

On Protection and Use of the Objects of Historical - Cultural Heritage

Unofficial translation

The Law of the Republic of Kazakhstan dated 2 July 1992, No. 1488 – XII. Abolished by the Law of the Republic of Kazakhstan dated 26.12.2019 No. 288-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

U n o f f i c i a l t r a n s l a t i o n

Footnote. Abolished by the Law of the Republic of Kazakhstan dated 26.12.2019 No. 288 -VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication) .

Footnote. The title as amended by the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

Footnote. Throughout the text after the word “Section” the numbers “I – IX” are substituted respectively by the numbers “1-9” by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13.

Footnote. Throughout the text the word “SECTION” is substituted by the word “Chapter” ; the words “An authorized body on protection and use of historical - cultural heritage” are substituted respectively by the words “An authorized body” by the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

Throughout the text, the words “regions (cities of republican significance, the capital)” are replaced with the words “regions, cities of republican significance, the capital” according to Law of the Republic of Kazakhstan № 368-V as of 28.10.2015 (shall be enforced ten calendar days after its first official publication).

This Law determines the purposes, objects and legal basis in the field of protection and use of the objects of historical - cultural heritage

Footnote. The preamble as amended by the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

Chapter 1. GENERAL PROVISIONS

Article 1. The legislation of the Republic of Kazakhstan on protection and use of the objects of historical - cultural heritage

The legislation of the Republic of Kazakhstan on protection and use of the objects of historical - cultural heritage shall be based on the Constitution of the Republic of Kazakhstan and shall consist of this Law and other regulatory legal acts of the Republic of Kazakhstan.

If the international treaty, ratified by the Republic of Kazakhstan establishes the other rules, than those provided by this Law, the rules of international treaty shall be applied.

Footnote. Article 1 is in the wording of the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13. Article as amended by the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

Article 2. Purposes of this Law

The purposes of this Law shall be:

- 1) objects definition of historical - cultural heritage, their protection and use;
- 2) securing the status of historical - cultural monuments to the objects of historical - cultural heritage;
- 3) regulation of the rights and obligations of individuals and legal entities in the scope of protection of the objects of historical - cultural heritage;
- 4) delineation of the competence of the state bodies in the field of protection of the objects of historical - cultural heritage;
- 5) establishing of measures of responsibility for endamage of the objects of historical - cultural heritage.

Footnote. Article 2 is in the wording of the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

Article 3. The basic concepts, used in this Law

The following basic concepts shall be used in this Law:

- 1) the list of accounting estimate – a list of the objects of historical - cultural heritage, revealed in order to grant them the status of historical and cultural monuments;
- 2) ensemble – the groups of separate or united monuments, buildings and structures of fortified, palace, dwelling, public, administrative, trade, facility, scientific, educational purposes, as well as monuments and constructions of religious assignment, as well as fragments of historical planning and buildings of settlements, localized on traditional territories;
- 3) monuments archeology – stations, sites, burial mound, remains of dead villages, strengthening, productions, channels, roads, ancient burial places, stone sculptures, rock carvings and inscriptions, sites of historical and cultural layer of ancient inhabited locality and other places, bear the traces of life and activity of ancient human;
- 4) monuments of urban construction and architecture - architectural ensembles and composites, historic centers, quarters, squares, streets, remains of ancient planning and buildings of cities and other inhabited localities; constructions of civil, dwelling, industrial, military, church architecture, public art of building, as well as creations of monumental, ornamental and applied, garden art, natural landscapes linked with them;

5) preservation order – a document, recording the state of monument of history and culture as of the date of execution of this document and maintain conditions of monuments of history and culture by owner and user;

5-1) commemorative plaque - a plate of marble, granite, metal, or other material bearing information about a prominent person and a significant event, installed on the facades of buildings and structures;

5-2) new structures of monumental art - works of monumental art (monuments, steles, busts), installed to commemorate prominent persons, significant historical events;

5-3) museum-reserve - a cultural organization created for the preservation, study and presentation of objects of historical and cultural heritage and cultural values to the public;

6) monuments of history and culture – separate structures, buildings, constructions and ensembles, historical-cultural landscapes and other places of interest, created by human or being the joint creation of human and nature, linked with historical past of the people, development of society and state, included in the State list of monuments of history and culture;

7) archeological works on monuments of history and culture - the realization of the field researches by archaeological excavation, prospects and expertizes of monuments of archeology;

8) is excluded by Law of the Republic of Kazakhstan № 60-VI as of 05.05.2017 (shall be enforced ten calendar days after its first official publication);

9) user of the monument of history and culture – an individual or legal entity, to whom the right of use of history and culture monument is assigned on the grounds of contract with his (her) owner, in accordance with this Law;

10) scientific and restoration works on the monuments of history and culture – all types of production, scientific and research and project works, except of archeological, carrying out on historical and cultural monuments;

11) objects of historical – cultural heritage – the objects of immovable property, linked with them creations of art, sculpture, applied art, science and technology and other artefact, resulted from historical events, representing value in terms of history, archeology, architecture, urban construction, art, science and technology, aesthetics, ethnology and anthropology, social culture;

12) an authorized body on protection and use of objects of historical-cultural heritage (an authorized body) – the central executive body, carrying out the state regulation in the field of protection and use of the objects of historical-cultural heritage;

13) historical-cultural expertize – conclusion, including a set of organizational, analytical and practical events, directed to establishment of historical-cultural significance and degree of preservation of object of historical-cultural heritage;

14) historical- architectural key plan – a document of history and culture and newly revealed objects, representing historical, scientific, art and cultural values.

Footnote. Article 3 is in the wording of the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law); as amended by Law of the Republic of Kazakhstan № 368-V as of 28.10.2015 (shall be enforced ten calendar days after its first official publication); № 60-VI as of 05.05.2017 (shall be enforced ten calendar days after its first official publication).

Article 4. Types of monuments of history and culture, their protection and use

1. The monuments of History and culture shall be divided into following types:

- 1) monuments of urban construction and architecture;
- 2) monuments of archeology;
- 3) ensembles.

4. Protection and use of monuments of history and culture shall include the system of measures, directed to:

- 1) revelation, research and propaganda of the objects of historical-cultural heritage;
- 2) consolidation of the objects of historical - cultural heritage of the status of historical and cultural monuments;
- 3) ensuring of protection from destruction, act of vandalism, mystification, hoaxes, distortion, making of unjustified amendments, exemption from historical context;
- 4) renaissance and preservation by conducting of archeological and scientific and restoration works;
- 5) maintenance in accordance with the regulations, ensuring their safety;
- 6) use of ethno cultural environment in the process of renaissance, as well as in scientific and educational purposes.

Footnote. Article 4 is in the wording of the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

Article 5. The status of objects of historical-cultural heritage

The objects of historical-cultural heritage shall acquire the status of the monuments of history and culture from the date of recognition as such according to the procedure, established by this Law.

For adoption of decision on including of the objects of historical-cultural heritage in the State list of history and culture monuments, the documents shall be presented according to the procedure, established by the Government of the Republic of Kazakhstan.

Recognition the objects of historical-cultural heritage as the monuments of history and culture shall be consolidated by confirmation it in the State list of the monuments of history and culture of international, republican and local significance, subject to the compulsory official publication. The archeological monuments shall acquire status as the monuments of history and culture from the moment of their revelation.

The monuments of history and culture in the Republic of Kazakhstan shall be subject to the mandatory protection and preservation according to the procedure, established by this Law, shall possess with the special legal regime of their use, change of right of ownership on it and withdrawal of their status.

It is allowed to deprive a historical-cultural monument of its status and withdraw it from the State list of historical and cultural monuments only in case of complete physical loss of the object and (or) the loss of historical and cultural significance.

Revealed objects of historical and cultural heritage shall be included in the list of accounting estimate and shall be subject to the protection equally with the monuments of history and culture in accordance with this Law until adoption of a conclusive decision.

Footnote. Article 5 is in the wording of the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13. Article as amended by the Law of the Republic of Kazakhstan dated 21 July, 2007 № 307 (the order of enforcement see Article 2 of the Law); № 239-V as of 29.09.2014 (shall be enforced ten calendar days after its first official publication).

Article 6. (Is excluded by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13)

Article 7. The competence of the Republic of Kazakhstan on protection, preservation and use of the objects of historical-cultural heritage

The Republic of Kazakhstan shall provide protection, preservation and use of the monuments of history and culture in the name of appropriate state bodies.

The following history and culture monuments shall also be the subject to the protection, preservation and use in accordance with the international treaties:

- 1) being property of the Republic of Kazakhstan, but located in the territories of other states;
- 2) being property of other state, but located in the territory of the republic of Kazakhstan;
- 3) being property of other state, located on their territories, but historically related to the Republic of Kazakhstan.

The Republic of Kazakhstan shall take measures on revelation, accounting management, preservation and return to the historical homeland of the objects of historical-cultural heritage, located beyond its borders and recognized as historical - cultural property of the people of Kazakhstan.

Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

Chapter 2. SPECIAL ASPECTS OF EFFECTUATION OF RIGHT OF OWNERSHIP ON THE OBJECTS OF HISTORICAL-CULTURAL HERITAGE

Article 8. Regulation of relations of property

Relations of property on the monuments of history and culture shall be regulated by the Civil Code of the Republic of Kazakhstan and other Laws of the Republic of Kazakhstan. Special aspects of effectuation of right of ownership on the monuments of history and culture shall be established by this Law.

Footnote. Article 8 as amended by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13. Article as amended by the Law of the republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

Article 9. The objects of right of property

The objects of historical-cultural heritage, recognized as the monuments of history and culture shall be the objects of right of property on the monuments of history and culture according to the procedure, established by this Law.

Footnote. Article 9 is in the wording of the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

Article 10. The subjects of the right of property

The subjects of the right of property on the objects of historical-cultural heritage shall be the Republic of Kazakhstan, individuals and legal entities.

Footnote. Article 10 is in the wording of the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

Article 11. The state property on the monuments of history and culture

The monuments of history and culture, located in the territory of the Republic of Kazakhstan and not belonging to other subjects, shall be an exclusive property of the Republic of Kazakhstan.

The Republic of Kazakhstan shall acquire the right of property on the monuments of history and culture, constituent the historical-cultural heritage of Kazakh and other people, residing in the Republic of Kazakhstan, having the historical-cultural value under contracts with their owners.

On behalf of the Republic of Kazakhstan, ownership powers in relation to the monuments of international and republican significance are exercised by the authorized body, and in relation to historical and cultural monuments of local significance - by local executive bodies of regions, cities of republican significance, the capital, districts (cities of regional significance).

Footnote. Article 11 as amended by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13. Article as amended by the Law of the republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

Article 12. The rights of the subjects of property

The rights of possession, use and disposition of the monuments of history and culture as the objects of property, except of the rights of their self-destruction shall vest to the owner.

Citizen, owned a monument of history and culture, shall have a right to require the non-disclosure of its contents or unavailable for research and public demonstration for the term of up to fifty years, if the object of property belong to him (her) by right of inheritance and its origin or content related with the personality of the testator or the ancestors of the owner.

The owner shall have a right to deriving of profit (acquisition of income) in the results of use and exploitation of the monuments of history and culture, limited by obligations of its protection.

Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13. Article as amended by the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

Article 13. Obligations of owners

Owners of the monuments of history and culture shall carry out the activity on their protection and shall be obliged to:

- 1) take measures on protection of the monuments of history and culture;
- 2) *(is excluded from 21 July, 2007 No. 307)*
- 3) notify local executive bodies of regions, cities of republican significance, the capital, districts (cities of regional significance) of supposed or completed changes in property rights;
- 4) *(is excluded from 21 July, 2007 No. 307)*
- 5) coordinate the performance of scientific and restoration works on historical and cultural monuments of international and republican significance with the authorized body;
 - 5-1) send a notification about the start of scientific and restoration works on historical and cultural monuments of local significance to local executive bodies of regions, cities of republican significance, the capital in the manner prescribed by the Law of the Republic of Kazakhstan “On Permits and Notifications”;
- 6) provide access to a historical and cultural monument for scientific, cultural and other purposes in the manner and within the limits established by special agreements with local executive bodies of regions, cities of republican significance, the capital, districts (cities of regional significance).

Obligations of owners and users of historical and cultural monuments are recorded in a preservation order issued by local executive bodies of regions, cities of republican significance, and the capital.

Obligations, provided in a first part of this Article, shall be referred equally to the users of the monuments of history and culture.

Footnote. Article 13 is in the wording of the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13. Article as amended by the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law); № 479-V as of 29.03.2016 (shall be enforced twenty-one calendar days after its first official publication).

Article 14. Seizure withdrawal of thriftlessly contained monuments of history and culture

In the cases when the owner of the monuments of history and culture thriftlessly contains these monuments, which threatens the loss of their significance, such monuments shall be withdrawn by the court decision from the owner by the state by redemption or shall be sold from public auctions in recognition of peculiarities, provided by this Article.

Withdrawal the monument of history and culture from the owner, being his (her) dwelling house or housing unit, privately owned, shall not be carried out without assignment him (her) other housing unit according to the procedure, established by the legislation of the Republic of Kazakhstan and adequate compensation under contract.

Footnote. Article 14 is in the wording of the Law of the Republic of Kazakhstan dated 01.03.2011 No. 414-IV (shall be enforced from the date of its official publication).

Article 15. Privileges upon acquisition of right of property to the monument of history and culture

The owners of the parts of monument of history and culture, being in the joint shared property, shall have a preferential right to acquisition in ownership the other parts of this monument of history and culture.

Preferential right to acquire of other parts of the monument of history and culture, provided in the first part of this Article, shall be distributed in the case, when the buyer's property has not the status of monument of history and culture.

The state shall have a right to preferential acquisition at the market (auction) price, except of the cases, specified in the first and second parts of this Article.

Footnote. Article 15 as amended by the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

Chapter 3. STATE MANAGEMENT IN THE FIELD OF PROTECTION OF THE OBJECTS OF HISTORICAL-CULTURAL HERITAGE

Footnote. Title of chapter 3 as amended by the Law of the Republic of Kazakhstan dated 21 July 2007 N 307 (the order of enforcement see Article 2 of the Law).

Article 16. Public servants and system of the bodies of the state management in the field of protection, preservation and use of the objects of historical-cultural heritage

The state management in the field of protection, preservation and use of the objects of historical-cultural heritage in the Republic of Kazakhstan shall carry out:

- 1) The President of the Republic of Kazakhstan;
- 2) The Government of the Republic of Kazakhstan;
- 3) an authorized body;
- 4) the local executive bodies of regions, cities of republican significance, the capital, districts, cities of regional significance.

Footnote. Article 16 is in the wording of the Law of the Republic of Kazakhstan dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011).

Article 17. Competence of the Government of the Republic of Kazakhstan in the field of protection and use of objects of historical and cultural heritage

The Government of the Republic of Kazakhstan shall:

- 1) develop main directions of the state policy in the field of protection and use of objects of historical and cultural heritage;
- 2) approve the regulations on the authorized body;
- 3) develop and approves the regulations on the National Pantheon;
- 4) perform other functions assigned to it by the Constitution, laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 17 as amended by Law of the Republic of Kazakhstan № 239-V as of 29.09.2014 (shall be enforced ten calendar days after its first official publication).

Article 18. Competence of local executive bodies of regions, cities of republican significance, the capital, districts (cities of regional significance)

Local executive bodies of regions, cities of republican significance, the capital shall:

- 1) provide revelation, record, protection, use of the objects of historical-cultural heritage and conducting of scientific and restoration works on the monuments of history and culture;
- 2) *(is excluded from 21 July, 2007 No. 307)*
- 3) provide the measures on organization of record, protection, scientific and restoration works on the monuments of history and culture of local significance in the plans of economic and social development of relevant territory;

- 4) decide the issue on assignment for use of the monuments of history and culture of local significance, being the state property;
- 5) *(is excluded from 21 July, 2007 No. 307)*
- 6) enforce the measures on revelation, study, preservation of the monuments of history and culture of all categories, making of historical and architectural basic plans and schematic maps on agreement with the authorized body upon development and confirmation of the projects of planning, building and reconstruction of cities and other inhabited localities;
- 7) form the preservation orders on the monuments of history and culture and control their execution by the owners and users;
- 8) apply on bringing to responsibility of individuals and legal entities, violating the legislation of the Republic of Kazakhstan on protection and use of the monuments of history and culture;
- 9) submit proposals on the formation of commissions for the protection of historical and cultural monuments to the local representative body of a region, city of republican significance, the capital;
- 10) conduct the work on revelation, record, protection of the objects of historical-cultural heritage;
 - 10-1) work on the installation of new structures of monumental art;
 - 10-2) work on the installation of commemorative plaques;
- 11) consider and coordinate of scientific and planning documentation for all kind of works on the monuments of history and culture and their protective zones, development plans , buildings and reconstruction;
- 12) carry out protection and use of the monuments of history and culture, objects of environment, linked with the monuments of history and culture in coordination with the interested state bodies;
- 13) carry out the state control of use and the order of maintenance, as well as execution of archaeological, scientific and restoration works on the monuments of history and culture of local significance on the relevant territories;
- 14) issue instructions to the owners and user of the monuments of history and culture on violation this Law by them;
- 15) apply other measures of administrative influence on the grounds and according to the procedure, provided by the legislation of the Republic of Kazakhstan on administrative offences;
- 16) exercise other powers in the interests of local state management, imposed on the local executive bodies by the legislation of the Republic of Kazakhstan.
- 17) recognize objects of historical and cultural heritage as historical and cultural monuments of local significance and include them in the State list of historical and cultural monuments of local significance pursuant to the history and cultural experts' opinion;

18) deprive a historical-cultural monument of local significance of its status and withdraw it from the State list of historical and cultural monuments of local importance pursuant to the history and cultural experts' opinion and the requirements of part five of Article 5 of this Law

The local executive bodies of districts (cities of regional significance) in its territory shall:

1) assist organization of patronage of individuals and legal entities over the monuments of history and culture;

2) engage society to carrying out of measures on protection and propaganda of the monuments of history and culture;

3) enforce the legislation of the Republic of Kazakhstan on protection and use of the objects of historical-cultural heritage;

4) decide the issue on suspension, as well as prohibition of construction and other works, creating a danger for the monuments of history and culture on presentation of the authorized body;

5) within their competence, make proposals to eliminate damage, threat of destruction of historical and cultural monuments to local executive bodies of regions, cities of republican significance, the capital or to the authorized body;

6) contribute suggestions on announcement of the objects of historical-cultural heritage as protected on the ground of historical-cultural expertizes;

7) exercise other powers in the interests of local state management, imposed on the local executive bodies by the legislation of the Republic of Kazakhstan.

Footnote. Article 18 is in the wording of the Law of the Republic of Kazakhstan dated 20.12.2004 No. 13; as amended by the Laws of the Republic of Kazakhstan dated 21.07.2007 No. 307 (the order of enforcement see Article 2 of the Law); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); № 368-V as of 28.10.2015 (shall be enforced ten calendar days after its first official publication).

Article 19 as amended by the Law of the Republic of Kazakhstan dated 16.05.2014 No. 203-V (shall be enforced upon expiry of six months after its first official publication).

Article 19. The competence of the authorized body

An authorized body shall:

1) realize the state policy in the field of protection and use of the monuments of history and culture;

2) carry out the state control of execution of archeological, scientific and restoration works on the monuments of history and culture of international and republican significance;

3) develop and confirm the regulatory legal acts on issues of protection and use of the monuments of history and culture;

4) license the activity on carrying out archaeological and (or) scientific and restoration works on historical and cultural monuments in accordance with the Law of the Republic of Kazakhstan “On Permits and Notifications”;

4-1) approve standard rates for performing scientific and restoration works on state-owned historical and cultural monuments;

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

6) coordinate the provision of state-owned historical and cultural monuments of international and republican significance for use;

7) confirm the rules of conducting of historical-cultural expertizes;

8) Get approval for the projects of planning, building and reconstruction of cities and other inhabited localities, having the monuments of history and culture;

9) enforce requirements of the legislation of the Republic of Kazakhstan in the field of protection and use of the objects of historical-cultural heritage;

10) carry out the state control of use and the order of maintenance of the monuments of history and culture of international and republican significance;

11) apply other measures of administrative influence on the grounds and according to the procedure, provided by the legislation of the Republic of Kazakhstan on administrative offences;

12) exercise control over the installation of new structures of monumental art;

13) develop and approve the procedure for determining and the regime of use of conservation zones, development regulation zones and zones of protected natural landscape of objects of historical and cultural heritage;

14) is excluded by Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (shall be enforced from 01.01.2015);

14-1) establish rental rates for the use of state-owned historical and cultural monuments;

14-2) approve the rules for the protection and maintenance of historical and cultural monuments;

14-3) approve the rules for identifying, registering, granting the status of historical and cultural monuments and depriving of it;

14-4) approve the rules for issuing preservation orders in relation to historical and cultural monuments;

14-5) approve qualification requirements applied when licensing the activity on carrying out archaeological and (or) scientific and restoration works on historical and cultural monuments;

4-6) approve the rules for the provision of historical and cultural monuments for use;

14-7) approve the State list of historical and cultural monuments of republican significance;

14-8) deprive a historical and cultural monument of republican significance of its status and withdraw it from the State list of historical and cultural monuments of republican significance in coordination with a special commission of the authorized body pursuant to the history and cultural experts' opinion and the requirements of part five of Article 5 of this Law ;

14-9) approve the rules for the performance of scientific and restoration works on historical and cultural monuments;

14-10) approve the rules for the installation of new structures of monumental art;

14-11) set up a commission for the installation of new structures of monumental art and approve the regulations on it;

14-12) approve the criteria and rules for the installation of commemorative plaques;

15) carry out other powers, provided by 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.

Footnote. Article 19 is in the wording of the Law of the Republic of Kazakhstan dated 21.07.2007 No. 307 (the order of enforcement see Article 2 of the Law); as amended by the Laws of the Republic of Kazakhstan dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2); dated 19.03.2010 No. 258-IV; dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 203-V as of 16.05.2014 (shall be enforced six months after its first official publication); № 239-V as of 29.09.2014 (shall be enforced ten calendar days after its first official publication); № 269-V as of 29.12.2014 (shall be enforced from 01.01.2015); № 368-V as of 28.10.2015 (shall be enforced ten calendar days after its first official publication); № 60-VI as of 05.05.2017 (shall be enforced six months after its first official publication).

Article 20. The competence of the state body of management of archives and documentation of the Republic of Kazakhstan in the field of protection and use of historical-cultural heritage

(Article is excluded by the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law))

Article 20-1. The state control

1. The purpose of the state control in the field of protection and use of the objects of historical-cultural heritage shall be enforcement by the individuals and legal entities of the

legislation of the Republic of Kazakhstan in the field of protection and use of the objects of historical-cultural heritage.

2. The state control in the field of protection and use of the objects of historical-cultural heritage, carrying out by the authorized body shall include control of:

1) the state of using and procedure of maintenance of the monuments of history and culture of all categories;

2) the installation of new structures of monumental art;

3) is excluded by Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication);

4) execution of archeological, scientific and restoration works on the monuments of history and culture of international and republican significance.

3. State control in the field of protection and use of objects of historical and cultural heritage, carried out by local executive bodies of regions, cities of republican significance, the capital shall include:

1) the state control of the state of using and procedure of maintenance of the monuments of history and culture of local significance;

2) the state control of execution of archeological, scientific and restoration works on the monuments of history and culture of local significance.

4. State control in the field of protection and use of objects of historical and cultural heritage is carried out by the authorized body, local executive bodies of regions, cities of republican significance, the capital in the form of inspections and preventive control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

5. Is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2).

6. Is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2).

7. Is excluded by Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication).

Footnote. Chapter 3 is supplemented by Article 20-1 in accordance with the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law); as amended by the Laws of the Republic of Kazakhstan dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2); dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 368-V as of 28.10.2015 (shall be enforced ten calendar days after its first official publication); № 376-V as of 29.10.2015 (вводится в действие с 01.01.2016); № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication).

Chapter 4. FINANCING OF THE FIELD OF PROTECTION AND USE OF HISTORICAL-CULTURAL HERITAGE

(Chapter 4 is excluded by the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law))

Статья 21. (Is excluded by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13)

Chapter 5. PARTICIPATION OF PHYSICAL AND LEGAL ENTITIES IN CARRYING OUT OF MEASURES ON PROTECTION AND USE OF THE OBJECTS OF HISTORICAL-CULTURAL HERITAGE

Footnote. Title of chapter 5 is in the wording of the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

Article 22. Participation of physical and legal entities in carrying out of measures on protection and use of the objects of historical-cultural heritage

Individuals and legal entities participate in the propaganda and popularization of historical and cultural monuments, assist local executive bodies of regions, cities of republican significance, the capital in the implementation of measures to protect, preserve and use historical and cultural monuments.

Individuals and legal entities shall have a right to establish the patronage under the monuments of history and culture in order to ensure their safety.

Footnote. Article 22 is in the wording of the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

Article 23. Participation of Kazakh society of protection of monuments of history and culture in carrying out of measures on protection and use of historical-cultural heritage

(Article is excluded by the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law))

Article 24. Participation of National Academy of Sciences of the Republic of Kazakhstan in protection and use of historical-cultural heritage

(Article is excluded by the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law))

Chapter 6. THE STATE RECORD OF THE MONUMENTS OF HISTORY AND CULTURE

Article 25. (Is excluded by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13)

Article 26. Rating the monuments of history and culture to the categories of the monuments of international, republican and local significance

In order of effective accounting management and protection of the monuments of history and culture, the monuments shall be subdivided into the following categories:

1) the monuments of history and culture of international significance, representing historical, scientific, architectural, art and memorial values, including in the List of World Cultural and Natural Heritage UNESCO;

2) the monuments of history and culture of republican significance, representing historical, scientific, architectural, art and memorial values, having special importance for history and culture of all country;

3) the monuments of history and culture of local significance, representing historical, scientific, architectural, art and memorial values, having special importance for history and culture of regions (city of republican significance, the capital), districts (cities of regional significance).

Footnote. Article 26 is in the wording of the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13.

Article 27. The procedure of confirmation of lists of the monuments of history and culture

The list of the monuments of history and culture, proposed for inclusion in the List of World Cultural and Natural Heritage UNESCO, shall be represented by the Government of the Republic of Kazakhstan according to the procedure, established by the legislation of the Republic of Kazakhstan.

The State list of historical and cultural monuments of republican significance shall be approved by the authorized body.

The State list of historical and cultural monuments of local significance shall be approved by local executive bodies of regions, cities of republican significance, the capital in coordination with the authorized body.

Footnote. Article 27 is in the wording of the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13. Article as amended by the Law of the Republic of Kazakhstan dated 21 July, 2007 N 307 (the order of enforcement see Article 2 of the Law); № 239-V as of 29.09.2014 (shall be enforced ten calendar days after its first official publication).

Article 28. The procedure of formation and composition of the special commission of the authorized body

The special commission, composed of scientists, specialists, artists and people of art, representatives of creative unions and other public associations shall be created by the authorized body for preparation of conclusion on recognition of the objects of historical-cultural heritage as the monuments of history and culture, as well as withdrawal of their status.

Footnote. Article 28 is in the wording of the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13. Article as amended by the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

CHAPTER 7. THE PROCEDURE FOR USE OF THE MONUMENTS OF HISTORY AND CULTURE

Footnote. Title of chapter 7 is in the wording of the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

Article 29. Using of the monuments of history and culture

The monuments of history and culture shall be used in order renaissance and development of spiritual and cultural traditions of people of Kazakhstan, as well as in scientific and educational purposes.

The regime of use of historical and cultural monuments of cities and other populated localities shall be specified in the projects of their protection zones, approved by local executive bodies of a region, city of republican significance, the capital, in accordance with the rules for the protection and use of historical and cultural monuments.

Footnote. Article 29 as amended by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13. Article as amended by the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

Article 30. Procedure and conditions for the provision of historical and cultural monuments for use

1. Historical and cultural monuments can be provided for use to individuals and legal entities for scientific, cultural, educational, tourist purposes.
2. Historical and cultural monuments of local significance, which are communal property, are provided for use by decision of local executive bodies of regions, cities of republican significance, and the capital.

Historical and cultural monuments of local significance, which are republican property, are provided for use by decision of the authorized body for state property management in consultation with the authorized body.

Historical and cultural monuments of international and republican significance, which are communal property, are provided for use by decision of local executive bodies of regions, cities of republican significance, and the capital in consultation with the authorized body.

Historical and cultural monuments of international and republican significance, which are republican property, are provided for use by decision of the authorized body for state property management in consultation with the authorized body.

Footnote. Article 30 as amended by Law of the Republic of Kazakhstan № 368-V as of 28.10.2015 (shall be enforced ten calendar days after its first official publication).

Article 31. Activity of museums, libraries, archives, educational institutions, other institutions and organizations on ensuring protection and preservation of the monuments of history and culture, being in their use

(Article is excluded by the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law))

Article 32. Deprivation of right of using the monuments of history and culture

Individuals and legal entities, in use of which are the monuments of history and culture, shall be forfeited the right of using, in case of breach of duty by them of using the monuments of history and culture in accordance with their nature and purpose, in the result of which the monument of history and culture shall be incurred to threatening of disposal of damage.

Deprivation of the right to use a historical and cultural monument, depending on its category, can only be carried out by court decision pursuant to an application from the owner of the historical and cultural monument or the authorized body, local executive body of the region, city of republican significance, the capital, unless otherwise provided for by the preservation order for the historical and cultural monument.

Footnote. Article 32 as amended by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13. Article as amended by the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

Article 33. Protection of the monuments of history and culture, located on land, assigned for use

Individuals and legal entities shall be obliged to protect the monuments of history and culture, located on land, assigned them for use.

Footnote. Article 33 is in the wording of the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

Article 34. Scientific and restoration works on the monuments of history and culture

1. Scientific and restoration works on the monuments of history and culture shall include:

1) scientific research - the package of measures, directed to study, evaluation of quality and degree of preservation of the monument of history and culture in order of creation of construction documentation and performance of necessary works on its maintenance.

2) preservation - the package of measures, preserving the monument of history and culture from further destruction and providing the strengthening and protection of constructional parts and decorative elements without change of traditional figure of the monument. Preservation shall include emergency works, consisting of measures, providing the physical preservation of the monument.

3) restoration – the package of measures, providing preservation and disclosure of historical, architectural and art figure of the monument of history and culture by removing it from the layers, not having values ??and distort the figure of the monument, replenishment of lost elements of the building, ensemble, complex on the base of data based on science;

4) recreation – the package of measures on restore the lost monument of history and culture in the existence of sufficient scientific data and special historical, scientific, art or other cultural significance of the monument of history and culture;

5) repair - the package of measures on maintain of the technical state of the monument of history and culture by performance of periodic works without change of its current figure;

6) adjusting - the package of measures, executed in order to create conditions for the modern use of the monument of history and culture without historical and cultural monument without endamage of its historical, art value and preservation.

2. Scientific and restoration works on historical and cultural monuments of international and republican significance are monitored by the authorized body; works on historical and cultural monuments of local significance - by local executive bodies of regions, cities of republican significance, the capital.

3. Scientific and restoration works on the monuments of history and culture shall be carried out at the expense of budget funds, attracting investments, as well as at the expense of owners and users of the monuments of history and culture.

4. Scientific and restoration works on the monuments of history and culture shall be carried out by individuals and legal entities on the base of license.

Footnote. Article 34 is in the wording of the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

Article 35. Coordination with the authorized body of the projects of planning, building and reconstruction of cities and other inhabited localities, having the monuments of history and culture

The projects of planning, building and reconstruction of cities and other inhabited localities, as well as land-use maps, having the monuments of history and culture, shall be subject to coordination with the authorized body.

Footnote. Article 35 as amended by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13.

Article 36. The zones of protection of monuments of history and culture

1. Protective zones, control zones of building and zones of protected natural landscape shall be established according to the procedure, determined by the legislation of the Republic of Kazakhstan in order of providing of protection of the monuments of history and culture.

2. The boundaries of protection zones, zones of development regulation and zones of protected natural landscapes of objects of historical and cultural heritage shall be approved by local representative bodies (maslikhats) of regions, cities of republican significance, the capital upon a recommendation of relevant local executive bodies and be included in the historical and architectural reference plan and topological map of a relevant area with the fixed location of historical and cultural monuments and newly identified objects.

3. The measures of administrative influence may be applied by the authorized body within the specified zones according to the procedure, provided by the legislation of the Republic of Kazakhstan on administrative violations.

Footnote. Article 36 is in the wording of the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

Article 37. Museum-reserves

It is allowed to create museum-reserves operating in accordance with the legislation of the Republic of Kazakhstan in places of accumulation of objects of historical and cultural heritage and cultural values.

Footnote. Article 37 as amended by Law of the Republic of Kazakhstan № 60-VI as of 05.05.2017 (shall be enforced ten calendar days after its first official publication).

Article 38. Prohibition to move and alter historical and cultural monuments

1. It is prohibited to move and alter historical and cultural monuments.

An exception is allowed only in cases of destruction of more than seventy percent of a historical and cultural monument or loss of its historical and cultural value, or if its movement

will improve the conditions for its preservation, in consultation with a special commission of the authorized body pursuant to the history and cultural experts' opinion:

1) by decision of the Government of the Republic of Kazakhstan upon the recommendation of the authorized body with regard to historical and cultural monuments of international and republican significance;

2) by decision of the authorized body upon the recommendation of local executive bodies of regions, cities of republican significance, the capital with regard to historical and cultural monuments of local significance.

2. Individuals and legal entities with such a decision, when moving or altering the monument, are obliged to ensure the observance of the conditions provided for by the legislation of the Republic of Kazakhstan, and the authorized body is obliged to carry out works on the scientific study and fix the appearance of the historical and cultural monument before its movement or alteration.

3. The costs associated with the performance of these works shall be incurred by individuals and legal entities having a decision to move or alter a historical and cultural monument.

Footnote. Article 38 as amended by Law of the Republic of Kazakhstan № 307 as of 21.07.2007 (see the enforcement procedure in Article 2 of the Law).

Article 40. Conducting of excavations and reconnaissance on the monuments of archeology

Conducting of excavations and reconnaissance on the monuments of archeology shall be allowed in existence of a license.

Licenses for archaeological and (or) scientific and restoration works on historical and cultural monuments in the territory of the Republic of Kazakhstan are issued by the authorized body in coordination with local executive bodies of regions, cities of republican significance, the capital.

All materials and finds obtained by individuals and legal entities of the Republic of Kazakhstan and other states as a result of archaeological studies in the territory of Kazakhstan shall be transferred to the state museums of the Republic of Kazakhstan after their scientific fixation and processing in the manner determined by the authorized body. Their export outside the Republic of Kazakhstan is prohibited.

Footnote. Article 40 as amended by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13. Article as amended by the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law); № 368-Vas of 28.10.2015 (shall be enforced ten calendar days after its first official publication).

Article 41. Imports and exports of the monuments of history and culture

Footnote. Article 41 is excluded by Law of the Republic of Kazakhstan № 368-V as of 28.10.2015 (shall be enforced ten calendar days after its first official publication).

Chapter 8. RESPONSIBILITY FOR VIOLATION OF THE LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN ON PROTECTION AND USE OF THE OBJECTS OF HISTORICAL-CULTURAL HERITAGE AND CONTROL OF ITS EXECUTION

Footnote. Title of chapter 8 as amended by the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law).

Article 42. Responsibility for violation of the legislation of the Republic of Kazakhstan on protection of the objects of historical-cultural heritage

Persons, guilty in violation of the legislation of the Republic of Kazakhstan on protection of the objects of historical-cultural heritage, in terms of an action and omission, shall bear responsibility in accordance with the Laws of the Republic of Kazakhstan.

Individuals and legal entities that caused damage to a historical and cultural monument or its protection zone are obliged to restore the historical and cultural monument or its protection zone, and if this is not possible, to compensate for the losses incurred in accordance with the civil legislation of the Republic of Kazakhstan.

Footnote. Article 42 as amended by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13. Article as amended by the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 307 (the order of enforcement see Article 2 of the Law); № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication).

Article 43. Control of execution of the legislation of the Republic of Kazakhstan on protection and use of the objects of historical-cultural heritage

Control of execution of the legislation of the Republic of Kazakhstan on protection and use of the objects of historical-cultural heritage shall carry out:

- 1) local executive bodies of regions, cities of republican significance, the capital, districts (cities of regional significance);
- 2) an authorized body.

Footnote. Article 43 is in the wording of the Law of the Republic of Kazakhstan dated 21 July, 2007 No 307 (the order of enforcement see Article 2 of the Law).

Chapter 9.

(Is excluded by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13)

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