**

1. In accordance with the legislation of the Republic of Kazakhstan and international treaties, ratified by the Republic of Kazakhstan, the immunity from administrative liability in the courts in the Republic of Kazakhstan is granted to the following persons:

1) the heads of diplomatic missions of foreign states, members of diplomatic staff of the missions and members of their families, if they live with them and are not the citizens of the Republic of Kazakhstan;

2) on the basis of reciprocity, the personnel of diplomatic missions and their family members who live with them, if these employees and their families are not the citizens of the Republic of Kazakhstan, or do not reside permanently in Kazakhstan, the heads of the consulates and other consular officials in respect of the acts, performed by them when conducting their official duties, unless otherwise stipulated by an international agreement of the Republic of Kazakhstan;

3) on the basis of reciprocity, the employees of administrative and technical personnel of diplomatic missions and their family members who live with them, if these employees and their families are not the citizens of the Republic of Kazakhstan, or do not reside permanently in Kazakhstan;

4) diplomatic couriers;

5) the heads and representatives of foreign states, members of parliamentary and governmental delegations and, on the basis of reciprocity, the members of foreign delegations arriving in Kazakhstan to participate in international negotiations, international conferences and meetings or other official missions, or those, going for the same purpose by transit through the territory of the Republic of Kazakhstan, and

family members of the mentioned persons, accompanying them, if these family members are not the citizens of the Republic of Kazakhstan;

6) the heads, the members and personnel of foreign states' missions in international organizations, officials of these organizations, working on the territory of the Republic of Kazakhstan, on the basis of international treaties and generally accepted international practices;

7) the heads of diplomatic missions, members of the diplomatic staff of foreign states in a third country, going through the territory of the Republic of Kazakhstan, and their family members, who accompany these persons or travel separately to join them or to return to their home country;

8) other persons in accordance with the international treaty of the Republic of Kazakhstan.

2. The persons, defined in subparagraphs 1), 4) - 7) of part 1 this Article, as well as other persons in accordance with the international treaty of the Republic of Kazakhstan may be brought to administrative responsibility in court only if a foreign state will provide a waiver of immunity. The issue on such waiver is resolved upon the presentation of the General Prosecutor of the Republic of Kazakhstan through the Ministry of Foreign Affairs of the Republic of Kazakhstan via diplomacy. If there is no a waiver from immunity from a foreign state, the administrative proceedings against them cannot be initiated, and the initiated one - is subjected to termination.

3. The rules of part 1 of this Article shall not be applied to the persons, defined by subparagraphs 2) and 3) of part 1 of this Article, except for the cases when the offence, committed by these persons is connected with the performance of their official duties and is not against the interests of the Republic of Kazakhstan, unless otherwise provided by the international treaty of the Republic of Kazakhstan.

#### **Article 693. Inspection, administrative detention and the delivery of persons, enjoying diplomatic immunity**

The persons, listed in subparagraphs 1), 4) - 7) of part 1 of Article 692 of this Code , as well as other persons in accordance with the international agreement of the Republic of Kazakhstan shall enjoy the personal immunity. They cannot be subjected to a personal search, detained or subjected to detention for committing an administrative offence. Screening of their belongings cannot be made.

#### **Article 694. Diplomatic immunity to testify**

1. The persons, listed in subparagraphs 1), 3) - 6) of part 1 of Article 692 of this Code, as well as other persons in accordance with the international treaty of the Republic of Kazakhstan may not testify as a witness, victim, and with the agreement to

make such testimonies, must not appear to the judge, the body (to the officer), considering the case on an administrative offence. The call for questioning, handed to the said persons, shall not contain the threat of coercive measures for their failure to appear.

2. In case if these persons, during the administrative proceedings, testified as victims, witnesses, and did not appear to the court, the judge, the body (the official), considering the case on administrative offence, may read out their testimony.

3. The persons, defined in subparagraph 2) of part 2 of Article 692 of this Code, may not refuse to testify as witnesses and victims, except for the testimony on the issues, related to performance of their duties. In case of a failure of consular officers to testify, the measures on administrative offence cannot be applied to them.

4. The persons, enjoying diplomatic immunity, must not present correspondence and other documents, related to their duties to the judge, the body (the official), considering the administrative case.

#### **Article 695. Diplomatic immunity of premises and documents**

1. The residence of the head of a diplomatic mission, the premises, occupied by the diplomatic mission, homes of members of the diplomatic staff and their families, the property, belonging to them, and the vehicles shall be inviolable. Access to these facilities, their examination and inspection of vehicles can be made only with the consent of the head of the diplomatic mission or the person, replacing him.

2. On the basis of reciprocity, the immunity, provided by part one of this Article shall be applied to the living premises, occupied by staff personnel of the diplomatic missions and their family members who live with them, if these employees and their families' members are not the citizens of the Republic of Kazakhstan.

3. The premises, occupied by the consulate, and the residence of the head of the consulate, on the basis of reciprocity, enjoy immunity. Access to these facilities, their inspection can take place only at the request or with the consent of the head of the consulate or diplomatic missions of a foreign state.

4. Archives, official correspondence and other documents of diplomatic missions and consulates are inviolable. They cannot be subjected to inspection and removal without consent of the head of the diplomatic mission, consulate. The diplomatic bag shall not be printed out and detained.

5. Consent of the heads of diplomatic missions and consulate for access to the premises, specified in the first, second and third parts of this article, inspections, as well as the inspection and seizure of the documents, specified in part 4 of this article, are requested by the prosecutor through the Ministry of Foreign Affairs of the Republic of Kazakhstan.

6. In these cases, the examination is conducted in the presence of the prosecutor and the representative of the Ministry of Foreign Affairs of the Republic of Kazakhstan

## **Section 5. Execution of decision on imposition of administrative penalties**

### **Chapter 43. Basic provisions**

#### **Article 696. Entry into force of the decision on the case on administrative offence**

Judgment in the case on an administrative offence comes into force:

- 1) after expiration of the deadline for appeal of the decision on a case on an administrative offence if it has not been appealed or has been protested;
- 2) immediately after making a decision on a complaint, a protest, as well as the judgment in the case, provided in Article 664 of this Code.

#### **Article 697. Obligatoriness of the decision on imposing administrative penalty**

1. A decision on imposing administrative penalty is mandatory for all state agencies, local self-government bodies, officials, individuals and their associations, legal entities.
2. Resolution on imposition of an administrative penalty shall be executed from the moment of its entry into force.
3. Decision on the imposition of administrative sanctions in the form of deprivation of a special right and an administrative arrest and shall be executed after their rendering.

**Footnote. Article 697 as amended by the Law of the Republic of Kazakhstan dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).**

#### **Article 698. Introduction of decisions for execution**

Introduction of a decision to impose an administrative penalty for execution is charged to the judge, the body (official), who rendered the resolution. The resolution should be sent to the body (the official), authorized to execute it within a day from the date of its entry into force. The decision on imposition of administrative sanctions in the form of deprivation of a special right and an administrative arrest are sent to the agencies authorized to enforce them, immediately after their rendering.

#### **Article 699. Execution of a decision on imposing administrative penalty**

1. Resolution on imposition of an administrative penalty is executed by the authorized body in the manner prescribed by this Code.
2. In case of making a few decisions on administrative penalties in relation to one person, each decision is to be executed independently.

3. Evasion of a person from administrative penalty leads to execution of this penalty by force in accordance with the legislature.

**Article 700. Resolving of issues, related to enforcement of the decision on imposition of an administrative penalty**

1. The body (the official), that made the decision to impose an administrative penalty, is charged with the resolving of the issues, related to enforcement of the decision, and control over its execution.

2. Questions on delay, deferral, suspension or termination of execution of the decision to impose an administrative penalty, as well as the recovery of a fine, imposed on a minor, his parents or guardians, shall be considered by the judge, the body (the official), who rendered the decision, within three days from the date of appearance of the grounds for resolving the appropriate issue.

3. The persons, interested in resolving the issues, identified in the part 2 of this article shall be notified of the time and place of their consideration. At that, the failure to appear of the interested parties without a reasonable excuse is not an obstacle for resolving the issues. When considering the issue on evasion from serving an administrative detention, presence of a person, subjected to the administrative detention, is mandatory.

4. The decision on the issues, specified in the second part of this article is taken in the form of a resolution.

5. A copy of the resolution is handed immediately to a person or a representative of a business entity in respect of whom it is made, as well as the victim at his request under a receipt. In the absence of the mentioned persons, the copy of the resolution is sent within three days from the date of its issuance, the corresponding note about it is made in the case.

*5-1. Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 174-IV.*

**Footnote. Article 700 as amended by the Laws of the Republic of Kazakhstan dated 09.12.2004 No. 10, dated 10.07.2009 No. 174-IV; dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 701. Deferral and installment of execution of the decision to impose an administrative penalty**

If there are circumstances that make execution of the decision on administrative penalty in the form of administrative detention, deprivation of a special right or a fine (except for the collection of the fines at the place of committing an administrative offence) impossible within the set deadline, the judge, the body (the official), who



rendered ??the decision, has a right, at the request of the person against whom a decision is made, to delay execution of the decision for up to one month. Taking into account the financial situation of the person, brought to administrative liability, the payment of the fine may be spread by the judge, the body (the official), who rendered the resolution, for a period of up to three months.

In case if the Government of the Republic of Kazakhstan makes a decision to grant a deferred payment of tax arrears to the person - participant of the second direction of the "Business Road Map-2020" program, the tax authority that made ??the decision to impose an administrative penalty on a person, makes the decision to postpone execution of the judgment in respect of the tax debt of such a person in the form of a fine, calculated in the period from 1 January 2008 to the date of the decision of the Government of the Republic of Kazakhstan, for the period, specified in the decision.

In the presence of the entered into force decision on restructuring of the second-tier bank and (or) organizations within the banking conglomerate as a parent organization and not being a second-tier bank, at their request, the decision to impose an administrative penalty may be postponed by the judge, the body (the official), that rendered the decision, before entry into force of the decision on termination of the restructuring of the second-tier banks and (or) organizations within the banking conglomerate as a parent organization and not a second-tier bank.

**Footnote. Article 701 is in the wording of the Law of the Republic of Kazakhstan dated 09.06.2010 No. 288-IV (shall be enforced from 19.06.2010); as amended by the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 702. Release from the administrative penalty**

The judge, the body (the official), that delivered ??the decision to impose an administrative penalty, stops execution of the judgment and releases from the administrative penalty in the following cases:

1) the repeal of the law or some of its provisions, establishing administrative responsibility;

2) if the law or some of its provisions, which establish administrative liability, or other normative legal act, subjected to be applied in the case on an administrative offence, on which the qualification of the acts depend on as an administrative offence, lost their effect due to being recognized as unconstitutional by the Constitutional Council of the Republic of Kazakhstan;

3) the death of the person, brought to administrative liability or declaring him dead in accordance with the law;

4) expiry of periods of limitations of the decision to impose an administrative penalty in the taxation area, established by Article 703 of this Code;

5) provided by legislation act of the Republic of Kazakhstan on introduction of the Code of the Republic of Kazakhstan of 10 December 2008 "On taxes and other obligatory payments to the budget" (Tax Code) into force.

Footnote. Article 702 as amended by the Laws of the Republic of Kazakhstan dated 09.06.2010 No. 288-IV (shall be enforced from 19.06.2010), dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010), dated 10.07.2012 No. 32 -V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 703. Limitation for execution of the decision to impose an administrative penalty in the taxation area**

Footnote. Title is in the wording of the Law of the Republic of Kazakhstan dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010).

1. The decision on administrative penalties for the offence in taxation area is not enforceable if it had not been executed for five years from the date of its entry into force.

2. In case of suspension of execution of the decision in accordance with Article 659 of this Code, the running of the statute of limitations is suspended until consideration of the complaint or protest.

3. The running of the statute of limitations, provided for in part 1 of this article, shall break if the person, brought to administrative responsibility, refuses to fulfill it. Calculation of the statute of limitation in this case is resumed after the discovery of the person.

4. In case of postponement of execution of the decision in accordance with Article 701 of this Code, the running of the statute of limitations is suspended until the expiry of temporary suspension and in execution of the installment, the running of statute limitation period shall be extended for a period of installments.

Footnote. Article 703 as amended by the Laws of the Republic of Kazakhstan dated 05.12.2003 No. 506, dated 13.12.2004 No. 11 (shall be enforced from 01.01.2005); dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010).

#### **Article 704. Completion of the execution of the decision on imposing an administrative penalty**

1. Resolution on imposition of an administrative penalty, the recovery on which was entirely produced, with a note on the recovery, is returned by the body, that executed the resolution to the judge, the body (official), that delivered the decision.

2. Resolution on administrative penalties, on which execution was not performed or the execution was not performed fully, is returned to the body (the official), that rendered the decision, drawn a protocol on administrative offence in the cases and in

the manner, defined by the Law of the Republic of Kazakhstan "On Enforcement Proceedings and the Status of judicial executors".

**Footnote. Article 704 is in the wording of the Law of the Republic of Kazakhstan dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010).**

**Article 705. Appeal against actions in connection with execution of a decision on imposing administrative penalty**

1. A person brought to administrative responsibility, may, within ten days of taking actions on enforced execution of a decision on imposing administrative penalty, file a complaint to the judge, the body (the official), that delivered the decision.

2. A complaint is filed in a written form and will be considered during five days.

3. The complainant shall be notified of the time and place of its consideration. At that, the failure to appear of the complainant is not an obstacle for its consideration.

4. Upon the results of considering the complaint, a resolution on satisfaction the complaint or rejection to satisfy is delivered.

5. A copy of the resolution is immediately handed to a person or a representative of a legal entity, brought to administrative responsibility, and in the absence of these persons, it will be sent to them within three days from its rendering.

6. Damage caused by unlawful actions of officials on enforce execution of the decision to impose an administrative penalty shall be compensated in accordance with the rules established by the Civil Code and the Civil Procedural Code of the Republic of Kazakhstan.

**Footnote. Article 705 as amended by the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Chapter 44. The order of execution of certain administrative penalties**

**Article 706. Execution of a resolution on issuance of a warning**

A resolution on imposition of administrative sanction in the form of a warning is executed by the judge, the body (the official), that rendered the resolution, via handing or sending a copy of a resolution in compliance with Article 652 of this Code.

**Article 707. Voluntary execution of the decision to impose a fine**

1. The fine is payable by the person, brought to administrative liability, not later than thirty days from the date the judgment's entry into force.

In case of suspension, provided for in Article 701 of this Code, the fine must be paid by a person, brought to administrative liability, from the date of expiry of the suspension.

2. The fine, imposed for an administrative offence, is paid by an individual or a legal entity to the state budget in the prescribed manner, with subsequent notification in a written form of the judge or the body (the official), that delivered the decision to impose a fine, which issued an order on the need to pay the fine.

Footnote. Article 707 is in the wording of the Law of the Republic of Kazakhstan dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010); as amended by the Law of the Republic of Kazakhstan dated 21.07.2011 No. 467-IV (shall be enforced from 01.07.2011).

#### **Article 708. Compulsory execution of the decision to impose a fine on an individual**

1. *Is excluded by the Law of the Republic of Kazakhstan dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010).*

2. Resolution on imposition of a fine is sent by the court, the authorized body (the official) to the administration of the organization where the person, brought to responsibility, works or receives remuneration, pension, scholarship, - to keep the amount of the fine by force from his wages or other income. Retention of fine is conducted in a period not exceeding six months. The order of collection of the fine is performed in accordance with the Civil Code of the Republic of Kazakhstan.

3. In case of dismissal of the persons, brought to responsibility, or the inability to collect the fine from his wages or other income, the administration of the organization within ten days from the date of dismissal or event, leading to impossibility of recovery, returns the decision to impose a fine, an order on the need to pay a fine to the court, to the authorized agency, which rendered the judgment, with the indication of a new job of a person, brought to responsibility (if it is known), the reasons for impossibility to collect the fines, and with a note of the deductions made ??(if any).

4. If an individual, subjected to a fine, does not work and collection of the fines from his wages or other income is impossible for other reasons, the decision to impose a fine, an order on the need to pay a fine, is sent by the court, the authorized body, which rendered the decision, to the state court bailiff for compulsory execution in the order, defined by the legislature.

Footnote. Article 708 as amended by the Laws of the Republic of Kazakhstan dated 04.07.2008 No.55-IV (the order of enforcement see Art. 2); dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010), dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 709. Compulsory execution of the decision to impose a fine on a legal entity**

1. A resolution on imposition of a fine is sent by the court, the authorized body (the official) to the state judicial enforcement agent for withdrawal of money from the bank

account of a legal entity without his or her consent in the order, defined by the civil legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on payments and transfers of money and on enforcement proceeding.

A decision on imposing fines for administrative offences, considered by the tax bodies, is executed by the tax bodies in the order, defined by the tax legislature of the Republic of Kazakhstan.

2. A bank or an organization, performing others of banking transactions, must transfer the amount of the fine to the budget in the prescribed manner.

3. In case if there is no money in the accounts of a legal entity, the bailiff forecloses the fines on another property, owned by the debtor in accordance with the laws of the Republic of Kazakhstan.

**Footnote. Article 709 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 709-1. The order of sending the decision on imposing fines on compulsory execution**

1. When a decision to impose a fine, an order on the need to pay a fine for compulsory execution is sent to the state executor, it must be attached with the copy of the decision to impose an administrative penalty and a certificate of the body, that imposed an administrative penalty, on the failure to pay the amount of the fine to the state budget.

2. Resolution on imposing a fine, an order on the need to pay a fine, aimed at compulsory execution with violation of this Code, shall be returned to the government agency, which imposed an administrative penalty.

3. Return of the decision to impose a fine, an order on the need to pay a fine to the body, that imposed an administrative penalty, is not an obstacle to re-sending them for compulsory execution with the eradicated defects.

**Footnote. The Code is supplemented by Article 709-1 in accordance with the Law of the Republic of Kazakhstan dated 20.01.2006 No. 123 (shall be enforced from 01.01.2006); in the wording of the Law of the Republic of Kazakhstan dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010); as amended by the Law of the Republic of Kazakhstan dated 21.07.2011 No. 467-IV (shall be enforced from 01.07.2011); dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 710. Execution of the decision to impose a fine, levied at the scene of an administrative offence**

1. When collecting the fine at the scene of an administrative offence, committed by an individual, he is handed a receipt of the established form, that is a document of strict financial statements. The receipt shall indicate the date of issue, position, surname, initials of the official, who imposed the penalty, the identity of the person, brought to administrative liability, the article of this Code, providing responsibility for the offence, the time and place of the administrative offence, the amount of an administrative fine. A receipt is signed by the official, who imposed the fine, and the receipt counterfoil - by the official, who imposed the fine and by the person, brought to administrative liability.

2. Failure to pay the fine on the spot of an administrative offence, the proceeding shall be conducted in the order, provided herein.

**Article 711. Completion of the proceedings on execution of the decision on imposing the fine**

Decision on imposing a fine, the penalty for which was fully performed, with the note on execution is returned to the body (the official), who delivered the decision.

**Article 712. Execution of a decision on compensated withdrawal of a thing, that is an instrument of a tool of an administrative offence**

1. The judge's ruling on the compensated withdrawal of a thing, which appeared to be an instrument or a subject of an administrative offence, is executed in the order, provided by the legislature, a bailiff, and on the compensated withdrawal of arms and ammunition, special devices for special search operations and cryptographic information protection devices - by the Interior body.

2. Realization of the withdrawn thing, which appeared to be a tool or instrument of an administrative offence, shall be made in the order, established by the legislature.

3. The sums, received from the sale of the withdrawn thing, in accordance with Article 49 of this Code, are transferred to the former owner minus the expenses, incurred by selling of this thing.

**Footnote. Article as amended by the Laws of the Republic of Kazakhstan dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

**Article 713. Execution of the decision on confiscation of a subject, that appeared to be the subject or the instrument of an administrative offence**

1. The judge's decision to confiscate the thing, which appeared to be the subject or the instrument of an administrative offence, and income (dividends), money and securities, received as a result of an administrative offence, is executed in the manner, provided by the legislature, a bailiff, and the confiscation of weapons, ammunition,



special devices for special search operations and cryptographic information security and drugs - by the Interior body.

2. Realization or further use of the confiscated items, which appeared to be the subject or the instrument of an administrative offence shall be conducted in accordance with the procedure, established by the Government of the Republic of Kazakhstan.

**Footnote. Article 713 as amended by the Laws of the Republic of Kazakhstan dated June 22, 2006 No. 147, dated July 27, 2007 No. 314 (shall be enforced from January 1, 2008).**

#### **Article 714. The bodies, executing the judgment on deprivation of a special right**

1. The judge's decision on deprivation of the right to drive vehicles, except tractors, self-propelled vehicles and other machinery, is executed by the officials of the Interior bodies.

2. The judge's decision on deprivation of the right to drive a tractor, self-propelled machine or other kinds of equipment is performed by officials, conducting state supervision over the technical condition of self-propelled vehicles and other equipment

3. The judge's decision on deprivation of the right to drive vessels, including the small size ones, is executed by officials, performing the state supervision over compliance with rules of use of the vessels, including the small size ones.

4. The judge's decision on deprivation of the right to operate radio electronic and radio frequency devices is performed by officials, performing the state supervision over communication.

5. The judge's decision on deprivation of the rights for hunting is executed by officials, performing the state supervision over observance of the hunting regulations.

6. The court's decision on deprivation of the right to carry and possess weapons is executed by the officials of the Interior bodies.

#### **Article 715. The order of execution of the decision on deprivation of a special right**

1. Execution of the decision on deprivation of the right for driving vehicles, vessels or others of machinery is performed via withdrawal of a driver's license respectively, a certificate for the right to handle a ship, (including small size boats) or a certificate of a tractor driver's license (tractor), if the driver, ship-driver or the tractor-driver (tractor) is deprived of the right to drive all kinds of vehicles, vessels (including small size ones), and other equipment.

2. If the driver, the navigator or the tractor-driver (tractor) is deprived of the right to drive not all kinds of vehicles, vessels (including small size ones), or other equipment, the driver's license, certificate for handling small size vessels, a tractor

driver's license (tractor) indicates what kinds of vehicles, small size boats, mobile devices, he is deprived of for the right to drive.

3. The order of withdrawal of a certificate for driving a vehicle or a vessel is established by the authorized body.

4. In case of failure of the driver (navigator) or a tractor driver (tractor), deprived of the right to drive a vehicle, vessel, or the right to drive a tractor or other self-propelled vehicles, to give the driver's license, certificate for handling a vessel or a tractor driver's license (tractor), the Interior bodies, performing the state supervision over observance of the rules for use of vessels, including small size ones, and the bodies, performing the state supervision over the technical condition of self-propelled vehicles and other equipment, make withdrawal of a driving license, a certificate for handling a vessel or a tractor driver license (tractor) in the prescribed manner.

5. After expiry of the terms for deprivation of a special right, the person, subjected to this of administrative punishment, receives the withdrawn documents in the established procedure.

#### **Article 716. The order of execution of the decision on deprivation of the right for hunting**

1. Execution of a decision of deprivation of the right for hunting is performed by withdrawal of a hunting permit.

2. In case if a person, deprived of the right for hunting, evades from giving of a hunting permit, the withdrawal of the hunting permit, performing the state supervision over the observance of the rules of hunting, is made ??in the established order.

#### **Article 717. The order of execution of the decision on deprivation of the right to use radio electronic or high-frequency devices**

1. Execution of the decision on deprivation of the right to use radio electronic and high-frequency devices is made by removing of the special permit to use radio electronic or high-frequency devices.

2. In case of failure of a person, deprived of the right to use radio electronic or high-frequency devices, from the delivery of a special permit to use radio electronic or high-frequency devices, the appropriate authorized state body shall withdraw the special permit for use of radio electronic or high-frequency devices in the established order.

3. The order of withdrawal of a special permit to use radio electronic or high-frequency devices is defined by the authorized state body for information and communication.

Footnote. Article 717 as amended by the Law of the Republic of Kazakhstan dated December 5, 2003 No. 506, dated January 20, 2006 No. 123 (shall be enforced from January 1, 2006).

**Article 718. The order of execution of the decision on deprivation of the right to keep and bear arms**

Execution of the decision on deprivation of the right to keep and bear arms is performed by withdrawal of arms and the corresponding license by the Interior bodies in the manner provided by the legislature.

**Article 719. Execution of the decision on revoke of a license, a special permit, a qualification certificate or suspension of their performance for a certain of activity**

The resolution on revocation of an individual entrepreneur or a legal entity from a license, a special permit, a qualification certificate (a certificate) or suspension of its (his) actions on a certain kind of activity is to be executed in the manner, prescribed by this Code and the legislature on licensing.

**Article 720. The bodies, executing the decision on revocation of a license, a special permit, a qualification certificate (a certificate) or their suspension for a certain of activity**

The resolution on revocation of an individual entrepreneur or a legal entity from a license, a special permit, a qualification certificate (a certificate) or suspension of its (his) actions on a particular activity is executed by the officials, who issued the license, the special permit, the qualification certificate (certificate).

**Article 721. The order of execution of the decision on revocation of a license, a special permit, a qualification certificate (a certificate) or suspension of their actions for a certain of activity**

1. Execution of the decision on deprivation of an individual entrepreneur or a legal entity from a license, a special permit, a qualification certificate (a certificate) is executed via withdrawal of a license, a special permit, a qualification certificate (a certificate).

2. In case of failure of an individual entrepreneur or a legal entity to deliver the license, the special permit, the qualification certificate (certificate), the body, that issued the license, the special permit, the qualification certificate (certificate), takes measures, provided by the legislature to withdraw the license, the special permit, the qualification certificate (certificate) or suspension of their actions for a certain of activity.

**Article 722. Calculation of terms of withdrawal of a license, a special permit, a qualification certificate (a certificate) or suspension of their actions on a specific activity**

1. The term for revocation of a license, a special permit, a qualification certificate (a certificate) or suspension of their actions for a certain of activity is calculated from the date when the decision came into force on revocation (suspension) of the license, the special permit, the qualification certificate (certificate).

2. Upon expiration of terms for revocation of a license, a special permit, a qualification certificate (a certificate) for a certain of activity, the person, brought to this of administrative penalty, receives a license in the order, established by the legislation.

Upon expiration of the period of suspension of a license, a special permit, a qualification certificate (a certificate) for a specific activity, the person, brought to this of administrative penalty, receives the revoked license, special permit, qualification certificate (certificate) in the established order.

3. A license, a special permit, a qualification certificate (certificate) will be suspended from the date, specified in the decision to impose an administrative penalty, and for the term, specified therein.

**Article 723. Execution of a decision on suspension or prohibition of activity of an individual entrepreneur or a legal entity**

1. A decision on imposing an administrative sanction in the form of suspension or prohibition of activity of a legal entity or an individual entrepreneur shall be delivered by the judge and must be executed immediately upon entry into force of the decision by the founder of the legal entity or the individual entrepreneur.

2. During the suspension period of the legal entity and the individual entrepreneur, their right to use bank deposits is suspended, except for the payment of labor contracts, compensation for damage, caused by their activities, and payment of fines. During the suspension period of a public association, it is not allowed to use the media, to campaign, to hold meetings, demonstrations and other public events, to take part in the elections. If within the specified suspension period the public association eliminated the violation, by the end of the specified period the public organization restarts its activity.

3. In case of the failure to execute the administrative penalty, imposed by the judge in the form of suspension or prohibition of the activity of the founder (the governing body, or the official) of the legal entity or the individual entrepreneur voluntarily, the suspension is executed in the enforcement proceeding by the authorized body.

**Article 724. The order of execution of the decision on suspension or prohibition of activity of an individual entrepreneur or a legal entity**

1. The authorized officer shall suspend partially or fully the work of organizations, individual productions, and prohibit operation of buildings, structures, individual premises, storages, electric power networks, heating devices.

2. The body, registering the legal entities, having received a decision on prohibition (liquidation) of the legal entity, supervises the order of prohibition of activities (liquidation), established by the legislature, and within ten days registers termination of a legal entity, and informs of it the authorized body for the state statistics.

**Footnote. Article 724 as amended by the Law of the Republic of Kazakhstan dated 19.03.2010 No. 258-IV.**

#### **Article 725. Execution of a decision on a forced demolition**

1. A court's decision on the forced demolition of the erected or constructed building is executed by the person against whom this administrative penalty is issued.

2. In case of the failure to execute the imposed administrative penalty in the form of a forced demolition of the erected or constructed building voluntarily, the decision is executed in the enforcement proceeding by the authorized body.

#### **Article 726. Costs for execution of the decision on a forced demolition**

A forced demolition of the erected or constructed building is performed at the expense of the offender

#### **Article 727. Execution of a decision on administrative arrest**

1. The judge's ruling on administrative detention is to be executed by the interior bodies and the military police in the manner, prescribed by the legislature.

2. The persons, subjected to administrative arrest, are kept in the places, defined by the interior bodies. During the administrative detention the detainees are subjected to body search.

Military servants serve administrative detention in the brigs (detention quarters).

3. Administrative detention period shall be included in the term of administrative arrest.

4. Serving of administrative arrest is made ??in compliance with the rules, established by the legislation.

**Footnote. Article 727 as amended by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 177 (the order of enforcement see Art. 2).**

#### **Article 728. Consequences of evasion from serving administrative detention**

1. If the person, subjected to administrative detention, leaves the place of serving the administrative detention willfully before expiration of the arrest period, the served

term may not be included fully or partially in the term of the administrative detention by the judge's decision. At that, the judge re-sets the start of the term for serving the administrative arrest.

2. The total period of administrative detention cannot exceed thirty days.

#### **Article 729. Execution of the decision on compensation of property damage**

A decision on a case on an administrative offence in terms of property damage, subjected to reimbursement in accordance with Article 64 of this Code, shall be executed in the manner, prescribed by the legislature.

#### **Article 730. The bodies, executing the decision on administrative deportation from the Republic of Kazakhstan of foreigners and stateless persons**

A decision on administrative expulsion from the Republic of Kazakhstan of foreigners and stateless persons is performed by:

1) the Border Guard of the National Security Committee of the Republic of Kazakhstan for committing offences, provided by part 2 of Article 391 and part 3 of Article 391-1 of this Code;

2) the internal affairs bodies for the offences, defined by Articles 102-3, 374 (part six), 375 (part three, seven), 380 (second part), 380-2 (second part), 394 (part four), 396 (part four) of this Code.

**Footnote. Article 730 as amended by the Laws of the Republic of Kazakhstan dated 06.07.2007 No. 276, dated 19.12.2007 No. 11-IV (the order of enforcement see Art. 2); dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 11.10.2011 No. 484-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 731. Execution of the decision on administrative expulsion from the Republic of Kazakhstan of foreigners and stateless persons**

1. Execution of the decision on administrative expulsion from the Republic of Kazakhstan of foreigners and stateless persons is performed via official transfer of foreigners or stateless persons to the bodies of a foreign state, to the territory of which the person is deported, or via the controlled self-deportation of the person from the Republic of Kazakhstan.

2. If the transfer of the person to the representative of a foreign country is not provided by the agreement between the Republic of Kazakhstan and the said state, the



expulsion is carried out at the place, determined by the Border Guard Service of the National Security Committee of the Republic of Kazakhstan.

3. On expulsion of foreigners and stateless persons from the checkpoint of the State border of the Republic of Kazakhstan, the bodies of a foreign state are notified of it, to (across) the territory of which the person is deported, if the agreement is provided by the agreement between the Republic of Kazakhstan and the specified state.

4. Execution of the decision on administrative expulsion is made in the form of bilateral or unilateral act.

**Footnote. Article 731 as amended by the Law of the Republic of Kazakhstan dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 732. Execution of the decision on testing the knowledge of traffic rules**

A decision on testing the knowledge of traffic rules is executed by the traffic police bodies of the Interior Ministry of the Republic of Kazakhstan in the order, established by the legislature.

#### **Article 733. The order of execution of the decision on appliance of compulsory medical measures**

A decision on appliance of compulsory medical measures is performed by the specialized bodies of healthcare bodies in the manner, prescribed by the legislature.

The President of  
the Republic of Kazakhstan