

On the registration of pledge of movable property

Unofficial translation

The Law of the Republic of Kazakhstan dated 30 June, 1998 № 254.

Unofficial translation

Footnote. Throughout the text, the words "center of real estate", "real estate centers", "real estate centers", "real estate center", "real estate centers", "real estate center", "real estate center" replaced by words "real estate center and its branches", "real estate centers and their branches", "real estate centers and their branches", "real estate center and its branches", "real estate centers and their branches", "real estate center and its branches", "the center for real estate and its branches" by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

This Law establishes the rules for registration of pledge of movable property to fulfill and protect the rights of individuals and legal entities with legal rights to the property.

Chapter 1. General Provisions Article 1. Basic concepts used in this Law

The following basic concepts are used in this Law:

1) State Corporation "Government for Citizens" (hereinafter referred to as the State Corporation) is a legal entity created by the decision of the Government of the Republic of Kazakhstan to provide public services in accordance with the legislation of the Republic of Kazakhstan, organize work on accepting applications for the provision of public services and issuing their results to the service recipient according to the "one window" principle, ensuring the provision of public services in electronic form;

1-1) movable property - property not related to real estate, including vehicles, goods in circulation, securities, money, property rights, including the right to future products and other property;

2) registration of a pledge of movable property - a procedure for recording by a registration body and (or) the State Corporation "Government for Citizens" of a pledge of movable property, which is a set of actions of participants in relations arising from the registration of a pledge of movable property on inclusion of information contained in the pledge agreement or other agreement in the register of pledge of movable property, containing the conditions of the pledge, the issuance of a certificate of registration of the pledge of movable property, amendments, additions to the pledge agreement, as well as

termination of the registered pledge and other actions of the registration bodies and (or) the State Corporation "Government for Citizens", performed in the manner, prescribed by this Law and other legislative acts of the Republic of Kazakhstan;

3) the bodies for registration of pledge of movable property (registration bodies) - state bodies and legal entities, authorized by the legislative acts of the Republic of Kazakhstan to register the certain types of movable property, subject to the state registration, and the pledged of this property;

4) the certificate for registration of pledge of movable property - a document, issued by the registering body and (or) the real estate center to the applicant, and confirming the registration of pledge of movable property;

4-1) a single register of pledge of movable property is an information system representing a single window of access to information on the pledge of movable property, direction of an application in an electronic form for registration of pledge of movable property and other actions of registration authorities and (or) the State Corporation "Government for Citizens", performed in accordance with the procedure established by this Law and other legislative acts of the Republic of Kazakhstan;

5) a register of pledge of movable property (pledge registry) - a system of registration and storage of information, carried by the registration bodies and (or) the real estate centers in accordance with the legislation of the Republic of Kazakhstan;

5-1) electronic registration of pledges - registration of pledges of movable property, carried out on the basis of an application in electronic form through a single register of pledge of movable property;

6) the applicant - the person, filing the application for registration of the pledge to the registering body and (or) the real estate center; both a pledger and a pledgee can be the applicant by the agreement of parties on pledge obligations;

7) a registered pledge - a pledge of movable property that is registered in the manner prescribed by this Law;

8) the authorized body is a state body implementing the state policy in the sphere of registration of pledge of movable property;

9) is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Footnote. Article 1 is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2012 № 34-V (shall be enforced from the date of its first publication); as amended by the Laws of the Republic of Kazakhstan dated 29.10.2015 № 376-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 17.11.2015 № 408-V (shall be enforced from 01.03.2016); dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty one calendar days after the day its first official publication); dated 27.02.2017 № 49-VI (shall be enforced upon expiry of ten calendar days after the day its first

official publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 23.12.2023 № 50-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

Article 2. The legislation of the Republic of Kazakhstan on the registration of pledge of movable property

The legislation of the Republic of Kazakhstan on the registration of pledge of movable property is based on the Constitution of the Republic of Kazakhstan, the norms of international treaties, ratified by the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

Article 3. Participants of relations, arising from the registration of pledge of movable property

1. Participants of relations during the registration of pledge of movable property shall be:

- 1) a pledger, a pledgee;
- 2) registration bodies;
- 2-1) real estate centers;
- 3) a third party.

2. General management and control over the activities of the registration bodies shall be carried out by the relevant state bodies, and over the activities of legal entities registering pledges with certain types of movable property - the state body, authorized by the legislation of the Republic of Kazakhstan.

Footnote. Article 3, as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 34-V (shall be enforced from the date of its first publication); dated 17.11.2015 № 408-V (shall be enforced from 01.03.2016); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 3-1. Competence of the authorized body

Authorized body shall:

- 1) inspect the activities of the State Corporation within the competence;
- 2) develop and approve requirements for the maintenance of information systems in the field of registration of pledge of movable property;
- 3) develop and approve rules for access to information systems and databases in the field of pledge of movable property;
- 4) develop and approve rules for the provision of statistical and other reporting information of a pledge of movable property by the State Corporation;

5) exercise other powers provided for by laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. Chapter 1 is supplemented by Article 3-1 in accordance with the Law of the Republic of Kazakhstan dated 17.11.2015 № 408-V (shall be enforced from 01.03.2016).

Article 4. Registration of pledge of movable property, that subject to the compulsory state registration

1. Registration of pledge of movable property, that subject to the compulsory state registration shall be carried out in accordance with the legislation by the body, authorized to carry out the registration of the property.

2. The procedure for registering the pledge of movable property subject to state registration shall be established by the authorized body.

3. Types of property, ownership right and other rights, pledges of which shall be subject to registration, as well as the bodies, carrying out its registration, are determined by legislative acts of the Republic of Kazakhstan.

Footnote. Article 4 as amended by the Laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 5. Registration of the pledge of movable property that is not subject to obligatory state registration

Footnote. The title of Article 5 in the new wording of the Law of the Republic of Kazakhstan dated 17.11.2015 № 408-V (shall be enforced from 01.03.2016).

1. The activity on registration of the pledge of movable property that is not subject to compulsory state registration, provision of information services in the form of issuing an extract from the register of pledge of movable property, correction of mistakes in registration documents made by the fault of the applicant belongs to the state monopoly and is carried out by the State Corporation.

1-1. Pledge of movable property, that not subject to the compulsory state registration must be registered:

1) at the request of one of the parties of the pledge agreement or other agreement, containing the pledge conditions;

2) if the pledge agreement or other contract, containing a condition of pledge, prohibits the subsequent pledge (surcharge) of the property, that is in the pledge.

2. Registration of a pledge of movable property that is not subject to mandatory registration shall be carried out at the place of application of individuals and legal entities.

3. The state corporation is obliged to maintain a register of registered pledge of movable property that is not subject to compulsory state registration.

4. Ministry of Justice of the Republic of Kazakhstan, as well as the state bodies, authorized to register the certain types of pledge of movable property, within the limits of power, granted by the Law, shall have the right to publish departmental regulations, establishing the rules and procedures for the registration of pledge of movable property.

5. Prices for goods (works, services) produced and (or) sold by the State Corporation are established by an authorized body determined by the decision of the Government of the Republic of Kazakhstan from among the central state bodies, in agreement with the antimonopoly authority and the authorized body.

Footnote. Article 5, as amended by the Laws of the Republic of Kazakhstan dated 27.04.2012 № 15-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 № 34-V (shall be enforced from the date of its first official publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 17.11.2015 № 408-V (shall be enforced from 01.03.2016); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 6. Specific aspects of pledge registration of certain types of movable property

1. Registration of pledge of equity securities, including through a single register of pledge of movable property, is carried out in accordance with the legislative acts of the Republic of Kazakhstan on registration of transactions with securities. The rules of Article 8 of this Law shall apply to registration of a pledge of securities in accordance with the legislative acts of the Republic of Kazakhstan.

1-1. Registration of pledge of property, held as collateral for mortgage bonds shall be in accordance with the legislation of the Republic of Kazakhstan.

2. Registration of a pledge of property that has significant historical (including archaeological), artistic or cultural value for society is carried out in accordance with the law.

3. Pledge of property, held as collateral for mortgage bonds, shall be subject to the compulsory state registration in accordance with the legislative acts of the Republic of Kazakhstan.

4. Registration of pledge of property, held as collateral for mortgage bonds, shall be made by the registration body only once in the primary address (обращение). The registering body shall keep a registry of pledge.

Footnote. Article 6 as amended – by the Law of the Republic of Kazakhstan dated 3 June, 2003 № 427; dated 13 December, 2004 № 11 (shall be enforced from 1 January, 2005); dated 27.02.2017 № 49-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

Article 7. Rights of individual entrepreneurs, individuals and legal entities for the registration of pledge of property

At the pledge of movable property, an individual entrepreneur, an individual or a legal entity may register the pledge as a pledger and a pledgee.

Article 8. The legal significance of the registration of pledge of movable property

1. Registration of pledge of movable property gives priority (date) to meet the requirements of the pledgee with respect to the requirements of other pledgees, claiming the property of the pledger in accordance with the provisions of the Civil Code of the Republic of Kazakhstan and other legislative acts.

Each previously registered pledgee has priority when ensuring the performance of the obligations to all subsequent registered pledgees, as well as to all unregistered pledgees of this property.

2. The right of pledge of movable property that subject to the compulsory state registration shall occur after the registration of pledge of movable property in the body, responsible for the registration of the property, unless a later date is not provided by the pledge agreement (or other agreement containing the pledge conditions) or the legislative acts

Chapter 2. Procedure for registration of pledge of movable property Article 9. Application for registration of pledge of movable property

1. To register a pledge of movable property, the applicant or his representative shall submit the completed application form or send the application electronically through a single pledge of movable property to the registration authority and / or the State Corporation.

2. The application must contain:

- 1) the name of the registering authority and (or) the State Corporation;
- 2) the name, location (for legal entities) or the surname, name and patronymic (if available), the place of residence (for individuals) of pledger and pledgee;
- 3) the date and place of the pledge agreement or other agreement containing conditions of the pledge;
- 4) the list and description of the property being the subject of the pledge, or a general description of the subject of the pledge without requiring a specific description of the collateral security provided for by the agreement of the parties to the pledge agreement;
- 5) the cash equivalent of the obligation, secured by the pledge;
- 6) the validity of the secured obligation;
- 7) signature of the applicant or his representative and a seal for the legal entity (if any);
- 8) indication of which party the pledged property is, the permissibility of its use and the information about the surcharge;

9) the applicant's e-mail address (if available).

The application must be accompanied by a document confirming the payment of the fee for state registration of the pledge of movable property to the budget, with the exception of payment through the payment gateway of the "electronic government" in the case of filing an application electronically through a single pledge of movable property.

When submitting an application to the registration authority and (or) the State Corporation, the applicant must submit an identity document, and the representative of the person - a document confirming his authority, as well as an identity document.

3. When submitting an application to the registration body and (or) the State Corporation and sending the application in electronic form through a single register of pledge of movable property, an application signed by the parties to the transaction shall be submitted in the form of a notice indicating the information about the condition of the pledge, as well as information in accordance with paragraph 2 of this article without presenting a pledge agreement or other document containing the conditions of the pledge.

3-1. is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

4. The requirement of any other documents and information, except as provided in this Law, shall not be permitted.

5. Verification of the information contained in the application and registration of the pledge of movable property shall be carried out by the registration authority and / or the State Corporation within two working days from the date of receipt of the application.

Footnote. Article 9 is in the wording of the Law of the Republic of Kazakhstan dated 08.01.2013 № 64-V (shall be enforced from 01.01.2013); as amended by the Laws of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 17.11.2015 № 408-V (shall be enforced from 01.03.2016); dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty one calendar days after the day its first official publication); dated 27.02.2017 № 49-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 9-1. Fee for the state registration of pledge of movable property, changing, additions, and termination of the registered pledge

For the state registration of pledge of movable property, changing, additions, and termination of the registered pledge is charged a fee in the manner determined by the Tax Code of the Republic of Kazakhstan.

Footnote. The Law is supplemented by Article 9-1 in accordance with the Law of the Republic of Kazakhstan dated 13.12.2004 № 11 (shall be enforced from 01.01.2005); as

amended by the Law of the Republic of Kazakhstan dated 30.12.2009 № 234-IV (shall be enforced from 01.01.2009).

Article 9-2. Fee for information services and correcting errors in registration documents, admitted by the fault of an applicant

For the provision of information services, as well as for correcting mistakes in registration documents admitted by the fault of an applicant, the registration authority and / or the State Corporation shall be charged in accordance with the legislation of the Republic of Kazakhstan

Footnote. It is supplemented by Article 9-2 – by the Law of the Republic of Kazakhstan dated 13 December, 2004 № 11 (shall be enforced from 1 January, 2005); in the new wording of the Law of the Republic of Kazakhstan dated 17.11.2015 № 408-V (shall be enforced from 01.03.2016).

Article 9-3. Procedure for registration of pledge of movable property on the basis of an application received by the registration body and (or) the State Corporation

Footnote. The title of Article 9-3 shall be in the wording of the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. If a completed application form is submitted to the registration body and (or) the State Corporation no later than one working day following the day of receipt of the application, the registration body and (or) the State Corporation shall enter information on the pledge into the single register of pledge of movable property on the basis of the application, based on the results, a certificate of registration of a pledge of movable property or a reasoned response on refusal of registration shall be issued.

2. Information about the registration is stored in the information systems of second-tier banks and the registering body and does not require the documentary evidence.

Footnote. Chapter 2 is supplemented by Article 9-3 in accordance with the Law of the Republic of Kazakhstan dated 08.01.2013 № 64-V (shall be enforced from 01.01.2013); as amended by the Law of the Republic of Kazakhstan dated 27.02.2017 № 49-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 9-4. Procedure for electronic registration of pledge of movable property on the basis of an application received through a single register of pledge of movable property

Footnote. The title of Article 9-4 shall be in the wording of the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. In the case of sending an application in electronic form through a single register of pledge of movable property for electronic registration of pledge of movable property no later than one working day following the day of receipt of confirmation of payment of registration fee for pledge of movable property or exemption from payment, the registration body and (or) the State Corporation shall enter information on a pledge into a single register of pledge of movable property on the basis of the application, based on the results a certificate of registration of the pledge of movable property or the motivated response on refusal of registration in electronic form, certified by the electronic signature of the registration body and (or) the State Corporation, shall be issued.

2. Registration authority and / or the State Corporation shall send a certificate of registration of the pledge of movable property in the form of an electronic document to the information system of the pledge holder and a single pledge of movable property pledge or a motivated response to refuse registration in the form of an electronic document, certified by an electronic digital signature of the registering authority and (or) the State Corporation within one working day after receiving the application,

3. Information on conducted electronic registration is stored in the information systems of the pledgee, the registration authority and (or) the State Corporation and does not require documentary confirmation.

Footnote. Chapter 2 is supplemented by Article 9-4 in accordance with the Law of the Republic of Kazakhstan dated 27.02.2017 № 49-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); as amended by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 10. Obligations of the registration authority, the State Corporation and the pledgee

Footnote. The title of Article 10 in the new wording of the Law of the Republic of Kazakhstan dated 27.02.2017 № 49-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

1. Registration authority and (or) the State Corporation from the moment of receipt of necessary documents are obliged:

1) issue the applicant a hand receipt, confirming the receipt of the submitted documents, with the date, and time (hours, minutes);

2) record into the registry of pledge of movable property (including a computer database) the data from the application for registration of the pledge;

3) issue a certificate of registration of pledge of movable property to the person that submitted the application;

4) report information to the financial monitoring authority in accordance with the Law of the Republic of Kazakhstan “On Combating Legalization (Laundering) of Proceeds from Crime, Financing of Terrorism and Financing of the Proliferation of Weapons of Mass Destruction”.

2. Registration of a pledge of movable property must be made within two working days from the date of acceptance of the application, except for the cases specified in Articles 6, 9-3 and 9-4 of this Law.

2-1. An electronic registration of pledge of movable property on the basis of an application received through the single register of pledge of movable property must be made no later than one working day following the day of receipt of confirmation of payment of the registration fee for pledge of movable property to the single register of pledge of movable property or exemption from payment of the fee.

3. The registration body and (or) the State Corporation shall verify the completeness of the information on the pledge in the application in the single register of pledge of movable property.

4. The registering body and (or) the State Corporation are obliged to ensure the provision of information on pledge of movable property in written form or through a single register of pledge of movable property in electronic form with appropriate access to all participants in the relations arising when registering the pledge of movable property specified in Article 3 of this Law, with the exception of third parties. Third parties can obtain information from a single pledge register of movable property provided that such a request is certified by the pledgor and / or the pledgee.

At the same time, information on pledge of movable property must contain the following data on pledge of movable property and parties of the pledge agreement or other document containing the terms of the pledge:

1) data about the pledgor and the pledgee, their requisites, including addresses, bank details, phone numbers, and e-mail addresses (if any);

2) information about the document on the basis of which the mortgage legal relations arose;

3) the date and place of conclusion of the pledge agreement or other document containing the terms of the pledge;

4) a list and (or) a general description of the property that is the subject of the pledge;

5) the term of performance of the obligation secured by the pledge.

5. If, by agreement of the parties to the pledge obligation, the applicant for deregistration of the pledge of movable property is the pledge holder, the latter, after fulfillment of the obligation by the pledger secured by the pledge, not later than two working days after fulfillment of the obligation, shall send an application for deregistration of the pledge of movable property to the registration body and (or) the State Corporation.

The application can be sent through a single register of pledge of movable property.

6. The registering body and (or) the State Corporation shall withdraw the pledge from registration and direct by means of a single pledge register of movable property to the pledgee and the pledgor, a notice on the withdrawal of movable property in the form of an electronic document or a reasoned response to refuse to withdraw from registration in the form of an electronic document, certified by an electronic digital signature of the registering authority and (or) Of the State Corporation within one working day following the day of the application of the pledge.

Footnote. Article 10, as amended by the Laws of the Republic of Kazakhstan dated 28.08.2009 № 192-IV (shall be enforced from 08.03.2010); dated 10.02.2011 № 406-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 № 34-V (shall be enforced from the date of its first official publication); dated 08.01.2013 № 64-V (shall be enforced from 01.01.2013); dated 10.06.2014 № 206-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 17.11.2015 № 408-V (shall be enforced from 01.03.2016); dated 27.02.2017 № 49-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 19.09.2025 № 219 (effective sixty calendar days after the date of its first official publication).

Article 11. Refusal to register a pledge of movable property

1. The registering body and (or) the State Corporation shall refuse to register the pledge in cases if:

- 1) there is no completeness of filling out an application for registration of a pledge;
- 2) an application for registration of pledge does not meet the requirements of Article 9 of this Law;
- 3) inappropriate person addressed with an application for registration of pledge;
- 4) there is no document, confirming the payment of fee for the state registration of pledge of movable property and mortgage of the vessel or vessel under construction.

2. In case of refusal to register, the registration authority and / or the State Corporation shall send the applicant a written reasoned refusal with reference to violation of the requirements of the legislation of the Republic of Kazakhstan within two working days from the date of acceptance of the application, except for the cases specified in articles 9-3 and 9 -4 of this Law.

3. Refusal to register a pledge of movable property or evasion of registration may be appealed by an interested person in the manner prescribed by the laws of the Republic of Kazakhstan.

4. (is excluded).

Footnote. Article 11, as amended by the Laws of the Republic of Kazakhstan dated

13.12.2004 № 11 (shall be enforced from 01.01.2005); dated 11.12.2006 № 201 (shall be enforced from 01.01.2007); dated 10.02.2011 № 406-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.04.2012 № 15-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 № 34-V (shall be enforced from the date of its first official publication); dated 17.11.2015 № 408-V (shall be enforced from 01.03.2016); dated 27.02.2017 № 49-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 29.06.2020 № 351-VI (shall be enforced from 01.07.2021).

Article 12. Registry of the registered pledge of movable property

1. Registry of the registered pledge of movable property must include the following information on the pledge of movable property and the parties of the pledge agreement:

- 1) the date, time (hour and minute) of the registration of pledge of movable property;
- 2) data on the pledger and the pledgee, their addresses (details);
- 3) the registration numbers of documents;
- 4) the information about the document, on the basis of which any pledge relationship is arisen;
- 5) the date and place of the pledge agreement or other agreement, containing the pledge conditions;
- 6) the list and description of the property that is the subject of a pledge, or a general description of the subject of the pledge without requiring a specific description of the collateral provided for by the agreement of the parties to the pledge agreement;
- 7) the cash equivalent of the obligation that secured by the pledge;
- 8) the period of performance of the pledged obligation.

2. The register of pledge of movable property may include other information on this pledge.

3. When registering the pledge, held as collateral for mortgage bonds, details of the pledger and the representative of the holders of these bonds are entered in the pledge registry. Data about the pledgees is recorded in the registry of securities holders.

Footnote. Article 12, as amended – by the Law of the Republic of Kazakhstan dated 3 June, 2003 № 427; dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty one calendar days after the day its first official publication).

Article 13. Certificate of registration of pledge of movable property

1. Registration of pledge of movable property is certified by a certificate of registration that shall contain:

- 1) the name of registering authority and (or) the State Corporation;

2) the name, location (for legal entities) or surname, name, patronymic, place of residence (for individuals) of pledger and pledgee;

3) the date and place of the pledge agreement or other agreement, containing the pledge conditions, and its number;

4) the cash equivalent of the obligation that secured by the pledge;

5) information on the subject of the pledge or a general description of the subject of the pledge without requiring a specific description of the collateral provided by the agreement of the parties of the pledge agreement;

6) the registration number of the pledge of movable property, assigned by the registering body and (or) the State Corporation;

7) the date of registration of the pledge of property.

2. The certificate of registration of the pledge shall be signed by an authorized official and shall be certified by electronic digital signature of the registration body and (or) the State Corporation.

3. At the request of the pledger or the pledge holder, the registration body and (or) the State Corporation in relation to the certificates issued by them no later than one working day following the day of receipt of the application, shall issue a duplicate of the certificate of registration of the pledge of movable property in exchange for the lost..

4. The certificate of registration may be invalidated in the manner prescribed by the laws of the Republic of Kazakhstan, in case of violation of the requirements of the legislation of the Republic of Kazakhstan.

Footnote. Article 13, as amended by the Laws of the Republic of Kazakhstan dated 27.04.2012 № 15-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 № 34-V (shall be enforced from the date of its first publication); dated 17.11.2015 № 408-V (shall be enforced from 01.03.2016); dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty one calendar days after the day its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 29.06.2020 № 351-VI (shall be enforced from 01.07.2021).

Article 14. Validity of registration of pledge of movable property

1. Registration of pledge of movable property shall be valid until the termination of the pledge.

2. A pledgor who has fulfilled an obligation secured by a pledge has the right to demand annulment in the pledge registry of movable property of a pledge record. At the request of the pledgor, the pledgee is required to submit to the registering authority or the State Corporation a written application and the necessary documents confirming the fulfillment by the pledgor

of the obligations secured by the pledge. If the pledgee fails to perform these duties or fails to fulfill these obligations, the pledgor is entitled to demand compensation for losses caused to him.

Footnote. Article 14, as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 34-V (shall be enforced from the date of its first official publication); dated 17.11.2015 № 408-V (shall be enforced from 01.03.2016).

Article 15. Correction of errors in registration

1. Correction of technical errors in registration is made at the request of the interested person by making additional record in the register of pledge of movable property, as well as in the certificate of registration of the pledge.

2. (Is excluded).

Footnote. Article 15, as amended – by the Law of the Republic of Kazakhstan dated 13 December, 2004 № 11 (shall be enforced from 1 January, 2005).

Article 16. Procedure for registration of changes, additions and termination of the registered pledge

The applicant shall register changes and additions (including the transfer of ownership right to another person, assignment of the right to claim) and termination of the registered pledge by submitting an application or sending an application in electronic form through a single register of pledge of movable property to the registration body and (or) the State Corporation.

The effect of the first part of this Article shall not apply to cases provided for by the first part of paragraph 3-2 of Article 34 of the Law of the Republic of Kazakhstan "On banks and banking activity in the Republic of Kazakhstan", the first part of subparagraph 11-2) of paragraph 2 of Article 7 of the Law of the Republic of Kazakhstan "On microfinance activity", the second part of paragraph 2 of Article 6-1 of the Law of the Republic of Kazakhstan "On collection activity".

Procedure for registration of changes and additions is established by the legislation.

Footnote. Article 16, as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 34-V (shall be enforced from the date of its first publication); dated 17.11.2015 № 408-V (shall be enforced from 01.03.2016); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 19.06.2024 № 97-VIII (shall enter into force upon expiry of sixty calendar days after the date of its first official publication).

Article 17. Application for registration of changes, additions and termination of the registered pledge

1. An application for registration of changes, additions and termination of a registered pledge of movable property shall contain a reference to the original registered pledge, description of the changes and additions to the pledge agreement (transfer of ownership to another person, assignment of claims and etc.), the grounds for termination of the registered pledge.

1-1. When submitting an application for termination of a registered pledge by the pledger through the single register of pledge of movable property, registration of the termination of pledge shall be carried out on the basis of an application of the pledge holder confirming the fulfillment by the pledger of obligations secured by the pledge. In this case, the pledge holder shall be obliged to send this application through the single register of pledge of movable property no later than two working days from the date of submission by the pledger of the application to terminate the registered pledge.

2. An application for registration of amendments and additions, in addition to the information specified in paragraph 1 of this article, shall contain:

1) the date of signing the agreement on introduction of amendments and additions to the conditions of the pledge or agreement on the assignment of rights (claims) for the pledge (including the agreement on the simultaneous transfer of assets and liabilities);

2) the registration number of the pledge of movable property, assigned by the registering body or the State Corporation, except for cases of registration of amendments and additions on the basis of the agreement on simultaneous transfer of assets and liabilities;

3) a description of the changes and additions introduced;

4) signatures of the pledgor and the pledgee (their representatives), and in case of assignment of rights (claims) under pledge contracts, only the signature of the new pledgee, and also the consent signed by the pledgee who conceded the rights (claims).

3. The application must contain information on amendments and additions in accordance with paragraph 2 of this article.

Footnote. Article 17, as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 № 34-V (shall be enforced from the date of its first official publication); dated 27.04.2015 № 311-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 17.11.2015 № 408-V (shall be enforced from 01.03.2016); dated 27.02.2017 № 49-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 18. Availability of information on the registration of pledge movable property

1. Information on the registration of pledge of movable property is available to all individuals and legal entities, unless otherwise stipulated by the legislative acts of the Republic of Kazakhstan.

Information shall be provided in compliance with the rules established by the Law of the Republic of Kazakhstan “On personal data and their protection”.

2. At the request of any participant in the relations arising from the registration of the pledge of movable property specified in Article 3 of this Law, the registration body and (or) the State Corporation shall be obliged to provide information in the form of an extract from the register of pledges of movable property, taking into account paragraph 4 of Article 10 of this Law, which should:

1) contain an indication that the information about the pledge is presented at the end of the working day preceding the day the extract was issued;

2) be signed by an authorized official of the registration body and certified by the seal of the registration body and (or) the State Corporation.

3. In the absence of any record of a pledge in respect of any movable property, the extract must contain the appropriate indication of this.

4. (is excluded).

5. (is excluded).

Footnote. Article 18, as amended by the Laws of the Republic of Kazakhstan dated 13.12.2004 № 11 (shall be enforced from 01.01.2005); dated 10.07.2012 № 34-V (shall be enforced from the date of its first official publication); dated 17.11.2015 № 408-V (shall be enforced from 01.03.2016); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 19. Termination of registration of a pledge on the basis of a court decision

The interested person, on the basis of a court decision on invalidating a pledge or registering a pledge, has the right to file an application with the registration authority or the State Corporation to cancel the pledge registration.

Footnote. Article 19 in the new wording of the Law of the Republic of Kazakhstan dated 17.11.2015 № 408-V (shall be enforced from 01.03.2016).

Chapter 3. Settlement of disputes and responsibility for violation of the registration procedure

Article 20. Dispute resolution procedure

Disputes related to the registration and provision of information on the registration of a pledge of movable property shall be resolved in the manner prescribed by the laws of the Republic of Kazakhstan.

Footnote. Article 20 is provided for in a new edition in accordance with the Law of the Republic of Kazakhstan dated 29.06.2020 № 351-VI (shall be enforced from 01.07.2021).

Article 21. Responsibility for violation of the procedure for registration and issuance of information on registration

1. The registration authority or the State Corporation shall bear the liability established by the laws of the Republic of Kazakhstan for:

- 1) failure to comply with the rules for registration of pledge of movable property;
- 2) any inaccuracy, incompleteness of entering data and misrepresentation of information on the pledge of movable property, provided to him (her) for registration and entry in the register of pledge of movable property;
- 3) unlawful refusal to provide an extract from the register of pledge of movable property on the request of the interested persons;
- 4) improper storage of documents and information submitted for registration, as well as the information entered in the register of pledge of movable property;
- 5) disclosure of information, constituting a trade secret;
- 6) completeness of collection of a levy for the state registration of pledge of movable property and mortgage of the vessel or vessel under construction.

2. Losses caused by violation of the procedure for registration, issuance of information, distortion of the content of information, shall be compensated by the registration authority and / or the State Corporation. Intentional misrepresentation of information and other actions that contribute to the concealment of information that by law can and should be provided are prosecuted in accordance with the procedure established by law.

Footnote. Article 21, as amended by the Laws of the Republic of Kazakhstan dated 13.12.2004 № 11 (shall be enforced from 01.01.2005); dated 11.12.2006 № 201 (shall be enforced from 01.01.2007); dated 10.07.2012 № 34-V (shall be enforced from the date of its first official publication); dated 17.11.2015 № 408-V (shall be enforced from 01.03.2016).

Chapter 4. Final and transitional provisions Article 22. Introduction of Law into force

This Law enters into force on the date of its official publication and applies to the legal relations arising after its entry into force, taking into account the provisions of Article 23 of this Law.

Article 23. Transitional provisions

1. Within 60 days after the introduction of this Law into force, the priority in respect of the same subject of pledge of movable property that is not subject to compulsory state registration, in its registration has only those pledgees, who signed the pledge agreement prior to the introduction of this Law into force. Registration of such pledges is made in accordance with the provisions of this Law.

2. Priority of pledges, registered in accordance with this Article, is determined by the date of the pledge agreement.

The President
of the Republic of Kazakhstan

© 2012. «Institute of legislation and legal information of the Republic of Kazakhstan» of the Ministry of Justice of the Republic of Kazakhstan