

On gambling industry

Unofficial translation

The Law of the Republic of Kazakhstan dated January 12, 2007 № 219.

Unofficial translation

Footnote. The words “by the organizer of gambling establishment”, “to the organizer of gambling establishment”, “the organizer of gambling establishment”, “by the organizers of gambling establishments”, “the organizer of gambling establishment” “the Organizer of gambling establishment”, shall be replaced in the text by the words “by the organizer of gambling industry”, “to the organizer of gambling industry”, “the organizer of gambling industry”, “by the organizers of gambling industry”, “the organizer of gambling industry”, “the Organizer of gambling industry” by the Law of the Republic of Kazakhstan dated 04.05.2009 № 157-IV (the order of enforcement see. Art. 2).

Footnote. Preamble excluded by the Law of the Republic of Kazakhstan dated 08.07.2024 № 116-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

Article 1. The basic definitions, used in this Law

The following basic definitions are used in this Law:

1) hardware and software is a set of the program and technical means providing information processes;

2) betting – a risk-based agreement, entered into between the participants or with the organizer of gambling industry, on the outcome of events, involving win, where they do not participate;

2-1) the equipment for the organization and carrying out a bet is the devices used for the organization and carrying out a bet, allowing participants of a bet to observe development and an outcome of an event on which result they were relied by them;

2-2) a beneficial owner - an individual:

who directly or indirectly owns more than twenty-five percent of the shares in the authorized capital or placed (minus preferred and redeemed by the company) shares of a legal entity or a foreign structure without forming a legal entity;

exercising control over a legal entity or a foreign structure without forming a legal entity otherwise;

in whose interests a legal entity or a foreign structure without forming a legal entity performs transactions with money and (or) other property;

3) bookmaker office is a gambling organisation that places bets with participants;

3-1) a unified accounting system - a set of software and technical means connected via telecommunications networks to the hardware and software complex of a bookmaker's office and (or) totalizator and ensuring the acceptance (implementation) of cash and non-cash payments, including using electronic money, the payment of winnings, as well as carrying out personalized collection, processing and storage of information about each participant in the bet, accepted bets on the bet (including electronic) for each participant in the bet, odds on the outcome options of the bet, winnings and payments on them and other functions provided for by this Law;

4) legitimization tokens - chips, tokens of a certain denomination and/or electronic media that replace cash and are used in gambling institutions to participate in gambling games in a manner prescribed by the rules of the gambling organiser;

4-1) Internet casino is the Internet resource realizing a possibility of the organization and carrying out gambings in real time by means of the Internet and (or) electronic money and providing receipt of a prize;

5) casino – a gambling establishment, where game tables are used to organize and conduct gambling;

6) casino or gambling hall cash desk - a place in a gambling establishment specially equipped by the organizer of the gambling business, where transactions with money are made , as well as issuance and/or return of legitimization tokens;

7) gambling - a risk-based agreement to win, entered into by participants between themselves or with a gambling organiser over the outcome of an event in which these persons take part;

7-1) gambler and (or) participant of betting - an individual that participates in a gambling and (or) betting;

7-2) a person restricted in participation in gambling and (or) betting - an individual who, due to abuse of gambling and (or) betting, has been restricted in legal capacity by a court, as well as a citizen of the Republic of Kazakhstan who has restricted himself from participation in gambling and (or) betting;

7-3) merchant ID – a unique set of symbols identifying a foreign company as the recipient of a payment and/or money transfer using payment systems;

8) mandatory reserves - money belonging to the organizer of gambling industry or the applicant on the right of ownership, including those obtained on credit and placed in banks in the Republic of Kazakhstan on the basis of the bank deposit agreement on the terms of the issuance of deposits upon demand (demand deposit) and used by him (her) in accordance with the requirements established by this Law;

9) the gaming machine is the gambling equipment (mechanical, electric, electronic or other technical equipment) used for carrying out gambings which prize is determined in a random way by the device which is in the case of such gambling equipment without participation of the organizer of a gaming or its workers;

10) game machine hall – a gambling establishment, where only game machines are used to organize and conduct of gambling;

11) gambling industry - entrepreneurial activities, related to the organization and conduct of gambling and (or) betting;

12) the organizer of gambling industry – a legal entity, carrying out the organization and conduct of gambling and (or) betting in accordance with the requirements, established by the legislation of the Republic of Kazakhstan;

13) the authorized body in the field of gambling (hereinafter - the authorized body) - a state body, determined by the Government of the Republic of Kazakhstan, enforcing the state policy and control in the gambling industry;

14) the gambling equipment is the devices or equipments intended and used for carrying out gambings;

15) a gambling establishment means a building, premises or structure where gambling games involving winnings are conducted in compliance with the requirements laid down in this Law;

15-1) gambling session - a procedure of interaction between a participant of a gambling game and a gambling organizer, determined by the rules of the organizer of the gambling business culminating in the identification (fixation) of winnings;

16) gaming table - gaming equipment, used to conduct gambling involving a player (s) and one representative of the casino;

17) Excluded by the Law of the Republic of Kazakhstan from 24.04.2015 № 310-V (shall be enforced after twenty-one calendar days after day of its first official publication);

17-1) the applicant - a legal entity, applying to the authorized body for issuance of a license to engage in activities in the gambling industry in the Republic of Kazakhstan;

17-2) bets - the amount of money, transferred by participant of gambling and (or) betting to the organizer of gambling, and is the main condition of participation in gambling and (or) betting in accordance with the rules, established by the organizer of gambling;

17-3) Excluded by the Law of the Republic of Kazakhstan dated 08.07.2024 № 116-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

18) A totalizator is a gambling company that mediates the betting between its participants;

19) cash desk of a totalizator or bookmaker office is the place where are performed acceptance of rates on a bet, payment of a prize for it;

19-1) electronic cashier of betting house or bookmaker - information system, through which the receipt (accounting) of rates and payouts are made with the use of information and communication networks;

20) Is excluded by the Law of the Republic of Kazakhstan dated 04.05.2009 № 157-IV (the order of enforcement see Art. 2);

21) a prize is the property benefit which is subject to obligatory payment to the participant of gambling and (or) a bet in case of approach of result of gambling and (or) the bet provided by the rules established by the organizer of a gaming;

22) an electronic casino is the institution using the hardware and software and (or) an Internet resource, realizing a possibility of the organization and carrying out gambles in real time by means of the Internet and (or) electronic money and providing receipt of a prize.

Footnote. Article 1, as amended by the Laws of the Republic of Kazakhstan dated 04.05.2009 № 157-IV (the order of enforcement see Art. 2); dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); from 24.04.2015 № 310-V (shall be enforced after twenty one calendar days after day of its first official publication); № 356-VI of 02.07.2020 (see Art. 2 for the enactment procedure); dated 01.07.2022 № 131-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication); dated 08.07.2024 № 116-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

Article 1-1. The purpose and objectives of the legislation of the Republic of Kazakhstan on gambling business

1. The purpose of the legislation of the Republic of Kazakhstan on the gambling business shall be to regulate public relations associated with the implementation of activities in the gambling business, in the interests of citizens, society and the state.

2. Objectives of the legislation of the Republic of Kazakhstan on gambling business:

1) determination of the conditions and procedures for organizing activities in the gambling business;

2) establishment of organizational foundations for state control and regulation in the gambling business.

Footnote: Article 1-1 has been supplemented in accordance with the Law of the Republic of Kazakhstan dated 08.07.2024 № 116-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

Article 2. Legislation of the Republic of Kazakhstan on gambling industry

1. Legislation of the Republic of Kazakhstan on gambling industry is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If an international treaty ratified by the Republic of Kazakhstan provides rules other than those contained in this Law, the rules of the international treaty shall apply.

Article 3. Scope of the Law

1. This Law regulates the legal relations:

1) associated with the peculiarities of the legal status and activities of the organizers of gambling industry;

2) arising between the organizer of gambling industry and common participants of gambling and (or) betting during the game and (or) betting;

3) arising between the organizer of gambling industry and by the authorized body.

2. This Law shall not apply to the organization and lottery conducting, as well as activities related to the provision of services with the use of game machines without a win, conducting of sports events, including bowling (skittle alley), karting, billiards.

Footnote. Article 3, as amended by the Law of the Republic of Kazakhstan dated 04.05.2009 № 157-IV (the order of enforcement see Art. 2).

Article 4. Basic principles of carrying out activities in the field of gambling industry

The basic principles of carrying out activities in the field of gambling industry are:

- 1) protection of the rights and legitimate interests of participants of gambling industry;
- 2) ensuring the legality of its activities by the organizers of gambling industry.

Article 5. State regulation in the field of gambling industry

1. State regulation of activities and control in the gambling industry of the Republic of Kazakhstan shall be exercised by the President of Republic of Kazakhstan, the Government of the Republic of Kazakhstan, the authorized body and other state bodies within their competence.

2. The forms of state regulation of activities in the field of gambling industry are:

- 1) determination of the order of carrying out activities in the field of gambling industry;
- 2) implementation of the licensing of activities in the field of gambling industry in the Republic of Kazakhstan;
- 3) implementation of state control over the activities in the field of gambling industry.

Footnote. Article 5, as amended by the Law of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011).

Article 6. Types of activities in the field of gambling industry

1. The following types of activities are carried out in the Republic of Kazakhstan in the field of gambling industry:

- 1) casino;
- 2) game machine hall;
- 3) bookmaker;
- 4) betting house.

2. Within the territory of the Republic of Kazakhstan shall be prohibited:

1) carrying out the types of activities in the field of gambling industry, not provided by paragraph 1 of this Article;;

2) activities of electronic casino and Internet casino;

2-1) Internet resources of foreign bookmakers and totalizators that do not have licenses for the right to engage in gambling business activities in the Republic of Kazakhstan;

2-2) electronic cash desks of a totalizator or bookmaker's office, except for those registered under the domain names.KZ or.ҚА3 and registered in accordance with the tax legislation of the Republic of Kazakhstan;

3) the organization and carrying out the gamblings and (or) a bet providing acceptance of rates and (or) issue of a prize in the form of other property except money, except for activities of casino where issue of a prize in the form of other property shall allowed;

4) installation and using of the gambling equipment in the entrepreneurial purposes, except for places, provided by paragraph 1 of article 11 of this Law;

5) betting, accepting (accounting) bets and paying out winnings on bets outside betting shops and betting shops (betting shops and/or betting shops cash desks);

6) betting, acceptance (accounting) of rates, payment of a prize by the persons which are not the organizers of a gaming performing activities of a totalizator or bookmaker office;

7) organisation and conduct of gambling and (or) betting under the guise of prize draws aimed at stimulating the selling of goods (works, services);

8) arranging and conducting betting on events generated by software and/or by the use of equipment (mechanical, electrical, electronic or other technical equipment) and/or any visualisation of the event, other than the direct broadcast of the event;

9) provision of services for making payments in favour of foreign organizers of the gambling business, whose activities are illegal on the territory of the Republic of Kazakhstan by decision of the authorized body in accordance with this Law.

Footnote. Article 6, as amended by the Law of the Republic of Kazakhstan dated 04.05.2009 № 157-IV (the order of enforcement see Art. 2); from 24.04.2015 № 310-V (shall be enforced after twenty one calendar days after day of its first official publication); № 356-VI of 02.07.2020 (shall come into force ten calendar days after the date of its first official publication); dated 08.07.2024 № 116-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

Article 6-1. List of foreign organizers of gambling business whose activities are illegal on the territory of the Republic of Kazakhstan

The authorized body shall maintain a list of foreign organizers of gambling businesses whose activities are illegal in the territory of the Republic of Kazakhstan (hereinafter referred to as the List) and post it on its Internet resource.

The list shall include merchant ID data of foreign gambling business organizers whose activities are illegal in the territory of the Republic of Kazakhstan and other information determined by the authorized body.

Payment service providers shall be considered to be notified of inclusion in the list after five working days from the date of posting such information on the Internet resource of the authorized body.

Footnote: The law has been supplemented by Article 6-1 in accordance with the Law of the Republic of Kazakhstan dated 08.07.2024 № 116-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

Article 7. Competence of the Government of the Republic of Kazakhstan

The Government of the Republic of Kazakhstan shall develop the main directions of state policy in the sphere of gambling business.

Footnote. Article 7 - as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

Article 8. Competence of the authorized body and other state bodies

1. The authorized body shall:

1) form and implement state policy in the sphere of gambling business;

2) monitor the compliance of the organizers of gambling industry with the legislation of the Republic of Kazakhstan on gambling industry, as well as compliance with the legislation of the Republic of Kazakhstan concerning counteraction to legalization (laundering) of proceeds from crime and financing of terrorism;

3) Is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after its first official publication);

4) Excluded by the Law of the Republic of Kazakhstan dated 08.07.2024 № 116-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

4-1) develop and approve the rules for the operation of the unified accounting system and the transfer of information contained in the unified accounting system to other persons in accordance with the legislation of the Republic of Kazakhstan;

4-2) develop and approve rules for determining the legal entity that ensures the functioning of the unified accounting system and the qualification requirements imposed on it in agreement with the authorized body exercising management in the sphere of competition protection and restriction of monopolistic activity, the authorized body in the sphere of information technology and the National Bank of the Republic of Kazakhstan;

4-3) establish the amount of the commission charged by the legal entity ensuring the functioning of the unified accounting system when paying out winnings to betting participants in agreement with the authorized body exercising management in the area of competition protection and restriction of monopolistic activity;

4-4) determine the term of cooperation with a legal entity ensuring the functioning of the unified accounting system, the conditions for its extension or termination;

5) issue a license to engage in activities in the field of gambling industry in the Republic of Kazakhstan;

5-1) determine the legal entity that ensures the functioning of the unified accounting system, in accordance with the approved rules and qualification requirements;

6) maintain an electronic register of the licensor;

7) Excluded by the Law of the Republic of Kazakhstan from 29.12.2014 № 269-V (shall be enforced from 01.01.2015);

7-1) performs collection and the analysis of the reporting represented by the organizer of a gaming;

7-2) Excluded by the Law of the Republic of Kazakhstan dated 08.07.2024 № 116-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

7-3) carry out systematic collection of information and analysis of the content of Internet resources for the presence of signs of Internet casinos, foreign bookmakers and (or) totalizators that do not have licenses for the right to engage in activities in the gambling business in the Republic of Kazakhstan, in the manner determined by it;

7-4) keeps the register of cash desks of totalizators and bookmaker offices;

7-5) develop and approve regulatory legal acts in the field of gambling business in accordance with the legislation of the Republic of Kazakhstan;

7-6) maintain a list of persons restricted from participating in gambling and/or betting;

8) perform other functions under this Law, other laws of the Republic of Kazakhstan, the acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

2. Other state bodies shall carry out state regulation of activities in the field of gambling industry within their competence, established by the legislative acts of the Republic of Kazakhstan.

Footnote. Article 8, as amended by the Laws of the Republic of Kazakhstan dated 17.07.2009 № 188 (the order of enforcement see Art. 2); dated 28.08.2009 № 192-IV (shall be enforced from 08.03.2010); dated 19.03.2010 № 258-IV; dated 15.07.2010 № 337-IV (the order of enforcement see Art. 2); dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 № 159-V (shall be enforced

upon expiry of ten calendar days after its first official publication); dated 10.06.2014 № 206-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); from 29.12.2014 № 269-V (shall be enforced from 01.01.2015); from 24.04.2015 № 310-V (shall be enforced after twenty one calendar days after day of its first official publication); dated 19.04.2023 № 223-VII (shall come into effect upon expiry of ten calendar days after the date of its first official publication); dated 08.07.2024 № 116-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

Article 9. Licensing of the activities in the field of gambling industry

1. Licensing of the activities in the field of gambling industry shall be carried out in accordance with this Law and the legislation of the Republic of Kazakhstan on permits and notifications.

2. Gambling activities shall be carried out under a licence issued to the applicant for each gambling establishment for a period of ten years.

Betting activities shall be carried out under a license issued to the applicant for a betting shop or totalizator for a period of ten years.

3. The size, an order of calculation and payment of the license fee, a payment for use of licenses for occupation of separate types of activity shall be determined by the Code of the Republic of Kazakhstan “About taxes and other obligatory payments in the budget” (Tax code).

4. Data on the licenses shall be entered into the electronic register of the licensor.

Footnote. Article 9, as amended by the Laws of the Republic of Kazakhstan dated 04.05.2009 № 157-IV (the order of enforcement see Art. 2); dated 15.07.2010 № 337-IV (the order of enforcement see Art. 2); dated 16.05.2014 № 203-V (shall be enforced upon expiry of six months after the date of its first official publication); from 25.12.2017 № 122-VI (shall be enforced from 01.01.2018); № 356-VI of 02.07.2020 (shall go into effect ten calendar days after the date of its first official publication).

Article 10. Taxation of the organizers of gambling industry and winnings

Taxation of the organizers of gambling industry and winnings shall be carried out in accordance with the tax legislation of the Republic of Kazakhstan.

Article 11: Location of gambling institutions, bookmaker and totalisator offices (bookmaker and (or) totalisator cash desks)

Footnote. The title of Article 11 as reworded by Law of the RK № 356-VI of 02.07.2020 (shall be enacted six months after the date of its first official publication).

1. Casinos, gambling halls, bookmaker and totalizator offices (bookmaker and (or) totalizator offices) shall be located in Almaty Oblast on the coast of the Kapshagai Reservoir and in Burabai District of Akmola Oblast within territories determined by local executive authorities.

The boundaries of territories for locating casinos, gambling halls, bookmaker offices and totalizators (bookmaker and/or totalizator offices) shall be identified by local executive bodies in coordination with the authorised body.

Local executive authorities shall be prohibited to change the boundaries of territories to locate casinos, gambling halls, bookmaker and totalizator offices (bookmaker and/or totalizator cash desks), except where it is necessary to protect specially protected natural areas, life and health of people, as well as cases of threat of destruction and damage of historical and cultural heritage sites, to meet the needs of defence and national security of the country.

2. It shall be prohibited to locate casinos, gambling halls, bookmaker and totalizator offices (bookmaker and/or totalizator cash desks) in the territory of the Republic of Kazakhstan, except for the areas specified in paragraph 1 hereof.

3. Casinos, gambling halls, bookmaker and totalisator offices (bookmaker and/or totalisator cash desks) must be located in non-residential premises. It shall be prohibited to locate them in non-residential premises of residential houses (residential buildings), buildings of industrial enterprises and their complexes and other production, communal and storage facilities, religious buildings (constructions), buildings of state bodies and institutions, educational, healthcare, cultural organizations, airports, railway stations, stations and bus stops of all types of public transport of urban and suburban traffic.

The organizer of gambling business operating bookmaker and totalizator office shall be prohibited to place outside the cash desk of bookmaker and (or) totalizator offices the equipment that allows bet participants to observe the development and outcome of events, the result of which they have bet, as well as to provide bet participants technical means including communication services, to access the electronic cash desk of the bookmaker and (or) totalizator office or information on accepted bets, paid and unpaid winnings.

4. Provision of the building, room or construction for opening of obviously illegal gambling institution or the organization of a gaming and also provision of the gambling equipment, equipment for the organization and carrying out a bet for implementation (organization) of obviously illegal gaming are forbidden.

Footnote. Article 11, as amended by the Laws of the Republic of Kazakhstan dated 04.05.2009 № 157-IV (the order of enforcement see Art. 2); dated 09.11.2011 № 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication); from 24.04.2015 № 310-V (an order of enforcement see Art. 2); № 356-VI of 02.07.2020 (see Art. 2 for the enactment procedure).

Article 12. General requirements to carry out activities in the field of gambling industry

1. In one casino at least thirty game tables shall be established.
2. In the slot machine hall at least sixty gaming machines shall be established.
3. Each gaming machine shall conform to the requirements established concerning the corresponding gambling equipment by the legislation of the Republic of Kazakhstan in the field of technical regulation.
4. Payment of winnings to participants of gambling and (or) betting shall be made by the organizer of gambling industry on the basis of the presented identity document, in the amount and timing that are provided by the rules of ongoing gambling and (or) betting, but not later than three calendar days from the date of summing the results of this gambling and (or) betting.
5. Installation of game machines or their parts in walls, windows and doors in the casino and in game machine halls are prohibited.
6. The prize percent which is technologically pledged in the gaming machine shall not be lower than ninety five percent.
7. Cash registers and gambling places of gambling institutions, bookmaker and totalizator offices must be equipped with video recording systems that ensure storage of recorded information for at least seven days and record the acts of all participants in gambling and (or) betting.
 - 7-1. Bookmaker and/or totalizator cash desks must be equipped with a metal door, armoured glass and an alarm system connected to a centralised console of a private security organisation or a duty station of a territorial body of internal affairs.
8. In case of insufficient of cash on hand or on the account of the organizer of gambling industry to pay the winning to the participant of gambling and (or) betting, the organizer of gambling is obliged to use the mandatory reserves for the remaining amount, taking into account the provisions laid down in Article 14 of this Law.
9. The organizer of a gaming performing activities of bookmaker office or a totalizator is obliged by means of the hardware and software and the equipment for the organization and carrying out a bet to perform and provide acceptance, single accounting of total amount relied , handling of rates of participants of a bet and payment of a prize.
10. The organizer of gambling industry, carrying out the activities of bookmaker, determines independently events, the outcome of which shall be a bet.
11. A gambling organizer running a betting business shall accept bets on upcoming real events taking place in equestrian sports competitions (horse racing, races) and (or) dog racing.
12. The bookmaker's office or totalizator shall accept bets through the relevant cash desk of the bookmaker's office or totalizator and (or) the electronic cash desk of the bookmaker's office or totalizator. The bookmaker's office or totalizator shall have no right to accept bets using money not accounted for in the unified accounting system.

13. The organizers of gambling industry shall comply with the requirements, established by the legislation of the Republic of Kazakhstan concerning counteraction to legalization (laundering) of proceeds from crime and terrorist financing.

14. A gambling organizer operating a betting shop shall accept bets based on the odds calculated by the hardware and software system and only on upcoming real events taking place in sports competitions organised by accredited sports federations or under the auspices of international sports organisations, federations and committees.

15. Bookmaker and totalisator offices must be equipped with a hardware and software system. Prior to accepting a bet, a gambling organizer operating a betting shop or totalizator shall register the bettor by means of a hardware and software system with the entry of data allowing to identify the bettor.

15-1. The organizer of the gambling business places in the gambling establishment, the premises of the bookmaker's office or totalizator, the cash desks of the casino and the slot machine hall, the cash desks and electronic cash desks of the bookmaker's office and (or) totalizator, on its Internet resources (if any) in a prominent place a warning about the risks and harm of participation in gambling and (or) betting.

A warning about the risks and harm of participation in gambling and/or betting must contain the expected negative consequences.

The text and drafts of the warning about the risks and harm of participation in gambling and/or betting shall be approved by the authorized body.

16. Organizer of a gambling business cannot act (directly and (or) indirectly to own, use, dispose and manage shares (shares in the authorized capital) the legal entity):

1) a legal entity, the founder, participant, or beneficial owner of which is a person who has an unexpunged or outstanding conviction for a crime committed in the field of economic activity or for intentional crimes of medium gravity, grave crimes, especially grave crimes;

2) a legal entity, the founder, participant, or beneficial owner of which is a person who was the founder, participant, or beneficial owner of a legal entity that has a tax debt or has been declared bankrupt.

17. The person specified in the subparagraph 1) of point 16 of this article can't be appointed to an executive position in a gambling institution.

Footnote. Article 12, as amended by the Laws of the Republic of Kazakhstan dated 04.05.2009 № 157-IV (the order of enforcement see Art. 2); dated 28.08.2009 № 192-IV (shall be enforced from 08.03.2010); dated 26.11.2010 № 356-IV (shall be enforced from 01.01.2011); dated 10.06.2014 № 206-V (shall be enforced upon expiry of ten calendar days after its first official publication); from 24.04.2015 № 310-V (an order of enforcement see Art. 2); № 356-VI of 02.07.2020 (see Art. 2 for the enactment procedure); dated 01.07.2022 № 131-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication); dated 08.07.2024 № 116-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

Article 12-1. Bookmaker or totalizator office hardware and software system

Footnote. The title as amended by Law of the RK № 356-VI of 02.07.2020 (shall be enacted ten calendar days after the date of its first official publication).

1. The server of the hardware and software complex must be provided with the fiscal mode of the control and cash register machine, being a computer system included in the state register of control and cash registers in compliance with the Code of the Republic of Kazakhstan “On Taxes and Other Obligatory Payments to the Budget” (the Tax Code). The server of the hardware and software system must be located at the location of the gambling organiser in the territory of the Republic of Kazakhstan.

2. A gambling company operating a bookmaker or a totalizator office must use a hardware and software system to calculate winning odds for betting options, record bets accepted, calculate winnings based on betting results, record winnings and payouts thereon.

3. The hardware and software system must ensure interaction with bookmaker and/or totalizator offices, as well as to collect and provide information allowing the authorized body to monitor compliance with the legislation of the Republic of Kazakhstan on combating the legalization (laundering) of proceeds of crime and the financing of terrorism.

4. Organizers of the gambling business, operating a bookmaker's office and (or) a totalizator, shall be obliged to ensure the integration of hardware and software systems with the information systems of state revenue agencies and the authorized body for financial monitoring to ensure automated interaction in the transfer of information.

The procedure, list and form of information subject to transfer through the integration of hardware and software systems of gambling business organizers operating a bookmaker's office and (or) totalizator with the information systems of state revenue agencies and the authorized body for financial monitoring shall be established by the relevant state bodies.

Footnote. The law is supplemented with article 12-1 in compliance the Law of the Republic of Kazakhstan from 24.04.2015 № 310-V (shall be enforced after six months after day of its first official publication); as amended by Law of the RK № 356-VI of 02.07.2020 (shall come into force ten calendar days after the date of its first official publication); dated 08.07.2024 № 116-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

Article 12-2. Unified accounting system

1. The functioning of the unified accounting system shall be ensured by a legal entity determined by the authorized body in accordance with the approved rules and qualification requirements.

2. The following requirements shall be imposed on the legal entity ensuring the functioning of the unified accounting system:

1) the availability of software and hardware that allow the implementation of the functions of a unified accounting system, the servers of which are located on the territory of the Republic of Kazakhstan;

2) registration for the provision of payment services with the National Bank of the Republic of Kazakhstan or the possession of a license to conduct banking operations.

3. The following legal entities shall not act as a legal entity ensuring the functioning of the unified accounting system:

1) not registered on the territory of the Republic of Kazakhstan;

2) included in the list of organizations associated with the financing of terrorism and extremism, in accordance with the procedure established by the legislation of the Republic of Kazakhstan;

3) having unfulfilled obligations under enforcement documents and included by the authorized body implementing state policy and state regulation of activities in the sphere of ensuring the execution of enforcement documents in the Unified Register of Debtors;

4) the founders (participants) and (or) the executive body and (or) an affiliate of which are persons who have an outstanding or unremoved conviction in the manner prescribed by law for crimes in the sphere of economic activity or intentional crimes of medium gravity, serious crimes, especially serious crimes, and (or) persons included in the list of persons associated with the financing of terrorism and extremism, in the manner prescribed by the legislation of the Republic of Kazakhstan.

Footnote. The Law is supplemented by Article 12-2 in accordance with the Law of the Republic of Kazakhstan dated 08.07.2024 № 116-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

Article 13. Qualification requirements to applicants for licenses

1. The applicants for a license shall meet the following qualification requirements:

1) for implementation of activities of a totalizator or bookmaker office availability of the building (a part of the building, a structure, a construction) on the property right meeting the sanitary and epidemiologic, fire protection standards established by the legislation of the Republic of Kazakhstan;

1-1) for implementation of activities of casino availability of the building (a part of the building, a structure, a construction) on the property right or other legal cause in hotel of category isn't lower than three stars, meeting the sanitary and epidemiologic and fire protection standards established by the legislation of the Republic of Kazakhstan;

1-2) for the operation of a gaming machine hall, the presence of a building (part of a building, structure, facility) on the right of ownership or other legal basis in a hotel complex of at least three stars category, in which casino activities are carried out, which complies with sanitary-epidemiological and fire safety standards established by the legislation of the Republic of Kazakhstan;

2) for implementation of activities of casino and the slot machine hall availability of the gambling equipment on the property right;

2-1) for implementation of activities of bookmaker office and a totalizator availability of the equipment for the organization and carrying out a bet on the property right;

3) availability of contracts with legal entities that have obtained a licence to carry out security activities in obedience to the legislation of the Republic of Kazakhstan;

4) availability of developed rules for operation of a gambling establishment, bookmaker or totalizator office, acceptance of bets and conducted gambling games and/or bets in Kazakh and Russian languages;

5) for implementation of activities of casino and the slot machine hall availability of samples and nominations of the signs applied the legitimative in the Kazakh and Russian languages;

6) availability of collateral for each licence in the form of compulsory reserves as determined by this Law (in monthly estimated figures as established by the law on the national budget) for the following activities in the field of gambling:

casinos and amusement arcades: amounting to 60,000;

bookmaker offices - amounting to 40,000;

totalizators - amounting to 10,000.

2. For each license to engage in activities in the field of gambling industry in the Republic of Kazakhstan, the applicant shall submit to the authorized body (the licensor) the documents, confirming its compliance with the requirements of this Law.

Footnote. Article 13 is in the wording of the Law of the Republic of Kazakhstan dated 04.05.2009 № 157-IV (the order of enforcement see Art. 2); as amended by the Law of the Republic of Kazakhstan dated 16.05.2014 № 203-V (shall be enforced upon expiry of six months after its first official publication); from 24.04.2015 № 310-V (an order of enforcement see Art. 2); № 356-VI of 02.07.2020 (shall come into force ten calendar days after the date of its first official publication); dated 08.07.2024 № 116-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

Article 14. Mandatory reserves

1. Mandatory reserves shall be formed by applicants for gambling licences in the amounts established by this Law for each type of activity for each licence and shall be deposited with banks in the Republic of Kazakhstan on a deposit basis under an agreement concluded between the bank and the customer and subject to the condition that the deposit is made on first demand (demand deposit).

2. The organizer of a gaming is obliged to provide on a fixed basis placement of required reserves in an order and on the conditions established by this Law.

3. Is excluded by the Law of the Republic of Kazakhstan dated 04.05.2009 № 157-IV (the order of enforcement see Art. 2).

4. Mandatory reserves may be used exclusively for the purpose of fulfillment of the obligations of the organizer of gambling industry to pay the winning to the participants of gambling and (or) betting, and only under the condition of insufficient funds in the accounts and in cashier of the organizer of gambling, except in cases, stipulated by the legislation of the Republic of Kazakhstan on enforcement proceedings and the status of enforcement agent.

5. In the case, if the amount of the mandatory reserves would be less than the amount prescribed by this Law, the organizer of the gambling industry shall, within three working days from the date of such reduction, replenish the mandatory reserves to the amount, established by this Law for each type of licensed activity.

6. The organizer of a gaming represents the reference to authorized body on availability and movement of money according to the bank accounts opened in case of signing of the contract of a bank deposit, at least once in three months.

Footnote. Article 14, as amended by the Laws of the Republic of Kazakhstan dated 04.05.2009 № 157-IV (the order of enforcement see Art. 2); dated 15.01.2014 № 164-V (shall be enforced upon expiry of ten calendar days after its first official publication); from 24.04.2015 № 310-V (shall be enforced after twenty one calendar days after day of its first official publication); № 356-VI of 02.07.2020 (shall take effect ten calendar days after the date of its first official publication).

Article 15. Procedure and specifics of visiting gambling institutions, bookmaker or totalizator cash desks

1. Participation in gambling and/or betting shall be prohibited for:

- 1) individuals under the age of twenty-one;
- 2) persons restricted from participating in gambling and/or betting;

3) persons who have outstanding obligations under enforcement documents on property claims, included by the authorized body implementing state policy and state regulation of activities in the sphere of ensuring the execution of enforcement documents, in the Unified Register of Debtors.

2. The rules of operation of a gambling institution, bookmaker or totalizator office, acceptance of bets and gambling and/or betting shall be posted by the gambling organiser in a visible place in the gambling institution, the cash desk of the bookmaker and/or totalizator office as well as on the internet site of the gambling organiser (if any) and shall contain the following information:

- 1) the name of a gambling institution, bookmaker or totalizator office;
- 2) the name of the gambling business organizer, specifying its location, bank details, identification number, Internet resource (if any);
- 3) information on the licence to engage in gambling activities in the Republic of Kazakhstan, the period of its validity;
- 4) a warning on the harm of excessive involvement in gambling and (or) betting;

- 5) procedure of independent restriction of participation in gambling and (or) betting;
- 6) Location and contacts of experts (institutions, organisations, services), rendering psychological aid to gambling participants and (or) betting participants and their close relatives;
- 7) procedure for identification of gambling and (or) betting participant;
- 8) types of gambling and (or) betting;
- 9) a list of information sources used to determine the outcome of the event on which betting participants place their bets;
- 10) basic terms and definitions directly used in gambling and (or) betting;
- 11) the rights and obligations of gambling business organizer and gambling and (or) betting participant in compliance with the legislation of the Republic of Kazakhstan;
- 12) terms and conditions of participation in gambling and (or) betting;
- 13) procedure of gambling and (or) betting and game session conducting;
- 14) conditions of acceptance of bets in a game of chance and (or) betting
- 15) size of remuneration (commission) for mediation in organization of betting by the organizer of gambling business, carrying out activities of a totalizator
- 16) the result, upon the occurrence of which the winning is payable to a participant of a game of chance and/or betting
- 17) the procedure for dealing with disputes;
- 18) other information provided for by the standard rules for the operation of a gambling establishment, bookmaker's office or totalizator, the acceptance of bets and the conduct of gambling games and (or) bets, approved by the authorized body.

2-1. The rules for the operation of a gambling establishment, bookmaker's office or totalizator, for accepting bets and conducting gambling games and (or) bets must comply with the standard rules for the operation of a gambling establishment, bookmaker's office or totalizator, for accepting bets and conducting gambling games and (or) bets, approved by the authorized body.

3. The organizer of a gambling business shall be entitled to:

- 1) impose restrictions on free attendance at a gambling establishment, bookmaker or totalizator office (bookmaker and (or) totalizator cash desk) not contradicting the legislation of the Republic of Kazakhstan;
- 2) not allow individuals who violate the rules of a gambling institution, bookmaker or totalizator office (bookmaker and/or totalizator cash desk), betting and gambling and (or) betting operations to participate in gambling activities.

Footnote. Article 15 – as reworded by Law of the RK № 356-VI of 02.07.2020 (shall be enacted ten calendar days after the date of its first official publication); dated 08.07.2024 № 116-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

Article 15-1. Restriction of participation in gambling and/or betting

1. A citizen of the Republic of Kazakhstan who has reached the age of twenty-one may independently limit his/her participation in gambling and (or) betting for a period of six months to ten years by applying to the authorized body to include himself/herself in the list of persons limited in participation in gambling and (or) betting.

The application shall contain the last name, first name, patronymic (if indicated in the identity document), details of the identity document, the period of restriction on participation in gambling and (or) betting, and a personal or electronic digital signature. The submitted application shall not be subject to return or withdrawal.

2. Close relatives and family members, based on a court decision that has entered into legal force on limiting the legal capacity of a citizen, shall have the right to apply to the authorized body with an application to include such person in the list of persons restricted from participating in gambling and (or) betting.

3. The procedure for applying for inclusion in the list of persons restricted from participating in gambling and (or) betting, as well as for maintaining the list, shall be determined by the authorized body.

Information about persons restricted from participating in gambling and/or betting shall be confidential.

Persons who gain access to information about persons restricted from participating in gambling and/or betting shall ensure its confidentiality by complying with the requirement not to allow its spread without the consent of the applicant or his/her legal representative or the presence of other legal grounds.

Persons who have become aware of information about persons restricted from participating in gambling and/or betting due to professional, official needs, or labour relations shall be obliged to ensure its confidentiality.

Due to professional, official necessity, as well as in connection with labour relations, access to the list of persons restricted from participating in gambling and (or) betting may be provided to law enforcement, special government agencies, the National Bank of the Republic of Kazakhstan and the authorized body for regulation, control and supervision of the financial market and financial organizations upon individual requests to the authorized body and subject to ensuring confidentiality and compliance with other requirements established by the legislation of the Republic of Kazakhstan.

4. Before the expiration of the period of restriction on participation in gambling and (or) betting, a citizen of the Republic of Kazakhstan may apply to extend the restriction for a new period.

5. The authorized body, after the day of expiration of the period of self-restriction in participation in gambling and (or) betting, shall exclude from the list the person included in the list of persons restricted in participation in gambling and (or) betting.

A person included in the list of persons restricted from participating in gambling and (or) betting, in accordance with paragraph 2 of this article, shall be excluded from the list by the authorized body based on a court decision that has entered into legal force to cancel the restriction of the citizen's legal capacity.

6. Gambling and/or betting with persons on the restricted list shall be prohibited.

The acceptance (implementation) of cash and non-cash payments, including using electronic money, between a betting participant and a bookmaker or totalizator, including the payment of winnings, without the participation of a unified accounting system shall be prohibited.

The Unified Accounting System shall be obliged to refuse to accept (implement) cash and non-cash payments, including those using electronic money, from (in favour of) a person on the list of persons restricted from participating in gambling and (or) betting.

7. Gambling business organizers shall deny access to participation in gambling and (or) betting to individuals who are prohibited from participating in gambling and (or) betting in accordance with paragraph 1 of Article 15 of this Law.

Footnote. The Law as supplemented by Article 15-1 in obedience to Law of the RK № 356-VI of 02.07.2020 (see Art. 2 for the enactment procedure); with amendments introduced by the Law of the Republic of Kazakhstan dated 08.07.2024 № 116-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

Article 16. Responsibility for violation of the legislation of the Republic of Kazakhstan on gambling industry

Violation of the legislation of the Republic of Kazakhstan on gambling industry entails liability under the laws of the Republic of Kazakhstan.

Article 16-1. State control over compliance with the legislation of the Republic of Kazakhstan on gambling business

1. State control over compliance with the legislation of the Republic of Kazakhstan on gambling shall be carried out in the form of inspection, preventive control with a visit to the subject (object) of control, as well as preventive control without a visit to the subject (object) of control.

2. Inspection and preventive control with a visit to the subject (object) of control shall be carried out in accordance with the Entrepreneur Code of the Republic of Kazakhstan.

3. Preventive control without visiting the subject (object) of control is carried out in accordance with the Entrepreneurial Code of the Republic of Kazakhstan and this Law.

4. Subjects of state control are organizers of gambling business.

5. The objectives of preventive control without visiting the subject (object) of control are timely suppression and prevention of violations, granting the right to control subjects to

eliminate violations independently, identified by the authorized body according to the results of preventive control without visiting the subject (object) of control, and reducing the administrative burden on them.

6. Preventive control without visiting the subject (object) of control is carried out by comparing reports submitted by the organizers of gambling business to the authorized body, certificates of availability and movement of money on bank accounts opened at the time of conclusion of the bank deposit agreement, information from authorized organizations and state bodies by means of request and information obtained from various sources of information.

7. In case of detection of violations based on the results of preventive control without visiting the subject (object) of control in actions (inaction) of the subject of control, the authorized body executes and sends a recommendation within ten business days from the date of detection of violations.

8. The recommendation shall be handed over to the subject of control in person, upon signature or otherwise, confirming the facts of dispatch and receipt.

A recommendation sent by one of the following means shall be deemed to have been delivered in the following cases:

- 1) By courier - from the date of the mark in the recommendation on receipt;
- 2) by registered mail - by registered mail;
- 3) by electronic means - from the date of sending by the authorized body to the e-mail address of the subject of control specified in the letter at the request of the authorized body.

9. The recommendation on elimination of violations revealed by results of preventive control without visiting the subject (object) of control shall be executed within ten working days from the day following the day of its delivery.

10. In case of disagreement with violations specified in the recommendation, the subject of control has the right to send an objection to the authorized body that sent the recommendation within five working days from the day following the day of delivery of the recommendation.

Failure to implement the recommendation on elimination of violations revealed by the results of preventive control without visiting the subject (object) of control within the established term shall result in appointment of preventive control with visiting the subject (object) of control by means of inclusion into the half-year list of preventive control with visiting the subject (object) of control.

12. Preventive control without visiting the subject (object) of control is carried out not more often than once a quarter.

A footnote. Article 16-1 of the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

Article 16-2. The organization of inspection

Footnote. Is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 № 188 (the order of enforcement see Art. 2).

Article 16-3. Procedure for inspection

Footnote. Is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 № 188 (the order of enforcement see Art. 2).

Article 17. Transitional and final provisions

1. This Law shall come into force from 1 April 2007.

2. From the date of the enactment of this Law the licenses, issued before 1 April 2007 for the right to engage in activities in the field of gambling industry, shall be terminated.

The President
of the Republic of Kazakhstan