

**On approval of the form of prescriptions on elimination of violations of the requirements of the land legislation of the Republic of Kazakhstan, a protocol on administrative offense, decision on the case of an administrative offense**

*Unofficial translation*

Order of the Deputy Prime Minister of the Republic of Kazakhstan - Minister of Agriculture of the Republic of Kazakhstan dated October 26, 2018 № 437. Registered with the Ministry of Justice of the Republic of Kazakhstan on December 6, 2018 № 17878.

**Unofficial translation**

In accordance with sub-item 2-8) of item 1 of article 14 of the Land Code of the Republic of Kazakhstan dated June 20, 2003 and articles 710, 729 of the Code of the Republic of Kazakhstan "On administrative offences" dated July 5, 2014 **I HEREBY ORDER:**

1. To approve:

- 1) the prescriptions on elimination of violation of the requirements of the land legislation of the Republic of Kazakhstan in form according to annex 1 to this order;
- 2) a protocol on administrative offense in form according to annex 2 κ to this order;
- 3) decision on the case of an administrative offence in form according to annex 3 to this order.

2. The Land Resources Management Committee under the Ministry of Agriculture of the Republic of Kazakhstan in accordance with the procedure established by the legislation of the Republic of Kazakhstan shall ensure:

1) state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) within ten calendar days from the date of state registration of this order with the Ministry of Justice of the Republic of Kazakhstan the direction hereof to the Republican State Enterprise on the Right of Economic Management "Republican Center of Legal Information of the Ministry of Justice of the Republic of Kazakhstan" for official publication and placement in the Reference Control Bank of the Regulatory Legal Acts of the Republic of Kazakhstan;

3) within ten calendar days after the state registration of this order, direction of a copy hereof for official publication to periodical printed media;

4) placing this order on the Internet resource of the Ministry of Agriculture of the Republic of Kazakhstan after its official publication;

5) within ten working days after the state registration of this order, reporting to the Department of Legal Services of the Ministry of Agriculture of the Republic of Kazakhstan on performance of activities, stipulated by sub-items 2) 3) and 4) of this item.

3. Control over the execution of this order shall be entrusted to the supervising Vice-Minister of Agriculture of the Republic of Kazakhstan.

4. This order shall be put into effect upon the expiry of ten calendar days after its first official publication.

*Deputy Prime Minister  
of the Republic of Kazakhstan –*

*Minister of Agriculture  
of the Republic of Kazakhstan*

*U. Shukejev*

Annex 1  
to the order № 437  
of the Deputy Prime Minister  
of the Republic of Kazakhstan –  
Minister of Agriculture  
of the Republic of Kazakhstan  
dated October 26, 2018  
Form

**Order No. \_\_\_ on elimination o violations of the requirements of the land legislation of the Republic of Kazakhstan**

№ \_\_\_\_\_

**Footnote. The form in the wording of the order of the Acting Minister of Agriculture of the Republic of Kazakhstan dated 23.12.2020 No. 400 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

_____	"__" _____ 20__
Venue of forming the act	Time _____

1. name of the control body \_\_\_\_\_
2. Date and the number of the act on the appointment of inspection/preventive control on the basis of which the inspection was carried out \_\_\_\_\_
3. Surname, name, patronymic (if any) and the position of the person(s) who carried out the inspection/preventive control with a visit to the subject (object) of control in accordance with paragraph 4 of Article 14-1, Articles 14, 17, 18, 19, 144, 145, 146, 147 and 148 of the Land Code of the Republic of Kazakhstan dated June 20, 2003 (hereinafter referred to as the Land Code), Articles 137, 144 and 152-1 of the Entrepreneur Code of the Republic of Kazakhstan dated October 29, 2015 (hereinafter referred to as the Entrepreneur Code) \_\_\_\_\_
4. Name of the subject (object) of control being inspected (name of the legal entity or its branch and (or) representative office, surname, name, patronymic (if any) of the individual in respect of whom an inspection/preventive control is scheduled with a visit to the subject (object) of control), its location, individual identification number/business identification number,  
area of territory \_\_\_\_\_

5. Date, place and period of inspection/preventive control with a visit to the subject (object) of control

6. For violation of the land legislation (with consideration to Paragraph 3 of Article 152-1 of the Entrepreneur Code), in order to eliminate the detected violations, reasons and conditions contributing to them, being governed by Articles 94, 144, 145, 146, 147 and 148 of the Land Code, I hereby order to perform the following activities:

No.	List of objects	List of violations identified (items of requirements and names of checklists for which violations were detected)	Risk assessment degree	Recommendations and instructions for eliminating the detected violations, deadlines for their elimination
1.				
2.				

7. Information on familiarization or refusal to familiarize with the order of a representative of the subject of control (the head of a legal entity or his authorized person, an individual), as well as persons present during the inspection and preventive control with a visit to the subject (object) of control, their signatures or refusal to sign

8. The order was submitted (surname, name, patronymic (if any) by the official of the authorized body that carried out the inspection/preventive control with a visit to the subject (object) of control, signature)

9. The order was received by (surname, name, patronymic (if any) of the head of the legal entity or his authorized person, individual), signature

Annex 2  
to the order № 437  
of the Deputy Prime Minister  
of the Republic of Kazakhstan –  
Minister of Agriculture of the  
Republic of Kazakhstan  
dated October 26, 2018  
Form

**Protocol no. \_\_\_\_\_ on administrative offences**

This protocol has been executed in accordance with articles 710, 729, 802, 803 и 804 of the

Code of the Republic of Kazakhstan "On administrative offenses" dated July 5, 2014 (hereinafter referred to as the Code).

The language of execution of the protocol on the administrative offence:

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(state (Kazakh), Russian or other languages)

venue of execution of the protocol: \_\_\_\_\_

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(region, district, city, township, village)

Date of execution of the protocol: " \_\_\_\_ " \_\_\_\_\_ .

Position, surname, name, patronymic (if any) of the person executed the protocol:

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Information about the person, in respect of which the case has been initiated:

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(for individuals – surname, name, patronymic (if any), date of birth, place of residence, name and

details of the identity document, identification number, place of work, subscriber's telephone number,

fax, cellular phone, and (or) e-mail (if any); for legal entities –

name, location, number and date of state registration (re-registration) of the legal entity, identification

number and bank details, subscriber's telephone number, fax, cellular phone, and (or) e-mail (if any))

Venue, time of execution and the subject-matter of the administrative offence:

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(information about detected violations of the land legislation of the Republic of Kazakhstan, their nature)

the violation specified above shall stipulate the administrative sanctions in accordance with

\_\_\_\_\_ of the Code.

(article(item of article) stipulating the administrative sanctions for this offence)

surnames, names, patronymics (if any) of witnesses and victims, addresses of residence if available: \_\_\_\_\_

(surname, name, patronymic (if any), signature)

When executing the protocol, the subject of administrative sanctions has been explained the

Language of proceedings, rights, obligations, and responsibility in accordance with articles 462, 654, 738, 744, 810, 811 of the Code:

\_\_\_\_\_

— / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ /  
(surname, name, patronymic (if any) of the person (legal representative of an individual or representative of a legal entity), in respect of which the case has been initiated, signature, date)

I have (no) comments and additions to the protocol: \_\_\_\_\_

\_\_\_\_\_

— / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ /  
(surname, name, patronymic (if any) of the person (legal representative of an individual or representative of a legal entity), in respect of which the case has been initiated, signature, date)

Explanation of the person, in respect of which the case has been initiated: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

— / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ /  
\_ /

(surname, name, patronymic (if any) of the person (legal representative of an individual or representative of a legal entity), in respect of which the case has been initiated, signature, date)

Record on rejection to accept the protocol on the case of administrative offence against signed receipt,

to sign it, on absence or failure to attend by the person, in respect of which the case of administrative

offence has been initiated: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The protocol is signed by:

the person, executed the protocol \_\_\_\_\_

— The person (representative of the person), in respect of which the proceedings are conducted in the case of administrative offense \_\_\_\_\_

Witnesses \_\_\_\_\_

Victims, if any \_\_\_\_\_

Acknowledgement

I have received the copy of the protocol on " \_\_\_\_ " \_\_\_\_\_

\_\_\_\_\_  
(signature of the individual or the legal entity  
(or its representative), in which respect the case has been initiated)

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

\_\_\_\_\_  
(signature of the affected individual or legal entity (or its representative))

Annex 3  
to the order № 437  
of the Deputy Prime Minister  
of the Republic of Kazakhstan –  
Minister of Agriculture of the  
Republic of Kazakhstan  
dated October 26,2018  
Form

**Decision no. \_\_\_\_\_ on the case of administrative offence**

I, \_\_\_\_\_

(position, surname, initials of the official who issued this decision)

" \_\_\_\_ " \_\_\_\_\_ / \_\_\_\_\_

(date and the venue of proceedings)

In accordance with articles 710, 729, 821, 822 of the Code of the Republic of Kazakhstan "On administrative offences" dated July 5,2014 (hereinafter referred to as the Code) have made this decision in respect of:

— (information about the person in which respect the case has been considered: for individuals – last

name, first name, patronymic (if any), date of birth, place of residence, name and details of an identity

document, identification number, information about registration at the place of residence, place of work;

for legal entities - name, organizational and legal form, location, number and date of state registration

as a legal entity, identification number and bank details)

Language of proceedings under the case in point: \_\_\_\_\_

— Article \_\_\_\_\_ of the Code stipulating the responsibility for administrative offence:

\_\_\_\_\_  
FOUND THAT:

The circumstances, established during consideration of the case: \_\_\_\_\_

— \_\_\_\_\_

— \_\_\_\_\_

— (name of the norms of the Land Code of the Republic of Kazakhstan dated June 20, 2003, which have been violated)

HEREBY DECIDED:

1. To find the person \_\_\_\_\_

— (information about the person in relation to whom the case was considered: for individuals - last name,

first name, middle name (if any), date of birth, place of residence, name and details of an identity

document, identification number, information about registration at the place of residence, place of

work ; for legal entities - name, legal form, location, number and date of state registration as a legal

entity, identification number and bank details, subscriber's phone number, fax, cellular and (or) email

address (if available)) guilty of committing the administrative offence and to subject to administrative sanctions in kind of a warning or a fine in the amount of \_\_\_\_\_

— \_\_\_\_\_

— (amount of the fine in writing)

In accordance with article 893 of the Code, I notify about the necessity to pay the abovementioned

fine no later than within thirty days from the date of the Decision comes into force to the following

bank details: \_\_\_\_\_

—  
\_\_\_\_\_

and to notify in written or electronic form.

In case of failure to pay the within the prescribed period, the provisions of articles 894, 895 of the Code.

Deadlines of voluntary payment of a fine or execution of another type of administrative penalty

shall be: \_\_\_\_\_

—  
2. On termination of administrative proceedings:

In consideration of the established circumstances of the administrative proceedings against the

person \_\_\_\_\_

—  
\_\_\_\_\_ shall be terminated.

(information about the person in relation to whom the case was considered: for individuals - last name,

first name, middle name (if any), date of birth, place of residence, name and details of an identity

document, identification number, information about registration at the place of residence, place of

work ; for legal entities - name, legal form, location, number and date of state registration as a legal entity,

identification number and bank details, subscriber's phone number, fax, cellular and (or) email address (if available)

Note: Considering the circumstances established during the consideration of the administrative case, in

accordance with article 821 of the Code, one of the decisions shall be chosen.

This decision may be appealed to a higher body (official), the prosecutor's office or the court within ten

days from the date of delivery of a copy of the decision,

in accordance with Articles 826-1, 826-2, 829-2 - 829-4 of the Code.

Official \_\_\_\_\_ / \_\_\_\_\_

(surname, name, patronymic (if any), signature)

Place for seal (if any)

Acknowledgement

I have been announced the Decision on imposition of an administrative penalty and I have received a copy thereof.

/ \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
\_ /

(surname, name, patronymic (if any), signature of the violator, date)