

On approval of the Rules for control over official publication of normative legal acts of central executive and other central state bodies, as well as maslikhats, akimats, revision commissions and akims

Invalidated Unofficial translation

Decree of the Government of the Republic of Kazakhstan dated June 29, 2016 No. 384. Abolished by the Decree of the Government of the Republic of Kazakhstan dated May 31, 2021 No. 357

Unofficial translation

Footnote. Abolished by the Decree of the Government of the Republic of Kazakhstan dated May 31, 2021 No. 357

For the purposes of implementation of article 41 of the Law of the Republic of Kazakhstan dated April 6, 2016 "On Legal Acts" the Government of the Republic of Kazakhstan hereby decrees:

1. To approve the attached Rules for control over official publication of normative legal acts of central executive and other central state bodies, as well as maslikhats, akimats, revision commissions and akims.

2. to recognize invalid the decree of the Government of the Republic of Kazakhstan dated August 15, 2002 no. 900 " On approval of the Rules for control over the publication of normative legal acts of central and local state bodies " (Collected Acts of the President and the Government of the Republic of Kazakhstan , 2002, no.27, art. 296).

3. This decree shall come into force from the date of signing.

*Prime Minister
of the Republic of Kazakhstan*

K. Massimov

Approved by decree of the
Government of the
Republic of Kazakhstan
dated June 29, 2016 no. 384

Rules for control over official publication of normative legal acts of central executive and other central state bodies, as well as maslikhats, akimats, revision commissions and akims

1. General Provisions

1. These Rules for control over official publication of normative legal acts of central executive and other central state bodies, as well as maslikhats, akimats, revision commissions and akims shall determine the procedure of control over official

publication of normative legal acts of central executive and other central state bodies, as well as maslikhats, akimats, revision commissions and akims, except for normative legal acts or their separate parts, containing state secrets and (or) other restricted information.

2. The official publication of normative legal acts of the central executive and other central state bodies, as well as maslikhats, akimats, revision commissions and akims regarding the rights, freedoms and duties of citizens of the Republic of Kazakhstan, shall be a prerequisite for their application.

3. Control over official publication of normative legal acts of central executive and other central state bodies, as well as maslikhats, akimats, revision commissions and akims shall be carried out by the Ministry of Justice of the Republic of Kazakhstan (hereinafter referred to as the Ministry of Justice) and its territorial bodies.

4. When exercising control over the official publication of normative legal acts of central executive and other central government bodies, as well as maslikhats, akimats, revision commissions and akims, the employees of the Ministry of Justice and its territorial bodies shall be governed by article 4 of the Constitution of the Republic of Kazakhstan, the Code of the Republic of Kazakhstan dated July 5, 2014 " Administrative Offences Code", the Law of the Republic of Kazakhstan dated April 6, 2016 "On Legal Acts", other normative legal acts and these Rules.

5. main goals and objectives of the control over official publication of normative legal acts of central executive and other central state bodies, as well as maslikhats, akimats, revision commissions and akims shall be:

1) prevention of the application of normative legal acts of central executive and other central state bodies, as well as maslikhats, akimats, revision commissions and akims not published in accordance with the procedure established by the law;

2) identification and implementation of measures to eliminate violations of the current law on issues of official publication of normative legal acts of central executive and other central state bodies, as well as maslikhats, akimats, revision commissions and akims;

3) rendering assistance to central executive and other central state bodies, as well as maslikhats, akimats, revision commissions and akims in methodical aid during official publication by them of normative legal acts.

2. Organization and implementation of control over official publication of normative legal acts of central executive and other central state bodies, as well as maslikhats, akimats, revision commissions and akims

6. The control over official publication of normative legal acts of central executive and other central state bodies, as well as maslikhats, akimats, revision commissions and akims shall be implemented through:

1) monitoring of the official publication of normative legal acts of central executive and other central state bodies, as well as maslikhats, akimats, revision commissions and akims;

2) conducting audits of compliance with the legislation, regulating the official publication of normative legal acts of central executive and other central state bodies, as well as maslikhats, akimats, revision commissions and akims.

The audit shall apply to all acts, published by the audited entity within the period indicated in the order on assigning of the audit and subjected to the official publication.

Audits shall be carried out in accordance with the decree of the Government of the Republic of Kazakhstan dated December 14, 2012 no. 1596 "On approval of the Rules for the audit in central estate bodies, as well as in maslikhats and akimats of normative legal acts that are subject to state registration".

7. When implementing the control over official publication of normative legal acts of central executive and other central state bodies, as well as maslikhats, akimats, revision commissions and akims it is necessary to pay attention to:

1) timeliness of sending normative legal acts to official publication;

2) timeliness and simultaneity of official publication of normative legal acts in Kazakh and Russian;

3) completeness of a normative legal act at its official publication;

4) compliance with the deadline for the enactment of a normative legal act;

5) measures taken by a state body (official) to eliminate violations of the requirements provided for by the current legislation for the official publication of a normative legal act.

8. When implementing the control, the Ministry of Justice and its territorial bodies shall:

1) request from state bodies and organizations, individuals and legal entities, required for implementation of control, materials and information in accordance with the procedure, stipulated by the legislation of the Republic of Kazakhstan ;

2) take measures, stipulated by the Code of the Republic of Kazakhstan dated July 5, 2014 "Administrative Offences Code" and the Law of the Republic of Kazakhstan dated March 18, 2002 "On the Bodies of Justice".

3. Monitoring of the official publication of normative legal acts

9. The monitoring of the official publication of normative legal acts of central executive and other central state bodies, as well as maslikhats, akimats, revision commissions and akims shall include:

1) collection of information about the results of tenders for the right of official publication of normative legal acts;

2) registration of data on official publication of normative legal acts of state bodies;

3) analysis of the work on the official publication of normative legal acts of state bodies.

10. Information on the official publication of normative legal acts of central executive and other central state bodies, as well as maslikhats, akimats, revision commissions and akims, registered with the Ministry of Justice or its territorial bodies shall be subject to collection.

11. The data on the official publication of normative legal acts of central executive and other central state bodies, as well as maslikhats, akimats, revision commissions and akims by the Ministry of Justice and its territorial bodies shall be recorded by making entries in the register of state registration of normative legal acts.

12. The official publication of normative legal acts of state bodies, which put them at a loss, make changes and additions, suspend or restore the actions of previously issued acts, shall also be subject to monitoring. Information on these acts shall also be entered in the register of state registration of normative legal acts.

13. By results of collection and registration, analysis of work on the official publication of normative legal acts of state bodies, which reflects the violations that occurred and problems associated with the official publication of normative legal acts, as well as the measures required for elimination of the violations identified.