

## **On approval of the Rules of compensation for property damage caused to individuals and legal entities by an act of terrorism**

### *Unofficial translation*

Decree of the Government of the Republic of Kazakhstan dated August 28, 2013 No. 877.

Unofficial translation

Pursuant to subparagraph 7) of paragraph 3 of Article 4 of the Law of the Republic of Kazakhstan “On Countering Terrorism”, the Government of the Republic of Kazakhstan

### **RESOLVES:**

**Footnote. Preamble - as amended by the Resolution of the Government of the Republic of Kazakhstan dated 19.10.2023 № 928 (shall be enforced ten calendar days after the date of its first official publication).**

1. To approve the attached Rules of compensation for property damage caused to individuals and legal entities by an act of terrorism.

2. This resolution shall take effect upon expiry of ten calendar days after the first official publication.

*Prime Minister  
of the Republic of Kazakhstan*

*S. Akhmetov*

Approved by  
Order № 877  
of the Government  
of the Republic of Kazakhstan  
dated August 28, 2013

## **RULES of compensation for property damage caused to individuals and legal entities by an act of terrorism**

1. These Rules of compensation for property damage caused to individuals and legal entities by an act of terrorism (hereinafter - the Rules) define the procedure of compensation for property damage caused to individuals and legal entities by an act of terrorism.

2. Compensation for property damage caused to individuals and legal entities by an act of terrorism shall be made by reimbursing the value of the lost or damaged property belonging to these persons (hereinafter - property owners), with the exception of property insured in accordance with the legislation of the Republic of Kazakhstan on insurance and insurance activities.

3. The grounds for reimbursing the value of property are the loss or damage of property upon confirmation in the order established by the legislation of the Republic of Kazakhstan, the existence of a causal link between the commission of an act of terrorism and destruction or damage to the property.

4. The value of the property shall be reimbursed to its owner by payment in cash to him by the local executive body at the expense of the funds provided for in the reserves for urgent expenses of local executive bodies, to the extent approved in local budgets for the current financial year, in accordance with Articles 19 and 20 of the Budget Code of the Republic of Kazakhstan, also the Rules of the use of reserves of the Government of the Republic of Kazakhstan and local executive bodies, approved by Order № 325 of the Government of the Republic Kazakhstan dated April 25, 2015.

**Footnote. Paragraph 4 as amended by Order № 700 of the Government of the Republic of Kazakhstan dated 01.11.2017 (shall be enforced upon expiry of ten calendar days after the date of the first official publication).**

5. The right of ownership or other right to the property, composition of this property in accordance with the civil legislation of the Republic of Kazakhstan shall be confirmed by the relevant documents referred to in paragraph 9 of these Rules, also by explanations of the property owner and witnesses.

6. Appraisal of the reimbursable value of the property shall be conducted by the local executive body with participation of the property owner and the appraiser.

The amount of compensation for the value of property shall be determined on the basis of the report on appraisal of the market value of repair and restoration work, taking into account the costs necessary for the restoration (repair) of damaged property, and (or) the amount of depreciation of property due to its damage, or on the basis of the report on appraisal of the market value of the property lost as a result of an act of terrorism, at market prices prevailing in the area at the time of compensation for the cost of property, taking into account the wear of lost or damaged property.

The costs of restoration (repair) of damaged property shall be confirmed by an estimate or calculation of the costs of its restoration.

Documented expenses of the property owner on payment for services related to the property appraisal, drawing up of estimates and calculating the costs of restoration (repair) of damaged property shall be included in the reimbursable value of the property.

**Footnote. Paragraph 6 as amended by the Resolution of the Government of the Republic of Kazakhstan dated 19.10.2023 № 928 (shall be enforced ten calendar days after the date of its first official publication).**

7. To compensate for the value of lost or damaged property in the circumstances specified in paragraph 1 of these Rules, the property owner, within thirty calendar days after the initiation of criminal proceedings regarding the commission of an act of terrorism, shall file to the local executive body an application for compensation for property damage, according to the form of Appendix 1 to these Rules.

The application for compensation for property damage shall indicate: lost or damaged property, expenses for restoration (repair) of damaged property and (or) the size of the markdown of property due to damage or the value of the lost property.

If it is impossible for the property owner to personally apply, his close relatives may apply to the local executive body for compensation for the caused property damage, and also legal representatives if he has not reached the age of eighteen (full age), by proxy.

8. An application for compensation for the caused damage to property shall be examined by the local executive body within a month from the date of receipt of the documents indicated in paragraph 9 of these Rules by the local executive body.

9. Together with the application for compensation for property damage caused, the property owner shall submit to the local executive body:

1) for individuals - a copy of the identity document of the property owner, and for legal entities - a copy of the document confirming the state registration of the legal entity;

2) a copy of the decision of the body conducting the criminal proceedings on recognizing the property owner as a victim of terrorism act;

3) documents confirming the ownership right or other right to the property, its composition, expenses for restoration of the damaged property, markdown of property due to damage, value of lost property (in their existence).

10. In the event of submitted incomplete package of documents specified in paragraph 9 of these Rules, the processing of the application shall be suspended, and the applicant shall be notified in writing of the need to provide the missing documents no later than sixty calendar days from the date of receipt of the notice.

If the applicant has not submitted the missing documents within the indicated time, the application for compensation for property damage shall be returned to the applicant without consideration. Refusal to consider the application does not deprive the applicant of the opportunity to resend the application.

**Footnote. Paragraph 10 as amended by the Resolution of the Government of the Republic of Kazakhstan dated 19.10.2023 № 928 (shall be enforced ten calendar days after the date of its first official publication).**

11. Application shall be registered in the registration log of applications for compensation for property damage and executed payments according to the form of Appendix 2 to these Rules with the issuance of the application acceptance receipt to the property owner.

12. Within seven working days from the date of the application registration the local executive body shall organize the appraisal of the property or repair and restoration works to determine the amount of damage caused to the property with an appraiser selected by the property owner in accordance with the legislation of the Republic of Kazakhstan on appraisal activities.

In this case, the costs associated with the organization of appraisal shall be borne by the local executive body.

**Footnote. Paragraph 12 as amended by the Resolution of the Government of the Republic of Kazakhstan dated 19.10.2023 № 928 (shall be enforced ten calendar days after the date of its first official publication).**

13. Organization of appraisal of repair and restoration works or of property value shall include the following stages:

1) selection by the property owner of an appraiser in accordance with the registers of members of the chambers of appraisers posted on the internet resources of the chambers of appraisers;

2) determination of the time and place of appraisal by agreement with the property owner;

3) conduct of the appraisal of the damaged property;

4) familiarization of the property owner with the appraisal report.

**Footnote. Paragraph 13 as amended by the Resolution of the Government of the Republic of Kazakhstan dated 19.10.2023 № 928 (shall be enforced ten calendar days after the date of its first official publication).**

14. In the assessment of the amount of damage caused to the property, the cost of its restoration shall be calculated on market prices effective on the day of the damage occurrence, minus the accumulated depreciation (wear) of the property before the damage.

15. The size of damage caused in the destruction of the property shall be determined by its market value on the day of the damage occurrence.

Property is considered destroyed if its restoration is technically impossible or economically unreasonable. Property restoration is considered economically unjustified if the expected expenses for property restoration exceed eighty percent of its market value on the day of the damage occurrence.

16. If the local executive body fails to organize an appraisal by an appraiser within the term established by paragraph 12 of these Rules, the property owner may independently choose an appraiser and avail of his services.

The documented expenses of the property owner on payment for the appraiser's services shall be included in the amount of compensated damage.

**Footnote. Paragraph 16 as amended by the Resolution of the Government of the Republic of Kazakhstan dated 19.10.2023 № 928 (shall be enforced ten calendar days after the date of its first official publication).**

17. After the appraiser has drawn up an appraisal report based on the application and relevant documents, the local executive body shall, in accordance with the procedure established by law, develop a draft decision providing for the allocation of funds for damage compensation from the reserve for urgent expenses of the relevant local executive body.

In case of refusal to reimburse the property value, the local executive body shall send a written notice to the applicant indicating the reasons for refusal.

**Footnote. Paragraph 17 as amended by the Resolution of the Government of the Republic of Kazakhstan dated 19.10.2023 № 928 (shall be enforced ten calendar days after the date of its first official publication).**

18. The funds shall be transferred by the local executive body within three banking days to the current or savings account indicated in the application of the property owner.

19. After the damage compensation an appropriate entry shall be made in the registration log of applications for property damage compensation and executed payments, with indication of the date, compensation size for the damage and the number of the payment document.

20. Disputes arising between the owner of the lost or damaged property and the local executive body shall be resolved in court in accordance with the legislation of the Republic of Kazakhstan.

21. Actions pursuing illegitimate receipt of payments shall entail liability provided for by the legislation of the Republic of Kazakhstan.

Appendix 1  
to the Rules of compensation  
for property damage  
caused to individuals and  
legal entities by  
an act of terrorism

**Footnote. Appendix 1 as amended by the Resolution of the Government of the Republic of Kazakhstan dated 19.10.2023 № 928 (shall be enforced ten calendar days after the date of its first official publication).**

### Application form

To akim \_\_\_\_\_  
\_\_\_\_\_  
(of the oblast, city of republican status,  
the capital,  
district (city of oblast subordination)  
\_\_\_\_\_  
(Full name of the official)  
from \_\_\_\_\_  
\_\_\_\_\_  
(Full name, details of the applicant)  
residing or staying \_\_\_\_\_  
\_\_\_\_\_

### Application for compensation for property damage caused

I request compensation for material damage caused by committed act of terrorism

\_\_\_\_\_,  
(time, place, nature of the event)

including \_\_\_\_\_.

(expenses for restoration, (repair) of the damaged property and (or) the amount of depreciation

of property due to its damage, or the value of lost property)

I ask to reimburse the material damage to the address: \_\_\_\_\_

\_\_\_\_\_  
(oblast, district, city, address of residence or staying)

Name of the bank \_\_\_\_\_

BIC, IIC of the bank \_\_\_\_\_

Current or savings account \_\_\_\_\_ in the name of \_\_\_\_\_

(Full name, details)

IIN of the beneficiary № \_\_\_\_\_

I attach the following documents to the application:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

" \_\_\_\_ " \_\_\_\_\_ Applicant \_\_\_\_\_

(date, month, year)

(signature, full name)

(cut off line)

Citizen's application \_\_\_\_\_

Registered under № \_\_\_\_\_ Date of application acceptance \_\_\_\_\_

Full name, position and signature of the person who accepted the application

" \_\_\_\_ " \_\_\_\_\_

(date, month, year)

Applicant \_\_\_\_\_

(signature, full name)

caused to individuals and  
legal entities by  
an act of terrorism

## Registration log of applications for compensation for property damage caused and payments made

Footnote. Appendix 2 as amended by the Resolution of the Government of the Republic of Kazakhstan dated 19.10.2023 № 928 (shall be enforced ten calendar days after the date of its first official publication).

№	Full name or details of the applicant	Date of the application acceptance, incoming №	Address of residence or staying	Reason for material damage compensation (brief description of the place, time)	The size of caused material damage	№ and date of the payment document on the paid funds (registrar's signature)
1	2	3	4	5	6	7