

## On Introduction of Amendments and Supplements to Constitutional Law of the Republic of Kazakhstan on "The Government of the Republic of Kazakhstan"

### *Unofficial translation*

Constitutional Law of the Republic of Kazakhstan dated June 19, 2007 N 267

### Unofficial translation

**Article 1.** To introduce the following amendments and supplements to the Constitutional Law of the Republic of Kazakhstan dated December 18, 1995 on "The Government of the Republic of Kazakhstan (Statement of the Supreme Council of the Republic of Kazakhstan, 1995, N 23, article 145; Statement of the Parliament of the Republic of Kazakhstan, 1997, N 4, article 44; 1999, N 10, article 344; 2004, N 22, article 129):

1) in Article 1 after the word 'government' add the words 'is a collegial body,';

2) Add item 3 to Article 4 stating the following:

"3. To the newly elected Majilis of Parliament, the Prime-Minister of the Republic raises the question of confidence in the Government by a written request addressed to the Majilis of P a r l i a m e n t .

In the event that the Majilis express confidence, the Government continues to perform its duties, unless otherwise decided by the President of the Republic of Kazakhstan";

3) in item 2 Article 5:

after the word 'when passing' add the words 'Majilis of Parliament or'; the words 'subparagraph 7 of Article 53 and paragraph 7 of Article 61 of the Constitution' shall be substituted by the words 'the Constitution of the Republic'

4) Article 7 shall be excluded;

5) sub-item 4) of Article 8 shall be read as follows:

"4) to be a member of the governing body or supervisory board of a commercial organization, except for commercial organizations with state participation in the share capital in circumstances established by a decisions of the Government";

6) in sub-item 13 of Article 9, the words 'the implementation of legal reform' shall be replaced by the words 'the implementation of legal policy';

7) item 2 of Article 10 shall be read as follows:

"2. Government Resolutions adopted by a majority vote of all members of the Government. Government Resolutions are signed by the Prime-Minister of the Republic.

8) item 3 of Article 11 shall be read as:

"3. The Government is accountable to the Majilis of Parliament and the Parliament in circumstances established by the Constitution of the Republic.";

9) in Article 12:

in sub-item 1) of item 1, the words "Program of the Government" shall be excluded;  
add the words 'and the Prime Minister of the Republic' to paragraph 3;

10) in Article 14:

in sub-item 2) the word 'and' is replaced with the words 'given the number';

in sub-item 3) the words 'as well as departments' shall be excluded;

11) Article 15 shall be excluded;

12) in sub-item 4) of paragraph 1 of Article 19: the words 'akims of regions, cities of republican significance and the capital city of the Republic' are substituted by the words 'except for the Ministers of Foreign Affairs, Defense, Home Affairs, Justice';

13) paragraph 2 of Article 20 shall be read as:

"2. The members of the Government:

1) manage the relevant state authorities;  
2) formulate policies in the sectors of government administered by the relevant state authorities;

3) ensure inter-sectorial coordination within the limits provided by law;

4) are independent in making decisions within their competence;

5) bear personal responsibility before the Prime Minister for the work carried out by bodies subordinated to them;

6) are responsible for the state of affairs in the sectors of government administered by the relevant government authorities and for the enforcement of Laws, Acts of the President and the Government of the Republic of Kazakhstan.';

14) supplemented by Article 21-1 shall be read as follows:

"Article 21-1. Executive secretary of the central executive bodies.

1. The offices of Ministries and central executive bodies that do not form part of the Government are headed by executive secretaries appointed and dismissed by the President of the Republic in consultation with the Prime Minister of the Republic.

2. In some Ministries and Central Executive Bodies that are not encompassed by the Government the position of executive secretary may not assigned following a decision by the President of the Republic. In this case, the powers of the executive secretary as stipulated by the present Constitutional Act will vest in an official of a ministry or a central executive body that does not form part of the Government, which will be determined by the President of the Republic.

3. A resignation by the Government, a Minister, a Head of the central executive body which does not form part of the Government, does not lead to the termination of the executive secretaries' duties.

4. The status and powers of the executive secretaries of the Ministry and the central executive body which does not form part of the Government are established by the President of the Republic.

5. The executive secretary in carrying out his duties is accountable to the President of the

Republic, the Prime Minister and Minister (head of the central executive body which does not form part of the Government);

15) item 2-2 of Article 22 shall be read as follows:

"2-2. The structure of the Ministry is approved by the executive secretary of the Ministry. The structural units of the Ministry are the Office, departments and agencies;

16) item 3 of Article 23 shall be read as follows:

"3. the structure of the office is approved by the executive secretary of the office and usually consists of the departments and agencies.

The set of departments and agencies of the office forms the unit of the Office."

17) article 24 shall be read as follows:

"Article 24. Office of the central executive body

1. The Office is the Committee of the central executive body of the Republic. The Office may have its own subdivisions.

2. The Office is formed, reorganized and abolished by the Government of the Republic upon the proposal of the head of the relevant central executive body.

3. The Head of the Office is appointed and dismissed by the Head of the relevant central executive body.

4. The Office within the competence of the central executive body of the Republic exercises control and (or) 'implementation functions.

5. An order of the Head of the Office is a form of act published by the Office. Cancellation or suspension of all or a part of an act is performed by the Head of Office of the Central Executive Body, the structure of which includes the Office.

6. The structure of the agencies is approved by the executive secretary of the relevant central executive body. Powers and authorities of interaction with other state agencies are determined by the Head of the Central Executive Body, the structure of which includes the agency".

**Article 2.** This Constitutional Law comes into force from the date of its publication.

*P r e s i d e n t o f*

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