



On Local Government and Self-government in the Republic of Kazakhstan

Non-official translation

The Law of the Republic of Kazakhstan dated 23 January, 2001 No 148

Unofficial translation

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 09.02.2009 No 126 (the order of enforcement see Article 2).

Footnote. Throughout the whole text of the Law: the words “territorial subdivisions of central executive bodies” shall be substituted by the word “ territorial subdivisions of central state bodies” by the Law of the Republic of Kazakhstan dated 10.01.2006 No 116 (the order of enforcement see Article 2 of the Law No 116);

the words “military service” shall be substituted by the word “military service”; the word “universal” is excluded in accordance with the Law of the Republic of Kazakhstan dated 22.05.2007 No 255 (shall be enforced from the date of its official publication);

the words “regions (city of republican significance and the a capital city)”, “urban (cities of republican significance and the a capital city)” in all cases shall be respectively substituted by the words “ regions, city of republican significance and the a capital city”, “ urban, city of republican significance and the capital city” by the Law of the Republic of Kazakhstan dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication)

Footnote. Throughout the whole text, the word “aul (village)” is respectively substituted by the word “ village” by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No 121-V (shall be enforced upon expiry of ten calendar days after its first official publication).

This Law in accordance with the Constitution of the Republic of Kazakhstan shall regulate social relations in the field of local government and self - government, determine the competence, organization, procedure of activity of local representative and executive bodies, as well as the legal status of deputies of Maslikhats.

Footnote. The Preamble as amended by the Law of the Republic of Kazakhstan dated 09.02.2009 No 126 (the order of enforcement see Article 2).

Chapter 1. General provisions

Article 1. Basic definitions, used in this Law

The following definitions shall be used in this Law:

1) akim - representative of the President and the Government of the Republic of Kazakhstan, head of the local executive body (in case of its creation) and providing of

holding the state policy in relevant territory, coordinated functioning of all territorial subdivisions of central government bodies of the Republic of Kazakhstan, lead executive bodies, financed from relevant budget, invested with authority of local government and functions of self - government in accordance with the legislation of the Republic of Kazakhstan, responsible for the condition of socio-economic development in relevant territory.

2) a machinery of akim -state agency, providing activity of local executive body (in case of its creation) and akim;

3) a scheme of management of the administrative - territorial entity - system of executive bodies, located in relevant territory, financed from budget in relevant administrative - territorial entity;

3-1) prevention of emergency situations of social nature - complex of legal, economic, social, organizational, educational, promotional and other actions, carried out of state and local executive bodies by identifying, examining, eliminated the causes and conditions within competence, assisting to becoming of emergency situations of social nature;

4) local executive body - (akimat) - collective executive body, hosted by akim of the region, city of republican significance and a capital city, district (city of regional significance), carrying out the local government and self - government within its competence in relevant territory;

5) an executive body, financed from local budget, - state agency, authorized by akimat to carrying out separate functions of local state government and self - government, financed from relevant local budgets;

6) a local community - a set of residents (members of local community), residing on the territory of relevant administrative - territorial entity, within which shall be carried out the local self - government, formed and operated its bodies;

6-1) a meeting of local community - participation of representatives of the local community, delegated by gathering of local community, in decision current issues of local significance within and procedure, defined by this Law;

6-2) a gathering of local community - direct participation of residents (members of local community) in decision of most importance issues of local significance in limits and procedure, defined by this Law;

7) issues of local significance - issues of activity of region, district, city, district in the city, rural district, rural settlement and village, not included as a composition of rural district, regulation of which in accordance with this Law and other legislative acts of the Republic of Kazakhstan linked with providing the rights and legitimate interests of the majority of residents of relevant administrative - territorial entity;

8) a local state government - an activity, carrying out by local representative and executive bodies in order of holding of state policy on relevant territory, its developments within its competence, determined by this Law and other legislative acts of the Republic of Kazakhstan concerned, as well as being responsible for the state of affairs on relevant territories;

9) a local self - government - an activity, carrying out directly by population, as well as through maslikhats and other bodies of local self - government, directed to independent decision of issues of local significance at one's risk, in order, determined by this Law, other regulatory legal acts;

10) bodies of local self - government - bodies, on which in accordance with this Law imposed functions by decision of issues of local significance;

11) a local representative body (maslikhat) - elected body, elected by population of region, city of republican significance and a capital city or district (city of regional significance), expressing will of population and in accordance with legislation of the Republic of Kazakhstan determined actions, necessary for its realization, and controlling its execution;

12) a machinery of maslikhat - state agency, providing an activity of relevant maslikhat, its bodies and deputies;

13) a session of maslikhat - basic form of, maslikhat activity;

14) a dean of the session of maslikhat - a civil servant of maslikhat, elected from among

of its deputies, carrying out organizational management functions at the session of maslikhat;
15) territorial subdivision of central state body – structural subdivision of central executive body, carrying out within relevant administrative – territorial entity of function of central executive body.

Footnote. Article 1 is in the wording of the Law of the Republic of Kazakhstan dated 09.02.2009 No 126 (the order of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No 101-V (shall be enforced upon expiry of ten calendar days after its first official publication); by the Constitution of the Law of the Republic of Kazakhstan dated 03.07.2013 No 121-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 2. The Legislation of the Republic of Kazakhstan on the local government and self-government

Footnote. The title as amended by the Law of the Republic of Kazakhstan dated 09.02.2009 No 126 (the order of enforcement see Article 2).

1. The legislation of the Republic of Kazakhstan on local government and self – government based on the Constitution of the Republic of Kazakhstan and consist of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. This Law shall be applied on the territory of the city of Almaty and a capital city in a part, without prejudice to the legislation of the Republic of Kazakhstan on the special status of Almaty and the status of a capital city.

Footnote. Article 2 as amended by the Law of the Republic of Kazakhstan dated 09.02.2009 No 126 (the order of enforcement see Article 2).

Article 2-1. Basis of the organization of local self – government

1. Local self – government shall be carried out separately within region, district, city, district in the city, rural district, rural settlement and village, not included as a composition of rural district.

2. Local self – government shall be carried out directly by members of local community, as well as through maslikhats and other bodies of local self – government.

Akim of region, district, city, district in the city, rural district, rural settlement and village, not included as a composition of rural district, in addition to functions of government shall carry out the functions of local self – government bodies.

3. The form of activity of local community shall be the gathering of local community and meeting of local community.

Footnote. The Law is supplemented by the Article 2-1 in accordance with the Law of the Republic of Kazakhstan dated 09.02.2009 No 126 (the order of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No 101-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 3. Economical and financial basis of local government and self – government activity.

1. Economical and financial basis of local government and self – government activity shall be as follows:

- 1) a local budget;
- 2) property, assigned to communal legal entities;

3) other property, that is in a communal property in accordance with the legislation of the Republic of Kazakhstan.

2. Akims of a city of district significance, village, township, rural district shall have the right to form the income sources of local self – government.

3. Income sources of local self – government shall be formed from following incomes:

1) incomes from property lease (lease) of state property, that is in government of akims of the city of region significance, village, township, rural district;

2) voluntary dues of individual and legal entities;

3) payment for outdoor (visual) advertising on:

stationary objectives of advertising in the easement area of public road of republican significance, passing through the territory of cities of district significance, villages, townships, rural districts;

stationary objectives of advertising in the easement area of public road of regional significance, passing through the territory of cities of district significance, villages, townships, rural districts;

stationary objectives of advertising in the easement area of public road of district significance; open field outside the premises in the city of district significance, village, township;

transportation, registered in the district;

4. fines, collected by akims of the city of district significance, village, township, rural district for administrative offense, provided by the Articles 165, 300, 311 and 387 of the Code of the Republic of Kazakhstan on administrative offences;

5. Other sources, not prohibited by the legislation of the Republic of Kazakhstan.

Payment for outdoor (visual) advertising on the stationary objectives of advertising in the easement area of public road of republican and regional significance within territory of the cities of district significance, villages, townships, as well as on the stationary objectives of advertising in the easement area of public road of district significance, on open field outside the premises in the cities of district significance, villages, rural settlements and on transportation, registered in the district, is calculated and paid in the procedure and at the rates, determined by the Government of the Republic of Kazakhstan.

Footnote. Article 3 is in the wording of the Law of the Republic of Kazakhstan dated 13.06.2013 No 101-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 05.12.2013 No152-V (shall be enforced from 01.01.2014).

Article 4. Basic requirements and limitations, established for maslikhats and akimats

1. Maslikhats and akimats in its activity shall be obliged:

1) do not allow to making decisions, not relevant basic directions of internal and external policy;

2) to serve interests of the Republic of Kazakhstan in ensuring national security;

3) to adhere to national standards, established in socially significant spheres of activity;

4) to provide the loyalty and legal interests of citizens.

2. To maslikhats and akimats shall be prohibited to make a decisions, defeated to formation of a single labor market, capital, finances, free exchange of goods and services within the Republic of Kazakhstan.

3. Territorial development plans, taken by maslikhats and akimats, shall conform with the strategic development plans of the Republic of Kazakhstan.

Footnote. Paragraph 1 of the Article 4 as amended by the Law of the Republic of Kazakhstan dated 09.01.2012 No535-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 2. Formation, competence and organization of maslikhats activity

Article 5. The procedure of formation of maslikhats

1. Maslikhats shall be elected by population of relevant administrative-territorial entities on the basis of universal, equal, right of direct elections by secret ballot for the term of five years.

2. As deputy of maslikhats may be elected a citizen of the Republic of Kazakhstan who has reached twenty years. Citizen of the Republic of Kazakhstan may be a deputy only of one maslikhat.

3. The number of deputies of relevant maslikhat determined by Central election committee of the Republic of Kazakhstan in the following limits: in regional maslikhat, the maslikhats of Astana and Almaty cities up to fifty; in city maslikhat up to thirty; in the district maslikhat up to twenty - five.

4. Maslikhat shall be recognized as legally qualified upon condition of election not less than three-fourths of muster-roll of its deputies, determined by the Central election committee of the Republic of Kazakhstan.

5. Elections of deputies of maslikhats shall be governed by the legislation of the Republic of Kazakhstan on elections.

6. Powers of maslikhat shall be begun with the opening of the first session and terminated with starting of work of the first session of the new convention of maslikhat.

7. In case of reorganization (accession, merger, transformation, separation or division) of administrative-territorial entity the deputies of maslikhat shall retain their powers and shall be the deputies of reorganizational maslikhats, which included most of its elective bodies, before the starting of work of the session of newly elected maslikhat.

In case of winding-up of administrative-territorial entity an relevant maslikhat shall be gone into winding-up.

8. Maslikhat have not the rights of a legal entity.

Footnote. Article 5 as amended by the Law of the republic of Kazakhstan dated 09.02.2009 No 126 (the order of enforcement see Article 2)

Article 6. The competence of maslikhats

1. To the competence of maslikhat shall include:

1) a confirmation of plans, economical and social development programs of relevant territory, local budget and reports on their performance, as well as confirmation of budget programs, realizable by the akims of district of the city, city of district significance, township, village, rural district (separately for each district in the city, city of district significance, township, village, rural district);

2) **is exclude by the Law of the Republic of Kazakhstan dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

3) a confirmation on presentation of akim of scheme of management of the administrative and territorial entity, formed on the basis of basic structure of local government, confirmed by the Government of the Republic of Kazakhstan;

4) a decision related to its introduction of issues of local administrative-territorial structure;

4-1) a confirmation of preparation rules and conducting the heating season;

5) an agreement by decision of maslikhat session of personnel of relevant akimat on presentation of akim;

6) a consideration of reports of heads of executive bodies and introduction in relevant bodies of presentations on bringing to responsibility of civil servants of state bodies, as well as organizations for non - fulfillment the decisions of maslikhat;

7) is excluded by the Law of the Republic of Kazakhstan dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011);

7-1) an election in accordance with the legislative act of the Republic of Kazakhstan on election of members of territorial, district and precinct election commissions by holding of secret or open ballot;

8) is excluded by the Law of the Republic of Kazakhstan dated 27.04.2012 No 15-V (shall be enforced upon expiry of ten calendar days after its first official publication);

9) a control over the performance of the local budget, territorial development programs;

9-1) a consideration of annual report of performance of budget of audit commissions of region, cities of republican significance, a capital city;

9-2) making suggestions in audit commission of region, cities of republican significance, a capital city for inclusion of control objectives in the work plan of audit commissions;

10) Formulation of permanent commissions and other bodies of maslikhat, hearing the reports on its activity, decision of other issues, linked with organization of work of maslikhat;

11) Is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

12) a confirmation on presentation of akim of personnel of consultative and advisory bodies upon akimat on issues of interdepartmental nature;

12-1) a conferment on presentation of akim the title “ Honorary citizen of the region (city, district)”;

12-2) an adoption of regulations of conferment the title “ Honorary citizen of the region (city, district)”;

worked out and represented by akimat of region, city of republican significance, a capital city;

12-3) a formulation and confirmation of provision on awarding of certificate of Honorary of region (city, district);

13) carrying out the regulation of land relations by the legislation of the Republic of Kazakhstan;

14) an assistance of performance by citizens and organizations of the Constitution propositions of the Republic of Kazakhstan, laws, acts of the President and the Government of the Republic of Kazakhstan, regulatory legal acts of central and local state bodies;

15) carrying out in accordance with the legislation of the Republic of Kazakhstan other powers for providing the rights and legal interests of citizens.

2. To the competence of regions, cities of republican significance and a capital city of maslikhats shall include as well as making representations on confirmation the scheme of district planning of region, the project of general plan of building of region center, city of republican significance and a capital city in the Government of the Republic of Kazakhstan, the confirmation of projects of district planning of administrative districts, the general plans of building the cities of region (except of region centers) and district significance and determination of system of actions of social support of separate categories of citizens, worked and residing in rural type settlements, provided by the legislation of the Republic of Kazakhstan.

2-1. To the competence of maslikhats of regions, cities of republican significance, a capital city shall include the significance to the post of dean and member of audit commission of region, city of republican significance, a capital city for five years, as well as dismissal them from office.

2-2. To the competence of maslikhats of regions, cities of republican significance, a capital city shall include the confirmation of rules of animal management, rules of management and walking of dogs and cats, rules of collecting and extermination of stray dogs and cats, as well as confirmation of other rules, for violation which established the administrative responsibility.

2-3. To the competence of maslikhats of district (city of region significance), city of republican significance, a capital city shall include the confirmation of rules of rendering of social assistance, establishing the sizes and determining the list of separate categories of

needy citizens.

2-4. To the competence of maslikhats of region, cities of republican significance, a capital city shall include the delineation of buffer zone of keeping animals.

3. To the competence of district maslikhats shall include as well as confirmation of the general plans of building the cities, rural settlements and villages, located on the territory of the relevant district, consideration the report of executed work of akim of city of district significance, rural district, rural settlement and village, not included as a composition of rural district, and introducing to akim of district the representation on bringing of akim of relevant administrative and territorial entity to disciplinary responsibility.

3-1. Malikhat of district (city of region significance) shall have the right to request information from audit commission of region on held of control activities on issues of performance of budget of relevant district (city of region significance).

4. Maslikhats of regions, cities of republican significance and a capital city of the Republic of Kazakhstan at the suggestion of relevant akimats shall have the right to make the decisions on borrowing in accordance of the legislative acts of the Republic of Kazakhstan.

5. Maslikhats of regions, cities of republican significance and a capital city shall confirm the rates of the charge for environmental emission, for using of surface water resources, for forest uses, for the use of specially protected natural sites in accordance with the legislation of the Republic of Kazakhstan.

6. Maslikhats of regions, city of republican significance and a capital city shall consider an issue on giving accidence on construction of nuclear plants and objectives on relevant administrative and territorial entity.

7. Powers of deputies of Senate of the Parliament, elected on joint sitting of electors acting by deputies, representing all maslikhats of region, city of republican significance and a capital city, may be early terminated by decision of electors.

Footnote. Article 6 as amended by the Laws of the Republic of Kazakhstan dated 11 May, 2004 No 552 (the order of enforcement see Article 2); dated 9 July, 2004 No 583; dated 10 January, 2006 No 116 (the order of enforcement see Article 2 of the Law No 116); dated 7 July, 2006 No 171 (the order of enforcement see Article 2); dated 9 January, 2007 No 213 (the order of enforcement see Article 2); dated 10.12.2008 No 101-IV (shall be enforced from 01.01.2009); dated 24.12.2008 No 111-IV (shall be enforced from 01.01.2009); dated 09.02.2009 No 126 (the order of enforcement see Article 2); dated 02.04.2010 No 263-IV (shall be enforced from 01.01.2010); dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011); dated 21.07.2011 No 465-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.04.2012 No 15-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 08.01.2013 No 64-V (shall be enforced from 01.01.2013); dated 13.06.2013 No 101-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No102-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 17.01.2014 No 165-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 7. The acts of maslikhat

1. The acts of maslikhat, which he publishes on issues of its competence, are the decisions of maslikhat.

2. The projects of decisions of maslikhats, provided the revenue contraction of local budget incomes or an increasing of expenses, may be introduced for consideration only in existence of a positive conclusion of akim.

3. The decisions of maslikhat shall be liable to official publication, adopted within its competence and concerning the rights, freedoms and duties of citizens in established by the

legislation of the Republic of Kazakhstan procedure and binding on the relevant territory.

4. The decision of maslikhat, having obligatory meaning, concerning the rights, freedoms and duties of citizens, liable for state registration of territorial bodies of the Ministry of Justice in established by the legislation of the Republic of Kazakhstan procedure.

5. The decisions of maslikhats, not relevant to the Constitution and the legislation of the Republic of Kazakhstan, shall be canceled by maslikhat or legal process.

Footnote. Article 7 as amended by the Laws of the Republic of Kazakhstan dated 09.02.2009 No 126 (the order of enforcement see Article 2); dated 10.01.2011 No 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 8. Organization of maslikhat work

1. Maslikhat shall exercise their powers on the sessions, through the permanent commission and other bodies, representative of session of maslikhat, deputies and secretary of maslikhat in the procedure, established by the legislation of the Republic of Kazakhstan.

1-1. Maslikhats at least once a year shall report to the population on the executed work of maslikhat, activities of its permanent commissions. The deputies of maslikhat shall have responsibility before the population in accordance with the Laws of the Republic of Kazakhstan.

2. The basic form of activity of maslikhat shall be the session, on which decide the issues, related to its introduction of the Laws.

The session of maslikhat is legally qualified, if at least two thirds of muster-roll of deputies of maslikhat present on session.

3. The Maslikhat shall:

1) elect and excuse from the post of representative of session of maslikhat, secretary of maslikhat and hearing its reports;

2) form the permanent commission and other bodies of maslikhat, elect and excuse from the post their representatives, hearing the reports on their work;

3) determine the expenses on ensuring of activity of maslikhat;

4) confirm the structure of machinery of maslikhat and determine the expense on its contain and logistical support within established by the legislation of the Republic of Kazakhstan the limit of number and provisions. The limit of staff size of state employees of machinery of maslikhat shall be established, on the basis of the number of deputies of relevant maslikhats, in a ratio of one employee to five deputies, but not less than five;

5) confirm the reglament of maslikhat;

6) consider an inquire of deputies and make decisions on them;

7) make other decisions on the organization of its work.

Footnote. Article 8 as amended by the Laws of the Republic of Kazakhstan dated 11.05.2004 No 552 (the order of enforcement see Article 2); dated 21.07.2011 No 465-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No 101 -V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 9. The reglament of maslikhat

The procedure of holding the session of maslikhat, sittings of its bodies, introductions and examinations on them the issues, formulation and election the bodies of maslikhat, hearing the reports of its activity, reports of the executed work of maslikhat before the population and activity of his (her) permanent commissions, considerations of an inquire of deputies, power, organization of activity od deputative associations in the maslikhat, as well as the procedure of voting, organization of machinery work and other procedural and organizational issues shall be determined by reglament of maslikhat, confirmed on his session.

Typical reglament of maslikhats shall be confirmed by the President of the Republic of Kazakhstan.

Footnote. Article 9 in the wording of the Law of the Republic of Kazakhstan dated 13.06.2013 No 101-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 10. The procedure of convention the session of maslikhat

1. The first session of newly elected maslikhat shall be convened by the representative of relevant territorially election commission not later than thirty days from the date of registration of the deputies of maslikhat, in existence of at least three quarters of the number of deputies, determined for present maslikhat.

2. Regular session of maslikhat shall be convened at least four times a year and conducts by the representative of session of maslikhat.

Extraordinary session of maslikhat shall be convened and held by the representative of session of maslikhat at the suggestion of not less than one third of deputies, elected in this maslikhat, as well as akim. Extraordinary session shall be convened for the term not later than five days from the date of making decision on holding of the extraordinary session. On the extraordinary session may be examined exclusively the issues, constituted a formation for its convention.

3. On time of convention and place of holding of session of maslikhat, as well as on issues, introduced for consideration the session, the secretary of maslikhat shall inform to the deputies, the population and akim not later than ten days before the session, and in the case of convention of extraordinary session - not later than three days. On issues, introduced for consideration of session, the secretary of maslikhat not later than five days before the session, and in the case of convention of extraordinary session not later than three days shall represent to the deputies and akim the necessary materials.

Article 11. The procedure of holding of session of maslikhat

1. The session of maslikhat shall be held in the form of plenary sittings.

2. The first session of maslikhat shall open and up to the election of representative of session of maslikhat hold the dean of relevant election commission. In the following the session of maslikhat shall hold the dean of the session of maslikhat.

3. The session of maslikhat is legally qualified, if at least two thirds of muster-roll of deputies of maslikhat present on it.

The decisions shall be made by majority of vote muster-roll of deputies of maslikhat.

4. In the work of session by decision of maslikhat may be made a break for the term, established by maslikhat, not exceeding fifteen calendar days.

5. The duration of session shall be determined by maslikhat.

6. The session of maslikhat shall carry, as usually, open nature. The holding of private sessions shall be allowed by decision of maslikhat, accepted at the suggestion of the dean of the session of maslikhat or one - third of the number of deputies, presenting on the session of maslikhat, if the majority from the muster-roll of present deputies voted for it.

7. At the invitation of the dean of the session of maslikhat the heads of local executive bodies, the heads and other civil servants of organizations, located on the territory of relevant administrative and territorial entity, shall be obliged to present on the session of maslikhat for presenting the information on issues, related to the introduction of maslikhat.

Article 12. Organization and activity of permanent commission of maslikhat

1. Maslikhat for a term of its powers shall form the permanent commission. Their number should not exceed seven. In the case of necessity maslikhat may form the new, abrogate and

reorganized the permanent commissions.

2. The list and personnel of the permanent commissions shall be determined by the maslikhat. The deans and members of the permanent commissions shall be elected by relevant maslikhat among of its deputies.

3. The permanent commission shall have responsibility before the elected them maslikhat and at least once a year shall report on their activity.

Article 13. Public hearings of the permanent commissions of maslikhat

1. The permanent commission of own initiative or by decision of maslikhat may conduct the public hearings.

2. The public hearings shall be held in order to discuss the most important and socially important issues, related to the introduction of the permanent commissions, in the form of extended sittings of this commissions with the participation of the deputies, representatives of executive bodies, bodies of local self - government, organization, mass media, citizens.

3. The procedure of holding of the public hearing in the permanent commissions shall be determined by the reglament of maslikhat.

Article 14. Functions and powers of the permanent commissions of maslikhat

1. The permanent commissions shall have the right:

1) to make a suggestion to maslikhat, the dean of session of maslikhat, secretary of maslikhat on the agenda of the session of this maslikhat, as well as any issues, considered on the session of maslikhat;

2) to counsel on the issues, related to its introduction and introduced for consideration of the session of maslikhat;

3) to represent on the sessions of maslikhat reports and coreports on the issues, related to its introduction;

4) introduce to the maslikhat the suggestions on hearing on the session the reports of the heads of local executive bodies within its competence;

5) engage to work the commissions of other deputies of maslikhat, as well as representatives of state bodies, organizations, other bodies of local self - government and citizens.

2. Akimat, civil servants of territorial subdivisions of central state bodies, executive bodies, financed from local budgets, organizations shall be obliged in accordance with established procedure represent the necessary information to the permanent commissions on the issues of its competence.

3. The permanent commission of maslikhat on the issues of its competence shall accept a regulations.

Footnote. Article 14 as amended by the Law of the Republic of Kazakhstan dated 10.01.2011 No 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 15. The procedure of work and accepting the regulations by the permanent commission of maslikhat

1. The sitting of permanent commissions convened as and when needed and shall be legally qualified, if more than half of muster-roll of deputies, included in their membership present on it.

2. The regulation of permanent commission shall be accepted by the majority of vote muster-roll of members of commission.

3. The representative of permanent commission shall be used a right of decisive vote in the case, if during voting on the sitting of commission the votes of deputies are equally divided.

4. The regulation of permanent commission and record of sitting shall sign by its representative, and in the case of holding a joint sitting several permanent commissions shall sign the deans of relevant commissions.

Article 16. Audit commission of maslikhat

Footnote. Article 16 excluded by the Law of the Republic of Kazakhstan dated 21.07.2011 No465-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 17. Provisional commission of maslikhat

1. In order to prepare for consideration on the sessions the issues, related to the introduction of maslikhats, maslikhat or secretary of maslikhat shall have the right to form the provisional commission. Composition, tasks, terms of powers and the rights of provisional commissions shall be determined by maslikhat during their formation.

2. The provisional commission of maslikhat on issues of its competence shall accept the conclusions.

3. The payment for participation in the work of the permanent commission shall not be carried out.

Article 18. The dean of the session of maslikhat

1. The dean of the session of maslikhat shall be elected by maslikhat amongof its deputies.

2. The dean of the session of maslikhat shall be elected by open ballot of majority of vote muster-roll of deputies of maslikhat. The procedure of election of dean of the session of maslikhat shall be determined by reglament of maslikhat.

3. The dean of regular session of maslikhat shall be elected on the previous session of maslikhat. In the absence of the dean of the session his (her) powers shall be carried out by the secretary of maslikhat.

The deputy of maslikhat may not be elected by the dean of the session of maslikhat more than two times in a calendar year.

4. The dean of the session of maslikhat shall:

1) make the decision on convention of the session of maslikhat;

2) carry out the management by preparation of the session of maslikhat, form the agenda of the session;

3) hold the sitting of the session of maslikhat, provide the observance of reglament of maslikhat;

4) sign the decisions of maslikhat, protocols, other documents, accepted or confirmed on the session of maslikhat.

5. The dean of the session of maslikhat shall carry out its function on the unabsolved basis.

6. The dean of the session of maslikhat shall use the right of decisive vote in the case, if during voting on session of maslikhat the votes of deputies are equally divided.

Article 19. A secretary of maslikhat

1. A secretary of maslikhat shall be civil servant, worked on the permanent basis. He shall be elected among deputies by open or secret ballot by a majority of vote from muster-roll of deputies and shall be excused from the post by maslikhat on session. The secretary of maslikhat shall be elected for a term of powers of maslikhat.

2. The candidacies for the post of secretary of maslikhat shall be recommended by the deputies of maslikhat on the session of maslikhat.

3. The secretary of maslikhat shall:

1) organize the preparation of session of maslikhat and the issues, introduced on its consideration, provide drawing up protocol and together with the dean of the session shall sign the decision, other documents, accepted or confirmed on the session of maslikhat;

2) assists to the deputies of maslikhat in carrying out with them their powers, provide them with necessary information, consider the issues, linked with the excuse of deputies from discharge the duties for participation on the session of maslikhat, in the work of his (her) permanent commissions and other bodies, and in the election districts;

3) control the consideration of the inquires of deputies and deputy's appeals;

4) manage the activity of machinery of maslikhat, appoint to a post and excuse from the post of his (her) employees;

5) regularly represent in maslikhat the information on applications of electors and on taken on them actions;

6) organize the interaction of maslikhat with other bodies of local self - government;

6-1) organize the authentication of collected signatures of deputies of maslikhat, instigated an issue on expressing of non-confidence to akim in accordance with the Article 24 of this Law;

7) decree on issues of its competence;

8) coordinate the activity of permanent commissions and other bodies of maslikhat, and deputy groups;

9) represent the maslikhat concerning with state bodies, organizations, bodies of local self - government and public associations;

10) provide the publication of decisions of maslikhat, determine the actions of control for its performance;

11) exercise other functions by decision of maslikhat;

3-1. Secretary of maslikhat of region, city of republican significance, a capital city shall introduce for consideration of relevant maslikhat the candidacies to appointment to a post of the dean of audit commission of region, city of republican significance, a capital city , as well as the suggestion of excused his (her) from the post.

4. Secretary of maslikhat shall have not the right to be in the permanent commissions of maslikhat.

5. By decision of the dean of session of maslikhat in the absence of secretary of maslikhat his (her) powers shall be temporarily carried out by the dean of one of the permanent commissions of maslikhat or deputy of maslikhat.

Footnote. Article 19 as amended by the Laws of the Republic of Kazakhstan dated 11.05.2004 No552 (the order of enforcement see Article 2); dated 10.01.2011 No383-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.07.2011 No 465-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No101-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 20. A deputy of maslikhat

1. A deputy of maslikhat shall express the will of population of relevant administrative and territorial entities including the national interests.

2. Powers of deputy of maslikhat shall be begun from the date of its registration as the deputy of maslikhat of relevant territorial election commissions and shall be terminated from the date of termination of powers of maslikhat.

3. Powers of deputy of maslikhat shall be early terminated in the following cases:

1) election or appointment a deputy to a post, the occupation of which in accordance with the legislation of the Republic of Kazakhstan inconsistently with performance of deputy's duties;

2) enter into legal force of court decision on recognition of a deputy as disabled or impaired;

3) terminations of powers of maslikhat;

4) death of a deputy, entering into legal force of a court decision on recognition of a deputy as missing or a court decision on declaring him dead;

5) terminations of the citizenship of the Republic of Kazakhstan;

6) entering concerning a deputy into legal force of judgment of conviction of a court;

7) departures for permanent place of residence outside of relevant administrative - territorial entity;

8) due to personnel statement of a deputy on resignation;

9) systematic non - performances by a deputy of its duties, as well as unauthorized absence on a plenary meetings of session of maslikhat or sittings of bodies of maslikhat, to composition of which he shall be elected, more than three times in a row;

10) appointment to a post of a dean of audit commission or a member of audit commission of a region, city of republican significance, a capital city.

4. A decision on early termination of powers of a deputy shall be accepted on the session of maslikhat by the majority of vote from muster-roll of presents deputies on presentation of relevant territorial election commission.

5. (is excluded)

6. Deputies of maslikhat, carrying out its activity on permanent or exempt basis, paid at the expense of state budget, shall not have the right to carry out an entrepreneurial activity, independently in management of economic entity, deal with other paid activity, except for pedagogic, scientific or other creative.

Footnote. Article 20 as amended by the Laws of the Republic of Kazakhstan dated 11 May, 2004 No 552 (the order of enforcement see Article 2); dated 20 December, 2004 No 13 (shall be enforced from 1 January, 2005); dated 09.02.2009 No 126 (the order of enforcement see Article 2); dated 10.01.2011 No 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.07.2011 No 465-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 21. Rights, duties and responsibility of a deputy of maslikhat in the exercise its powers.

Footnote. The title is in the wording of the Law of the Republic of Kazakhstan dated 13.06.2013 No 101-V (shall be enforced upon expiry of ten calendar days after its first official publication).

1. A deputy shall have the right:

1) to elect and be elected by the dean of a session of maslikhat, secretary of maslikhat, a dean and member of a permanent commission, in other bodies of maslikhat;

2) to suggest the issues for consideration on a session of maslikhat and its permanent commissions and other bodies, participate in their consideration and making decisions;

3) (is excluded)

4) to conduct appointments and meetings with electors of its district, as well as with other bodies of local self – government and organizations;

5) to introduce suggestions on hearing on session of reports of civil servants of local executive body and organizations located on a territory of relevant maslikhat, on issues, related to the competence of maslikhat;

6) to participate in the work of sittings of relevant akimat;

7) to become acquainted with stenographs and protocols of sittings of maslikhat and its bodies;

8) to create the deputy's associations in the form of factions and deputy groups;

9) to carry out other activities, provided by the legislation of the Republic of Kazakhstan and reglament of maslikhat.

2. A deputy shall be obliged:

1) to participate in the work of maslikhat and its bodies, in composition of which he shall be elected;

2) to support a permanent connection with electors of its district, at least once a year to inform them on the work of maslikhat, activity of its permanent commissions and other bodies, execution of decisions of maslikhat, as well as on process of its deputy activity, participate in organization and control for execution of decisions of maslikhat;

3) to consider received to him (her) applications of electors, regularly shall hold individual acceptance of citizens;

4) to reside in relevant administrative – territorial entity;

3. To each deputy of maslikhat shall be guaranteed the protection of his (her) rights, honor and dignity.

On issues of deputy's activity a deputy of maslikhat shall have the right to visit without encumbrance the state bodies, public associations and state organization, located on the territory of relevant maslikhat, except for organizations, an activity of which is linked with state secrets.

Heads and other civil servants of state bodies, public associations and state organizations shall be obliged importunately receive the deputies of maslikhat and provide them with the necessity in carrying out imposed on them powers.

4. On deputy of maslikhat for non-performance and (or) improper performance of their duties, provided by paragraph 2 of this Law, as well as violation of rules of deputy's ethics, established by reglament of maslikhat, may be imposed the following sanctions:

1) warning;

2) coercion to public apology.

5. Sanctions shall be imposed on the session of maslikhat by majority of vote from muster-roll of present deputies by presenting relevant territorial election commission with the publication of information on their imposing in mass media, distributed on relevant territory.

Sanctions cannot be imposed repeatedly for the same offense.

Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated 21 May, 2002 No 324; dated 11 May, 2004 No 552 (the order of enforcement see Article 2); dated 4 November, 2006 No 186 (shall be enforced from the date of its official publication); dated 09.02.2009 No 126 (the order of enforcement see Article 2); dated 10.01.2011 No 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.07.2011 No 465-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No 101-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 21-1. Inquiries of deputy

A deputy of maslikhat shall have the right on issues, related to the competence of maslikhat, to apply with official written request to Akim, dean and member of relevant

territorial election commission, procurator and civil servants of territorial subdivisions of central state bodies, executive bodies, financed from local budget.

An answer for the deputy's inquire shall be given in written form for the term not later than one month. A deputy shall have the right to express his (her) opinion on the answer to request.

Requests, addressed to procurator, cannot be linked with carrying out the criminal prosecution.

Footnote. Is supplemented by the Article 21-1- by the Law of the Republic of Kazakhstan dated 11 May, 2004 No 552 (the order of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 09.02.2009 No 126 (the order of enforcement see Article 2).

Article 21-2. Deputy associations in maslikhats

1. Deputies of maslikhat shall have the right to create associations in the form of factions of political parties and other public associations, deputy groups. The dean of audit commission and secretary of maslikhat may not enter into deputy's associations.

2. A faction - an organized group of deputies, represented a political party or other public association, registered according to the procedure established by the Law, which shall be created in order to express the interests of relevant political party or other public association in maslikhat. The faction shall associate at least five deputies of maslikhat. A deputy shall have the right to be in only one of deputy's faction.

3. A deputy group - association of deputies for carrying out its powers, team-work in election districts. In composition of deputy group shall be at least five deputies of maslikhat

4. Registration of deputy factions and groups shall be carried out on the session of maslikhat, shall be produced without prior arrangement and carry exclusively informational nature.

Footnote. Chapter is supplemented by the Article 21-2 - by the Law of the Republic of Kazakhstan dated 4 November, 2006 No 186 (shall be enforced from the date of its official publication).

Article 22. Compensation of expenses, linked by carrying out the deputy activity

In the period of holding sessions, sittings of permanent commissions and other bodies of maslikhat, at the time of carrying out the deputy powers in the procedure, established by reglament, a deputy shall be dismissed from performing of one's duties with compensation to him (her) at the expense of local budget of average wage at the place of main work, but in the amount of, not to exceeded the salary of the head of machinery of akim of relevant administrative - territorial entity experienced in a specified post up to one year, and business trip expenses on term of holding the sessions, sittings of permanent commissions and other bodies of maslikhat including travelling time.

Footnote. Article 22 as amended by the Law of the Republic of Kazakhstan dated 11 May, 2004 No 552 (the order of enforcement see Article 2).

Article 23. Formation for termination of powers of maslikhat

1. The powers of maslikhat shall be terminated upon expire of term of its powers, established by the Constitution of the Republic of Kazakhstan.

2. The powers of maslikhat shall be early terminated by the President of the Republic of

Kazakhstan, as well as in the case of making by maslikhat decisions on dissolution.

Footnote. Article 23 is in the wording of the Law of the Republic of Kazakhstan dated 09.02.2009 No 126 (the order of enforcement see Article 2).

Article 23-1. The procedure of giving consent by maslikhat for appointment to a post of akims of region, city of republican significance, a capital city, as well as candidacies to a post of akims, for assignment which requires consent of maslikhats, in accordance with the procedure, established by the President of the Republic of Kazakhstan.

1. Person, appointed akim, or person, authorized by them, shall introduce for consideration of maslikhat a presentation on giving the consent for appointment to a post of akim.

2. In presentation on giving the consent for appointment to a post of akim shall be affected the backgrounds, information on professional experience, state rewards and other information on the candidate to the post of akim.

3. The consideration of presentation on giving the consent to appointment to a post of akim shall be carried out on regular or extraordinary session of maslikhat.

Presence of candidate to a post of akim on extraordinary session of maslikhat on consideration of presentation of giving the consent for appointment to a post of akim is necessary.

In the course of session of maslikhat on consideration of presentation of giving the consent for appointment to a post of akim the deputies of maslikhat shall have the right to ask the questions to a candidate on the post of akim, shall hold a discussion of appointed candidate.

On termination of discussions shall be held the vote.

In the case if the candidate to a post of akim shall not win a majority of vote from muster-roll of deputies of maslikhat, person, appointed akim, or a person, authorized by them, during two business days of the date of receipt the decision of session of maslikhat repeatedly shall point to consideration of maslikhat the presentation of giving the consent for appointment another candidate to a post of akim.

4. By a person, appointed akim, or by a person, authorized by them, the candidate to a post of akim may be introduced no more than three times in a row.

In the case if in the third time by maslikhat shall not be given an consent for appointment the candidates to a post of:

1) akims of region, city of republican significance or a capital city, the President of the Republic of Kazakhstan shall have the right to early terminate the powers of relevant maslikhat;

2) akim of district (city of region significance), akim of region shall inform in writing form the President of the Republic of Kazakhstan and raise a question on early terminating powers of relevant maslikhat.

In this case the President of the Republic of Kazakhstan or superior akim shall temporarily appoint acting of akim until of appointment of akim of relevant administrative - territorial entity with consent of newly formed of maslikhat in established procedure.

Footnote. Chapter 2 is supplemented by the Article 23-1 in accordance with the Law of the Republic of Kazakhstan dated 13.06.2013 No 101-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 24. Power of maslikhat to express non-confidence to akim

1. At the initiative at least one fifth of muster-roll of deputies of maslihat may be raised a question on expressing non-confidence vote to akim. In this case maslikhat by majority

of vote from muster-roll of its deputies shall have the right to express non-confidence to akim and raise the question on its excuse from the post respectively before the President of the Republic of Kazakhstan or superior akim.

2. The formation for consideration by maslikhat of issue on expressing non - confidence to akim shall be twofold disapproval by maslikhat represented by akim of reports on performing the plans, economic and social programs of development of a territory, local budget.

3. Initiating of issue on expressing non - confidence vote to akim shall be carried out by collection of signatures of deputies of maslikhat. The collection of signatures shall be organized by initiators of deputies of maslikhat and shall be formed by signature sheets.

4. The collection of signature sheet shall be carried out during ten business days from the date of written application of initiators - deputies of maslikhat. The filled signature sheets shall be given to a secretary of maslikhat, who during five business days shall organize the checking of authenticity of collected signatures. On results of checking shall be drawn up a protocol on authenticity of signatures of initiators - deputies of maslikhat.

5. A session of maslikhat on expressing non - confidence vote to akim shall be held during one month from the date of formation the protocol on authenticity of signatures of initiators - deputies of maslikhat.

In the course of session of maslikhat on expressing non - confidence vote to akim shall be discussed the reasons, serving to initiation the issue on expressing non - confidence vote to akim, shall be held a vote.

An expressing non - confidence vote to akim shall be recognized as accomplished, if the majority from muster-roll of deputies of maslikhat voted for this decision. The session of maslikhat on expressing non - confidence vote to akim shall be formed by decision of session of maslikhat.

6. In case of expressing non - confidence vote to akim the decision of session of maslikhat in prompt procedure shall be directed to the President of the Republic of Kazakhstan or superior akim.

7. The President of the Republic of Kazakhstan or superior akim from the date of receiving the decision of session of maslikhat on expressing non - confidence vote to akim during ten business days shall consider an issue on termination of powers of akim or shall instruct to him (her) to carrying out its further obligations.

8. In case if the President of the Republic of Kazakhstan or superior akim dismiss non - confidence vote to akim, the deputies of maslikhat by majority of vote from muster-roll of deputies shall have the right upon expire of six months from the date of the first expressing non - confidence vote repeatedly express the non - confidence vote before the President of the Republic of Kazakhstan or superior akim. In this case the President of the Republic of Kazakhstan or superior akim shall excuse from the post of akim.

Footnote. Article 24 is in the wording of the Law of the Republic of Kazakhstan dated 13.06.2013 No 101-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 24-1. Termination of powers of deputy of Senate of the Parliament by decision of electors

1. The decision of initiation of termination the powers of deputy of Senate of the Parliament shall be applied by maslikhat of region, city of republican significance and a capital city, of what shall be informed for the term of three days regional, city of republican significance and a capital city the election commission and the deputy of Senate of the Parliament.

2. The initiation of termination of powers of deputy of Senate of the Parliament by decision of electors shall be supported not less than twenty five percent of votes from muster-roll of electors, representing all maslikhats of region, city of republican significance and a capital city, but not less than twenty five percent of votes of electors from one

maslikhat.

Supporting of electors shall be ascertained by collection of its signatures. The decision on beginning of collection of signatures shall apply the maslikhat of region, city of republican significance and a capital city. The collection of signatures shall organize the electors, initiated the termination of powers of deputy of Senate of the Parliament.

3. Regional, city of republican significance and a capital city of election commission no later than ten business days from the date of receiving a declaration of maslikhat on initiation of termination of powers of Senate of the Parliament shall issue to initiators the signature sheets for the collection of signatures in support of the decision.

Each of signature sheet shall have a serial number, shall include the surname, first name, patronymic of the deputy of Senate of the Parliament, the termination of powers of which initiated, as well as columns containing the following information on electors appending their signatures:

- 1) the surname, first name and patronymic;
- 2) maslikhat, of which he (she) is a deputy;
- 3) the date, month and year of birth;
- 4) the address of the place of residence;
- 5) personal signature.

The example of signature sheet shall be approved by the Central election commission.

4. The collection of signatures shall be carried out during thirty days from the date of receiving by electors the signature sheets in region, city of republican significance and a capital city of election commission. Upon expire of specified term the signature sheets by reception of region, city of republican significance and a capital city of election commission shall not be liable.

The filled signature sheets shall be given to the regional, city of republican significance and capital city of election commission, which for the term in five days shall carry out the checking of authenticity of collected signatures with participation of employees of passport services and shall be formed the relevant protocol.

5. Regional, city of republican significance and a capital city the election commission after checking of authenticity of signatures shall make a decision on introducing the issue on termination of powers of deputy of Senate of the Parliament on voting.

6. In case, if in the result of checking the authenticity of signatures shall be established, that over one percent of the collected signatures shall be unreliable, or the number of collected signatures are not relevant the requirements of paragraph 2 of this Article, relevant election commission shall dismiss in introducing the issue on termination of powers of deputy of Senate of the Parliament on voting.

Repeated institution of an issue on termination of powers of a deputy of Senate of the Parliament on the same formation during three years from the date of dismiss in introducing an issue on voting shall not be allowed.

7. The secretary of regional, city of republican significance and a capital city of maslikhat not later than five days from the date of adoption of regional, city of republican significance and a capital city of election commission the decisions on introducing an issue on voting shall give a notice in writing form a deputy, concerning which institute an issue on termination of powers.

Joint sitting of electors of voting on termination of powers of the deputy of Senate of the Parliament, result of votes and establishment of results shall be held for the term not later than one month from the date of adoption of decision of regional, city of republican significance and a capital city of election commission on introducing an issue on termination of powers of the deputy of Senate of the Parliament.

The text of voting ballot shall be confirmed by the Central election commission of the Republic.

8. Joint sitting is legally qualified, if at least two-thirds of the elected deputies, representing all Maslikhats of region, city of republican significance and a capital city present on it.

Voting on termination of powers of the deputy of Senate of the Parliament on joint sitting shall be recognized as accomplished, if at least two thirds of muster-roll of present electors participate on it.

Presiding at a joint sitting shall be a secretary of region, city of republican significance and a capital city of maslikhat.

At the joint sitting of electors shall present the head and members of region, city of republican significance and a capital city of election commission.

In the building, where shall be held a joint sitting of electors of region, city of republican significance and a capital city of election commission, shall be organized the paragraph for voting.

A document, ascertained a holding of joint sitting of electors on termination of powers of a deputy of Senate of the Parliament, shall be a protocol of a joint sitting, representing by a secretary of relevant maslikhat of region, city of republican significance and a capital city of election commission.

A joint sitting shall be closed after publishing by the dean of region, city of republican significance and a capital city of election commission of the results of voting on termination of powers of the deputy of Senate of the Parliament.

9. The results of voting on termination of powers of the deputy of Senate of the Parliament shall be established on the sitting of region, city, city of republican significance and a capital city of election commission, held in election office.

Region, city of republican significance and a capital city of election commission on results of voting shall draw up a protocol of result of voting on termination of powers of the deputy of Senate of the Parliament, which shall:

- 1) be signed by the dean and members of election commission;
- 2) be published at the joint sitting of electors;
- 3) be sent to the Central election commission for the term not more than two days from the date of voting.

10. The results of voting shall be established by the Central election commission for the term not later than seven days from the date of holding a vote on termination of powers of a deputy of Senate of the Parliament.

Powers of deputy of Senate of the Parliament shall be recognized as terminated, if more than fifty percent of votes of electors, participated in voting for this decision voted for it.

Other issues, linked with result of the voting, establishing and publishing the results of the voting, shall be decided in accordance with the Constitutional Law of the Republic of Kazakhstan "On elections in the Republic of Kazakhstan".

11. The decision or action (omission) of election commission shall be appealed to the superior election commission and (or) a making decision or commission of an action (omission). Upon the expire of specified terms an application on the decision and (or) action (omission) of election commission shall not be liable for consideration.

The consideration of application on appealing of decision or action (omission) of election commission shall be performed in accordance with the chapter 25 of the Civil Procedure Code of the Republic of Kazakhstan.

Footnote. Chapter 2 is supplemented by the Article 24-1 according to the Law of the Republic of Kazakhstan dated 09.02.2009 No 126 (the order of enforcement see Article 2)

Article 25. Machinery of maslikhat

1. Machinery of maslikhat shall carry out an organizational, legal, materially - technical and other ensuring of maslikhat and its bodies, shall assist the deputies in carrying out its powers.

2. The activity of state employees of machinery of maslikhat shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

3. Upon the expire of the term of powers of maslikhat, in cases of early termination of

powers of maslikhat and elections of a new composition of its deputies, activity of state employees of machinery of maslikhat shall not be terminated.

4. Machinery of maslikhat shall be the state agency, contained at the expense of local budget.

Chapter 2-1. Creation and organization of activity of audit commissions of regions, cities of republican significance, a capital city

Footnote. The Law is supplemented by the Chapter 2-1 in accordance with the Law of the Republic of Kazakhstan dated 21.07.2011 No 465-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 25-1. Audit commission of regions, cities of republican significance, a capital city. Creation and composition

1. Audit commission of regions, cities of republican significance, a capital city shall be the state bodies and shall be created in the procedure, established by the legislation of the Republic of Kazakhstan in regions, cities of republican significance, a capital city for the control of execution of local budget.

2. Audit commission of region, city of republican significance, a capital city shall carry out the external state financial control for execution of regional budget, budget of the city of republican significance, a capital city, district (city of regional significance).

3. Audit commission of region, city of republican significance, a capital city directly shall report to the relevant maslikhat through the presentation of annual report on execution of local budget.

4. Structure of audit commissions of regions, cities of republican significance, a capital city shall form the dean of an audit commission, four members of audit commission and machinery of audit commission.

5. Maslikhat of region, city of republican significance, a capital city shall assign the dean of audit commission and four members of audit commission for the term of five years.

On a post of dean of audit commission or the member of audit commission shall be appointed the citizens of the Republic of Kazakhstan, having higher education in the scope of government, economics, finance, right and experience at least seven years in these industries.

Article 25-2. Powers of dean of audit commission, members of audit commission.

1. The dean of audit commission shall:

1) carry out a general management and have responsibility, provided by the Laws of the Republic of Kazakhstan, for execution of imposed on audit commission tasks and functions;

2) confirm an annual and quarter plans of work of audit commission;

3) organize the work of members of audit commission and machinery of audit commission;

4) confirm the structure of machinery and personnel list of audit commission within confirmed staff size and means, provided in local budget;

5) introduce for consideration of maslikhat of region, city of republican significance, a capital city of candidacy to the post of members of audit commission of region, city of republican significance, a capital city, as well as suggestion on their excuse from the post.

By decision of the dean of audit commission the presentation of annual report on budget execution of district (city of republican significance) in relevant maslikhat, except of annual report on budget execution of region, city of republican significance, a capital city, may be imposed to the one of the member of audit commission.

2. Members of audit commission shall:

1) organize and carry out controlling, expert - analytical, informational and other activity of audit commission;

2) have responsibility, provided by the Laws of the Republic of Kazakhstan.

3. Excuse from the post of the dean and members of audit commission of region, city of republican significance, a capital city shall be carried out with relevant maslikhat on the basis, provided by the Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

4. Machinery of audit commission shall consist from employers, that shall be administrative state employees.

Machinery of audit commission shall provide holding of control activities, information analysis, legal, consultative, organizational and other activity of audit commission.

5. Employers of machinery of audit commission shall be obliged to pass a raising qualification, on results of which shall be issued a certificate on proficiency testing.

Raising qualification with following certification shall be carried out once every three years in procedure, determined by the Accounts committee on controlling for republican budget execution.

Article 25-3. Organization of activity of audit commission of regions, cities of republican significance, a capital city.

1. Activity of audit commission of regions, cities of republican significance, a capital city shall be carried out in accordance with annual and quarter plans, confirmed by the dean of audit commission of region, city of republican significance, a capital city.

Planning of control activity of audit commissions of regions, cities of republican significance, a capital city shall be carried out on the basis of system of risk management.

2. Audit commission of region, city of republican significance, a capital city shall be direct an annual report on budget execution for consideration and confirmation:

to the maslikhat of region, city of republican significance, a capital city until 20 May of this year;

to the maslikhat of district (city of regional significance), entered in relevant region until 20 April of this year.

3. Upon the request of Accounts committee on controlling for republican budget execution of audit commission of regions, cities of republican significance, a capital city shall represent the information on local budget execution, as well as on amends in confirmed plans of works.

4. Annual work plans of audit commission of region, city of republican significance, a capital city shall seize the objects of control, financed from region budget, budget of city of republican significance, a capital city, as well as from district budgets, cities of regional significance, entering into the composition of relevant region, for carrying out external control in reporting year on its administrative - territorial entity, as well as taxing authority, provided completeness and timeliness of incomes to the local budget.

5. Financing of activity of audit commissions of regions, cities of republican significance, a capital city shall be carried out at the expense of budgets of regions, cities of republican significance, a capital city.

Control of financial activity of audit commissions of regions, cities of republican significance, a capital city shall be carried out with consent or under instructions of maslikhat of region, city of republican significance, a capital city.

6. Powers and procedure of work of audit commission of region, city of republican significance, a capital city shall be determined by this Law, budget legislation of the Republic of Kazakhstan, provision and reglament.

Provision on audit commission of region, city of republican significance, a capital city shall be confirmed by relevant maslikhat.

Reglament of audit commission shall be determined by audit commission of region, city of

republican significance, capital.

Footnote. Article 25-3 as amended by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No 121-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 3. Akims and akimats. Formation, competence and organization of activity

Article 26. Akimats of region, the city of republican significance, capital. Formation and composition.

1. Regional, city of republican significance, a capital city akimat shall enter into unified system of executive bodies of the Republic of Kazakhstan, shall provide conducting of national politics of executive power taken with the interests and needs of development of relevant territory.

2. Regional, city of republican significance, a capital city akimat hosted by akim of region, the city of republican significance, a capital city.

3. Region, city of republican significance, a capital city akimat shall be formed by akim from assistant of akim, head of machinery, first heads of executive bodies, financed from the local budget.

4. The procedure of preparation and holding of sittings of akimat of region, city of republican significance, a capital city, as well as making by them decisions shall be determined by the reglament of akimat.

Typical reglament shall be confirmed by the Government of the Republic of Kazakhstan.

5. The personal composition of akimat shall be conformed by decision of session of region , city of republican significance, a capital city of maslikhat.

6. In the work of akimat of region, city of republican significance, a capital city may participate with the right of consultative vote of the heads of territorial subdivisions of the central state bodies.

7. Regional (city of republican significance, a capital city) akimat - a collegial body, which shall not be a legal entity.

Article 27. The competence of akimat of region, city of republican significance, a capital city.

1. Akimat of region, city of republican significance, a capital city in accordance with the legislation of the Republic of Kazakhstan shall:

1) develop and approve the forecast of the social and economic development and shall represent for confirmation of maslikhat the program of development of region, city of republican significance, a capital city, and provide its execution;

1-1) (is excluded by the Law of the Republic of Kazakhstan dated 04.12.2008 No 97-IV (the order of enforcement see Article 2));

1-2) represent the project of regional budget, the city budget of republican significance , capital city in relevant maslikhat in accordance with the budget legislation of the Republic of Kazakhstan;

1-3) represent in relevant maslikhat and audit commission of region, city of republican significance, a capital city an annual report on execution of regional budget, the city budget of republican significance, a capital city;

1-4) accept a regulation on realization of decision of regional maslikhat and maslikhats of the city of republican significance, a capital city on relevant budgets on relevant financial year;

1-5) is excluded by the Law of the Republic of Kazakhstan dated 03.12.2013 No 150-V (

shall be enforced from 01.01.2014);

1-6) (is excluded by the Law of the Republic of Kazakhstan dated 04.12.2008 No 97-V (the order of enforcement see Article 2)

1-7) form the budget commission of region, city of republican significance, a capital city, shall confirm a provision on it and determine its composition.

In case of consideration of issues, affected the interests of subjects of private enterprise, to the work of budget commissions shall be involved the representatives of National house of enterprises of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan;

1-8) confirm the regional financial plan and financial plan of the city of republican significance, a capital city on the first quarter of relevant financial year in the cases, provided by the budget legislation of the Republic of Kazakhstan;

1-9) provide inclusion of actions of energy conservation and increasing of energy efficiency in the program of development of relevant territory, make agreement in the field of energy conservation and increasing of energy efficiency, as well as shall carry out an information activity in the field of energy conservation and increasing of energy efficiency;

1-10) provide conducting of state politics in the field of energy conservation and increasing of energy efficiency;

2) manage the regional, city of republican significance, a capital city of community property, carried out the actions of its protection;

3) assist to execution by citizens and organizations of the Constitution propositions of the Republic of Kazakhstan, the Laws, acts of the President and the Government of the Republic of Kazakhstan, regulatory legal acts of central and local state bodies;

4) provide conditions for development of entrepreneurial activity and investment climate on the territory of region, city of republican significance, a capital city;

5) provide rational and effective functioning of the agricultural sector;

6) in accordance with the scheme of siting of labor forces of the Republic of Kazakhstan shall develop the preliminary regional plan of region, general layouts of building of regional center, city of republican significance and a capital city, introduce them on consideration in the maslikhat of region, city of republican significance, a capital city; act as a customer of construction, reconstruction and repair of objects of region, city of republican significance, a capital city of community property and objects of social - cultural assignment of region significance, city of republican significance, a capital city, grant a permission on construction of public networks and installations; develop the schemes of district planning of administrative districts, general layouts of building of regional centers, cities of region significance and represent them on confirmation to the regional maslikhat;

6-1) carry out the monitoring of planned to the construction of (reconstruction, enlargement, modernization, capital repair) objects on catchment area of objects and complexes;

7) organize the construction and operation of water pipes, purification works, heat and electric network, situated in communal property, and other objects of transport and engineering infrastructure of the city of republican significance, a capital city;

8) carry out the regulation of land relations in accordance with the land legislation of the Republic of Kazakhstan;

8-1) carry out the regulation of water relationships in accordance with the legislation of the Republic of Kazakhstan;

9) organize the state ecological expertize of objects II, III and IV categories, grant a permission to users of nature on the emission to the environment for the objects II, III and IV categories, hold environmental measures, regulate the natural resource use within its competence;

10) provide the construction, teaming - up and maintenance of roads of regional significance;

11) provide the observation of national standards;

11-1) is excluded by the Law of the Republic of Kazakhstan dated 21.07.2011 No 468-IV (shall be enforced upon expiry of ten calendar days after its first official publication);

12) organize the ensuring of protection of public procedure and security on the territory of region, city of republican significance, a capital city;

13) organize the carriage of passengers in accordance with the legislation of the Republic of Kazakhstan in the scope of transport;

14) provide the realization by citizens of right on guaranteed volume of free medical care with observation of established national standards;

14-1) provide activities in the field of health care service, except of directions financed from the republican budget;

14-2) carry out control for staff assistance of organizations of health care service of state-owned legal entity;

15) provide realization of citizens the right for free education;

16) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

16-1) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

16-2) execute other powers in the scope of rendering of socially - legal assistance to the convicted persons, registered in a record of probation service of penal inspection in accordance with the legislation of the Republic of Kazakhstan;

17) coordinate the social assistance to vulnerable social group;

17-1) coordinate organization and carrying out of social adaptation and rehabilitation of persons, served out the criminal sanction;

18) organize the work of security and using the historical - cultural heritage, promote to development of historical, national and cultural traditions and customs of population, the development of physical fitness and sports;

18-1) carry out the state control for condition of using and procedure of content, as well as execution of archeological and scientific - restoration works on historical monuments and culture of local significance;

19) coordinate the work of district (cities of republican significance) akimats, akims of districts in the city on issues, included in its competence, as well as on creation of legal, organizational conditions for making and developing of local self - government;

19-1) establish and bring up to the district (city of regional significance) akimat the limit of staff size of executive bodies, financed from district (city of regional significance) budget, within general limit and regulations of staff size of local executive bodies, confirmed by the government of the Republic of Kazakhstan;

19-2) no more than once a year shall have the right to give additional staff size beyond the minimum regulations of staff size of machinery of akims of villages, townships, urban districts, confirmed by the government of the Republic of Kazakhstan, within the general limit of staff size of local executive bodies.

20) in accordance with the legislation of the Republic of Kazakhstan introduce for consideration of relevant maslikhat the suggestion on making decisions on borrowing;

21) form the consultative and advisory bodies on issues of interdepartmental nature with the assistance of representatives of the National house of enterprises of the Republic of Kazakhstan on issues, affected the interests of subjects of private enterprise, according to the legislation of the Republic of Kazakhstan;

21-1) render E - services with the application of informational system within its competence in accordance with the legislation of the Republic of Kazakhstan on informatization;

21-2) provide maintenance and filling of information system "Address register";

21-3) develop and confirm the rules on maintaining the procedure of assignment of names and renaming of component of inhabited locality, the requirements to the assignment of serial number to the plots of land, buildings and constructions;

21-4) develop and confirm on agreement of authorized body in the scope of informatization of provision on the procedure of registration and structure of address in information system " Address register";

22) create the state agencies and enterprises, establish the limit of staff size of

executive bodies, financed from regional, city of republican significance, a capital city of budget within the limit and regulations of staff size, confirmed by the Government of the Republic of Kazakhstan. The staff size of bodies of internal affairs, financed from the local budgets, shall be determined in accordance with the legislation of the Republic of Kazakhstan;

22-1) (is excluded - dated 7July, 2006 No 178 (shall be enforced from the date of its official publication);

22-2) is excluded by the Law of the Republic of Kazakhstan dated 26.12.2012 No 61-V (shall be enforced from 01.01.2013);

22-3) carry out a licensure, conduct of state attestation in the cases and procedures, established by the legislation of the Republic of Kazakhstan on a licensure;

22-4) conform the decision of taxing authority at the place of registration accounting of tax payers on changing the terms of execution of tax duties on taxpaying, incoming in total volume in regional, city of republican significance, capital city of budget;

22-5) (is excluded - dated 5July, 2006 No 166 (shall be enforced from the date of its official publication);

22-6) (is excluded - dated 7July, 2006 No 174).

22-7) is excluded by the Law of the Republic of Kazakhstan dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011);

23) develop and represent for confirmation of maslikhat the project of rules of conferment the title of "Honorary citizen of region (city, district);

24) carry out the collection, analyze and provide in authorized body in the field of state regulation of trade and industrial policy the information on kazakh content in buying up of organizations according to the list, confirmed by the Government of the Republic of Kazakhstan, in form and on term, establishing by the legislation of the Republic of Kazakhstan;

25) form the list of goods, works and services, executed on the territory of region, city of republican significance, a capital city, and its producers;

26) organize the activity on prevention of terrorism, as well as minimization and (or) winding-up of consequences of terrorism on the territory of region, city of republican significance, a capital city through antiterrorist commission;

26-1) participate in prevention of extraordinary situations of social nature, as well as minimization and (or) winding-up of consequences of terrorism on the territory of region, city of republican significance, a capital city;

27) carry out the handover to the property of citizens dwelling from the communal housing funds on terms, provided by the legislative acts of the Republic of Kazakhstan, and in the procedure, determined by the Government of the Republic of Kazakhstan;

28) develop and represent for confirmation in the maslikhat the rules of preparation and conducting of cold season.

1-2. Akimat of the city of republican significance, a capital city shall develop the rules of rendering a social assistance, establishing of sizes and determining of list of separate categories of needy citizens on the basis of model rules, confirmed by the Government of the Republic of Kazakhstan.

1-3. Akimat of region, city of republican significance, a capital city shall carry out other powers in the interest of local government, imposed on it by the legislation of the Republic of Kazakhstan.

2. Akimat of region, city of republican significance, a capital city shall have responsibility for realization of the functions imposed on it before regional, city of republican significance, a capital city by maslikhat.

Footnote. Article 27 as amended by the Laws of the Republic of Kazakhstan dated 25.04.2001 No 179; dated 24.12.2001 No 276 (shall be enforced from 01.01.2002); dated 11.05.2004 No 552 (the order of enforcement see Article 2); dated 20.12.2004 No 13 (shall be enforced from 01.01.2005); dated 21.12.2004 No 15 (shall be enforced from 01.01.2005); dated 15.04.2005 No 45; dated 10.01.2006 No116 (the order of enforcement see Article 2); dated 05.07.2006 No 165 (the order of enforcement see Article 2); dated 07.07.2006 No171 (the order of enforcement see Article 2); dated 11.12.2006 No201 (shall be enforced from 01.01.2007);

dated 11.01.2007 No 218 (shall be enforced from the date of its official publication); dated 19.06.2007 No 264 (the order of enforcement see Article 2); dated 21.07.2007 No 307 (the order of enforcement see Article 2); dated 04.12.2008 No 97-IV (the order of enforcement see Article 2); dated 09.02.2009 No 126 (the order of enforcement see Article 2); dated 29.12.2009 No 233-IV (the order of enforcement see Article 2); dated 20.01.2010 No 239-IV; dated 02.04.2010 No 263-IV (shall be enforced from 01.01.2010); dated 08.04.2010 No 266-IV (the order of enforcement see Article 2); dated 28.12.2010 No 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.01.2011 No 383-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 21.07.2011 No 465-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.07.2011 No 468-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2012 No 542-IV (the order of enforcement see Article 2); dated 15.02.2012 No 556-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No 31-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 26.12.2012 No 61-V (shall be enforced from 01.01.2013); dated 08.01.2013 No 63-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 08.01.2013 No 64-V (shall be enforced from 01.01.2013); or 13.06.2013 № 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No121-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 04.07.2013 No 130-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.12.2013 No 150-V (shall be enforced from 01.01.2014).

Article 28. The procedure of appointment to a post and excuse from the post of akim of region, city of republican significance, a capital city

1. Akim of region, city of republican significance, a capital city shall be appointed to a post by the President of the Republic of Kazakhstan with consent of maslikhat of region, city of republican significance, a capital city. The procedure of coordination by maslikhat the appointment to a post of akim of region, city of republican significance, a capital city shall be determined by this Law.

2. Akim of region, city of republican significance, a capital city shall be excused from the post by the President of the Republic of Kazakhstan.

3. The powers of akim of region, city of republican significance, a capital city upon entering to the post of the new President of the Republic of Kazakhstan of relevant akim.

Footnote. Article 28 as amended by the Laws of the Republic of Kazakhstan dated 09.02.2009 No126 (the order of enforcement see Article 2); dated 13.06.2013 No 101-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 29. The competence of akim of region, city of republican significance, a capital city

1. Akim of region, city of republican significance, a capital city in accordance with the legislation of the Republic of Kazakhstan shall:

1) represent the interests of region, city of republican significance, a capital city in relationship with state bodies, organizations and citizens;

2) have the right to introduce to the heads of the central executive bodies the presentation on activity of territorial subdivision of the central state body in part of

execution by them the Laws, acts of the President and the Government of the Republic of Kazakhstan, acts of akim and akimat of region. In removing by territorial subdivisions of central state body the shortcomings in the work of part of laws enforcement, acts of the President and the Government of the Republic of Kazakhstan akim of region shall have the right to introduce the relevant conclusion to the President and the Government of the Republic of Kazakhstan;

3) introduce to the President of the Republic of Kazakhstan the presentation on awarding of state rewards, awarding of honorary and other titles to the relevant persons;

3-1) introduce to the relevant maslikhat the presentation of awarding the title “Honorary citizen of region (city)”;

4) assign to a post and excuse from the post the following civil servants:

assistants of akim of region, city of republican significance, a capital city in coordination with superior authorized state bodies, cutoff number of which shall be determined by the Government of the Republic of Kazakhstan;

line managers of machinery of akim of region, city of republican significance, a capital city;

head of executive bodies, financed from regional, city of republican significance, a capital city budget, except for the heads, by which in the procedure established by the legislation of the Republic of Kazakhstan shall be afforded a right of wearing service dress and awarded a military or other special rank. Assignment and excuse from the post of the heads of subdivisions of bodies of internal affairs, financed from the local budgets, shall be carried out in accordance with the legislation of the Republic of Kazakhstan;

5) decide the issues of application to the heads of executive bodies, financed from regional, city of republican significance, a capital city budget, as well as to akims of districts (cities of regional significance, district in the city of republican significance, district in a capital city) actions of disciplinary responsibility in accordance with the legislation of the Republic of Kazakhstan. The procedure of imposing of disciplinary sanctions on the workers of bodies of internal affairs, financed from local budgets, shall be carried out in accordance with the legislation of the Republic of Kazakhstan;

6) coordinate the work of districts (cities of regional significance, district in the city of republican significance, district in a capital city) akimats and akims;

7) interact with the bodies of local self - government through the akims of district (cities of regional significance, district in the city of republican significance, district in a capital city);

8) introduce for consideration of relevant maslikhats the schemes of management of administrative - territorial entity, formed in terms of basic structures of local state management, confirmed by the Government of the Republic of Kazakhstan;

9) represent the personnel of consultative and advisory bodies on issues of interdepartmental nature for confirmation to the maslikhat;

10) (is excluded)

11) organize and provide the execution of the legislation of the Republic of Kazakhstan on defense and Services within its competence, on issues of military obligation and military service, civil defense, as well as mobilization training and mobilization;

12) participate in signing of contracts, as well as in the control for its execution on issues of privatization, rents, sales of enterprises, places of birth and other objects of state property on level with authorized state body of the Republic of Kazakhstan;

13) carry out the control for the activity of inferior akims.

2. Akim of region, city of republican significance, a capital city shall carry out other powers in accordance with the legislation of the Republic of Kazakhstan.

3. Akim of region, city of republican significance, a capital city shall have the right to delegate the exercising of its separate powers to inferior akims.

4. Akim of region, city of republican significance, a capital city on issues of its competence and on issues, related to the competence of regional, city of republican significance, a capital city of akimat, shall bear responsibility before the President and the

Government of the Republic of Kazakhstan.

Footnote. Article 29, as amended by the Laws of the Republic of Kazakhstan, dated 11.05.2004 No 552 (the order of enforcement see Article 2); dated 09.02.2009 No 126 (the order of enforcement see Article 2); dated 06.01.2011 No 379-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No 101-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 30. District (cities of regional significance) akimats. Formulation and composition.

1. District (city of regional significance) akimat shall be entered into unified system of executive bodies of the Republic of Kazakhstan, provide the holding of national policy of executive power taken with the interests and development needs of relevant territory.

2. District (city of regional significance) akimat shall be hosted by akim of district (city of regional significance).

3. District (city of regional significance) akimat shall be formed by akim from assistants of akim, head of machinery of akim of district (city of regional significance), chief executive officers of relevant executive bodies.

4. The procedure of preparation and holding of meetings of district (city of regional significance) akimat, as well as taking by them the decisions shall be determined by the reglament of akimat.

5. Personnel of akimat shall be conformed by the decision of session of maslikhat of district (city of regional significance).

6. In the work of district akimat may participate with the right of consultative vote of the head of territorial subdivisions of the central state bodies.

7. District (city of regional significance) akimat - a collegial body, which shall not be a legal entity.

Footnote. Article 30, as amended by the Law of the Republic of Kazakhstan, dated 10 January, 2006 No 116 (the order of enforcement see Article 2 of the Law No 116).

Article 31. The competence of district (city of regional significance) akimat

1. District (city of regional significance) akimat in accordance with the legislation of the Republic of Kazakhstan shall:

1) (is excluded by the Law of the Republic of Kazakhstan dated 04.12.2008 No 97-IV (the order of enforcement see Article 2));

1-1) provide the budget execution of district (city of regional significance);

1-2) represent in relevant maslikhat and audit commission of region an annual report on budget execution of district (city of regional significance);

1-3) accept a regulation on realization of decision of maslikhat of district (city of regional significance) on district budget (city of regional significance) on relevant financial year;

1-4) confirm the budget programs of administrators of budget programs, financed from the budget of district (city of republican significance);

1-5) (is excluded by the Law of the Republic of Kazakhstan dated 04.12.2008 No 97-IV (the order of enforcement see Article 2))

1-6) form the budget commission of district (city of regional significance), confirm the provision of its and determine its composition.

In case of examination of issues, affected the interests of subjects of private enterprise, to the work of budget commissions shall be involved the representatives of the

National house of enterprises of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan;

1-7) confirm the regional financial plan of district (city of regional significance) on the first quarter of relevant financial year in the cases, provided by the budget legislation of the Republic of Kazakhstan;

1-8) develop and approve the forecast of the social and economic development, represent for consideration of maslikhat the development program of district (city of regional significance), provide its execution;

1-9) provide the inclusion of actions of energy conservation and increasing of energy efficiency in the development program of relevant district, city of regional significance, as well as carry out information activity in the field of energy conservation and increasing of energy efficiency;

1-10) provide the holding of state policy in the field of energy conservation and increasing of energy efficiency;

2) manage of district (city of republican significance) communal property in accordance with the legislative acts, carry out the actions of its protection;

2-1) determine the list of district communal property, transferred in management of akim of the city of district significance, village, township, urban district;

3) assist to execution by citizens and organizations of the Constitution provisions of the Republic of Kazakhstan, the Laws, acts of the President and the Government of the Republic of Kazakhstan, regulatory legal acts of the central and local state bodies;

4) provide conditions for development of entrepreneurial activity and investment climate on the territory of district (city of regional significance);

5) provide a rational and effective functioning of the agriculture sector;

6) develop the general layouts of building of rural settlements and villages, located on the territory of this district (city of regional significance), and represent them for confirmation in the district (city of regional significance) maslikhat, act as a customer of construction, reconstruction and repair of objects of district (city of regional significance) communal property and objects of social - cultural assignment, grant a permission on construction of intra-rural settlement (intra-city) and intra-district of public networks and installations;

7) organize construction and operation of water pipes, purification works, heat and electric network and other objects of transport and engineering infrastructure of the district (city of republican significance);

8) provide the organization of actions on military postscript and drafting to the military service, as well as on issues of civil defense;

9) organize the carriage of passengers in accordance with the legislation of the Republic of Kazakhstan in the scope of transport;

10) carry out the regulation of land relations in accordance with the land legislation of the Republic of Kazakhstan;

11) organize the construction, operation and maintenance of roads of district (city of regional significance) significance;

12) organize the construction of communal housing funds and its distribution;

12-1) organize the saving of communal housing fund;

12-2) make an inventory of housing fund;

12-3) carry out a seizure, as well as by redemption, the plots of land for state requirements;

12-4) hold the actions, directed to the maintenance of seismic resistance of residential buildings, located in earthquake-prone regions of the Republic;

12-5) organize the demolition of emergency dwelling;

12-6) is excluded by the Law of the Republic of Kazakhstan dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication);

12-7) provide by dwelling the separate categories of citizens in accordance with the legislative acts of the Republic of Kazakhstan;

12-8) carry out the transfer to the ownership of citizens dwelling from communal housing fund on terms, provided by the legislative acts of the Republic of Kazakhstan, and in the procedure, determined by the Government of the Republic of Kazakhstan;

13) is excluded by the Law dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

14) decide the issues of social protection of population, protection of motherhood and childhood, render the address assistance to vulnerable social group, coordinate rendering them the beneficent help and assist to staff assistance of village the organizations of health care service;

14-1) provide the organization and carrying out the social adaptation and rehabilitation of persons, served out the criminal sanctions;

14-2) is excluded by the Law of the Republic of Kazakhstan dated 01.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

14-3) execute other powers in the scope of rendering of socially - legal assistance to the convicted persons, registered in record of probation service in accordance with the legislation of the Republic of Kazakhstan;

15) introduce the suggestion on announcement by secured monuments of nature, history and culture located on the territory of district (city of regional significance) natural and other objects, represented ecological, historical, cultural and scientific value;

16) decide the issues of public services and amenities and external design of public places;

17) form the consultative and advisory bodies on issues of interdepartmental nature with the assistance of representatives of the National house of enterprises of the Republic of Kazakhstan on issues, affected the interests of subjects of private enterprise, according to the legislation of the Republic of Kazakhstan;

17-1) render E - services with the application of informational system within its competence in accordance with the legislation of the Republic of Kazakhstan on informatization;

18) organize the holding of veterinary actions on relevant territory, the construction and content of special storage (burial), used in animal breeding, as well as carry out the organization of diseased animal slaughter of affected animal;

19) carry out the realization by citizens the right for free primary, basic secondary and general secondary education;

20) create in the procedure, established by the legislation of the Republic of Kazakhstan , the government facilities and governmental enterprises, establish the limit of staff size of executive bodies, financed from regional (city of regional significance) budget within the limit of staff size, by regional executive body and regulations, established by the Government of the Republic of Kazakhstan.

21) conform the decision of taxing authority at the place of registration accounting of tax payers on changing the terms of execution of tax duties on taxpaying, incoming in total volume in regional (city of regional significance) budget;

22) carry out licensure in the cases and procedure, established by the legislation of the Republic of Kazakhstan;

23) organize the activity on prevention of terrorism, as well as minimization and (or) winding-up of consequences of terrorism on the territory of district, city of regional significance through antiterrorist commission;

23-1) participate in prevention of extraordinary situations of social nature, as well as minimization and (or) winding-up its consequences on the territory of region, city of republican significance;

24) develop the rules of rendering a social assistance, establishing of sizes and determining of list of separate categories of needy citizens on the basis of model rules, confirmed by the Government of the Republic of Kazakhstan.

25) organize the development work of physical culture and sport;

2. Akimat of region, city of regional significance shall carry out other powers in the interest of local government imposed on it by the legislation of the Republic of Kazakhstan.

3. District (city of regional significance) akimat shall have responsibility for realization of the functions imposed on it before district (city of republican significance) maslikhat.

4. The powers, imposed by this Article on district (city of regional significance) akimats, in the city of republican significance (a capital city) shall be carried out by city akimats.

Footnote. Article 31 as amended by the Laws of the Republic of Kazakhstan dated 11May, 2004 No 552 (the order of enforcement see Article 2); dated 20 December, 2004 No 13 (shall be enforced from 1January, 2005); dated 21 December, 2004 No 15 (shall be enforced from 1January, 2005); dated 15April 2005 No 45; dated 10January, 2006 No116 (the order of enforcement see Article 2 of the Law No 116); dated 5July, 2006 No 165 (the order of enforcement see Article 2); dated 7July, 2006 No 171 (the order of enforcement see Article 2); dated 11January, 2007 No 218 (shall be enforced from the date of its official publication); dated 27July, 2007 No 320 (the order of enforcement see Article 2); dated 04.12.2008 No 97-IV (the order of enforcement see Article 2); dated 09.02.2009 No 126 (the order of enforcement see Article 2); dated 02.04.2010 No 263-IV (shall be enforced from 01.01.2010); dated 08.04.2010 No 266-IV(the order of enforcement see Article 2); dated 28.12.2010 No 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.01.2011 No 383-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 21.07.2011 No 465-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2012 No 542-IV (shall be enforced upon expiry of six months after its first official publication); dated 15.02.2012 No 556-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 08.01.2013 No 63-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 08.01.2013 No 64-V (shall be ebforced from 01.01.2013); dated 13.06.2013 No 101-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No 121-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 04.07.2013 No 130-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 32. The procedure for appointment to a post, excuse from the post and termination of powers of akim of district (city of regional significance)

1. Akim of district (city of regional significance) shall be appointed or elected to a post in the procedure, determined by the President of the Republic of Kazakhstan. The procedure of coordination by maslikhat of appointment to the post of akim of district (city of regional significance) shall be defined by this Law.

2. Akim of district (city of regional significance) shall be excused from the post and terminated its powers in the procedure, determined by the President of the Republic of Kazakhstan.

Footnote. Article 32 as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No 101-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 33. The competence of akim of district (city of regional significance)

1. Akim of district (city of regional significance) in accordance with the legislation shall:

1) represent the interests of relevant administrative-territorial entity in relationship with state bodies, organizations and citizens;

2) have the right to introduce the presentation on activity of territorial subdivision of the central state body to akim of region in part of execution by them the Constitution, the Laws, acts of the President and the Government of the Republic of Kazakhstan.

3) introduce the presentation on awarding of state rewards, awarding of honorary and other titles to the relevant persons to akim of region;

3-1) introduce the presentation for the awarding a title "Honorary citizen of district" to the district maslikhat;

4) appoint to a post and excuse from the post the following civil servants:

assistants of akim of district (city of regional significance) in coordination with superior authorized state bodies, cutoff number of which shall be determined by the Government of the Republic of Kazakhstan;

employers of machinery of akim, as well as the heads of executive bodies, financed from district (city of regional significance) budget;

5) take actions of protection of rights and freedoms of citizens;

6) interact with the bodies of local self - government;

6-1) determine the executive body, financed from relevant local budget, as an authorized body for transaction of register of non-professional mediators;

7) (is excluded)

8) support and provide assistance in logistical support of preschool organizations, state organizations of education, realizing general education program of primary, basic secondary and general secondary education (except the organizations of education in correction facility of correctional system), establishments of social and cultural sphere;

9) (is excluded);

10) assist to tax collection and other obligatory payments to the budget;

11) introduce for consideration the schemes of management of administrative - territorial entity, formed in terms of basic structures of local state management of relevant maslikhats, confirmed by the Government of the Republic of Kazakhstan;

12) represent the personnel of consultative and advisory bodies on issues of interdepartmental nature for confirmation to the maslikhat;

13) organize and provide the execution of the legislation of the Republic of Kazakhstan within its competence on issues of military obligation and military service, civil defense, as well as mobilization training and mobilization;

14) coordinate the work of inferior akims on issues, included to its competence, as well as on creation of legal, organizational conditions for making and developing of local self - government;

15) carry out the control for activity of inferior akims.

2. To transaction of akim of district (city of regional significance) by the legislation of the Republic of Kazakhstan may be related the decision of other issues.

3. Akim of district (city of regional significance) shall have the right to delegate the exercising its separate powers by inferior akims.

4. Akim of district (city of regional significance) on issues of its competence and on issues, related to the competence of district (city of regional significance) akimat, shall have responsibility before the President, the Government of the Republic of Kazakhstan and akim of region.

Footnote. Article 33 as amended by the Laws of the Republic of Kazakhstan dated 11.05.2004 No 552 (the order of enforcement see Article 2); dated 10.01.2006 No 116 (the order of enforcement see Article 2); dated 27.07.2007 No 320 (the order of enforcement see Article 2) ; dated 09.02.2009 No 126 (the order of enforcement see Article 2); dated 13.06.2013 No 101-V(shall be enforced upon expiry of ten calendar days after its first official publication); dated

13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No 121-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 34. District in the city of republican significance (a capital city), city of district significance, township, village, rural district akimats

District in the city of republican significance (a capital city), city of district significance, township, village, rural district akimats shall not be formed.

Article 35. The competence of akim of district in the city, city of district significance, township, village, rural district

1. Akim of district in the city, city of district significance, township, village, rural district in accordance with the legislation of the Republic of Kazakhstan shall:

1) be the civil servant of relevant district (city) akimat on the territory of relevant administrative – territorial entity and act on his name without power in relationship with state bodies, organizations and citizens;

2) consider appeals, applications, complaints from citizens, take actions for protection the rights and freedoms of citizens;

3) assist to tax collection and other obligatory payments to the budget;

4) develop and introduce the budget programs, of which the machinery of akim shall act as administrator, to the superior akimat for confirmation by relevant maslikhat;

4-1) in developing of budget programs, of which the machinery of akim shall act as administrator, bring up for discussion of meeting of local association the suggestion on financing the issues of local significance in the direction of, provided in budget composition of district (city of region significance) in accordance with the budget legislation of the Republic of Kazakhstan;

5) assist to the execution of the Constitution provisions of the Republic of Kazakhstan, the Laws, acts of the President and the Government of the Republic of Kazakhstan, regulatory legal acts of central and local state bodies by citizens and legal entities;

6) carry out the regulation of land relations within its competence;

7) provide the saving of communal housing fund of the city of district significance, township, village, rural district, as well as the construction, reconstruction, repair and maintenance of auto road in the cities of district significance, townships, villages, rural districts;

8) assist to organization of peasant and farm enterprises, developing of entrepreneurial activity;

9) organize and provide the execution of the legislation of the Republic of Kazakhstan within its competence on issues of military obligation and military service, civil defense, as well as mobilization training and mobilization;

10) organize a commission of notarial actions, registration of acts of civil state in locations, where is no law enforcement bodies in the procedure, established by the legislation of the Republic of Kazakhstan;

11) organize the work of saving of historical and culture heritage;

12) reveal needy persons, introduce the suggestion on ensuring employment, rendering of social address assistance, organize the service of lonely senior citizens and unemployable citizens at home to the superior bodies;

12-1) provide the employment of persons, that are registered in record of probation service of penal inspection, and render other socially – legal assistance;

12-2) organize assistance to disabled persons;

- 12-3) organize public works, youth practice and social work places;
- 12-4) organize in association with authorized body on physical culture and sport and public associations of disabled persons the holding of health-giving and sporting events among disabled persons;
- 12-5) organize in association with public associations of disabled persons of cultural events and outreach campaigns;
- 12-6) coordinate the rendering of charitable and social assistance to disabled persons;
- 12-7) coordinate the rendering of vulnerable social group of charitable assistance;
- 12-8) assist to staffing of village organizations of health care service;
- 13) assist to development of local social infrastructure;
- 14) organize a public traffic;
- 14-1) in case of need of rendering of emergency care, organize delivering of patients to the nearest public health organization, rendering medical aid;
- 15) interact with the bodies of local self - government;
- 16) carry out the household record;
- 17) participate in the work of sessions of maslikhat of the city, district (city of regional significance) upon confirmation (itemization) of local budget;
- 18) provide the activity of organizations of nursery education and education, culture establishments, except of culture establishment located in the city of republican significance, a capital city, cities of regional significance;
- 19) organize water supply of inhabited locality and regulate the issues of water using within its competence;
- 20) organize the works of public services and amenities, illumination, planting and cleaning up of inhabited locality;
- 21) organize the burial of rootless and public works of maintenance of cemetery and other burial places in proper condition;
- 22) conduct the register of non-professional mediators;
- 1-1. To the competence of akim of township, village, rural district as well as shall be related an introduction the suggestions on organizations of transport connection with district center, as well as organizing of free transportation of pupils to school and back to the countryside to the district executive body.
- 1-2. In case of deficiency of districts in the city of regional significance the functions, provided by the paragraph 1 of this Article, shall carry out akimat of the city of regional significance.
- 1-3. Akims of city of district significance, village, township, rural district in accordance with the legislation of the Republic of Kazakhstan shall:
 - 1) provide transferred to the management of district communal property to the property lease (lease) of individuals and non-state legal entities without right of following redemption;
 - 2) determine the priority of activity and obligatory volume of works (services), financed from budget, transferred to communal state enterprises;
 - 3) provide the safety of transferred communal property;
 - 4) carry out the management of transferred district communal legal entities;
 - 5) conform an annual financial record of transferred to the management of district communal state enterprise, confirming by the decision of local executive body;
 - 6) establish the quotation for goods (works, services), produced and realized of transferred to the management of communal public enterprises;
 - 7) confirm the individual plans of financing of transferred district communal state establishments from local budget;
 - 8) form income sources;
 - 9) provide an opening in the central authorized body on budget execution of cash control account of local self - government, intended for money transfer, directed by akims for realization of functions of local self - government;
 - 10) receive the employers by employment agreement at the expense of saving of budget

means and (or) credits, provided by the legislation of the Republic of Kazakhstan on local government and self - government;

11) confirm the plan of credit and spending of money of local self - government after coordination with meeting of local association;

12) formulate and confirm the composite plan of credit and spending of money from realization by state establishments of goods (works, services), remaining at their disposal, in accordance with the budget legislation of the Republic of Kazakhstan.

2. To the introduction of akim of district in a city, city of district significance, township, village, rural district by the legislation of the Republic of Kazakhstan may be related the decision of other issues.

3. Akim of district in a city, city of district significance, township, village, rural district shall have responsibility for realization of the functions imposed on it before superior akim, district (city of regional significance), city of republican significance. A capital city by maslikhat on issues, related to its competence.

Footnote. Article 35 as amended by the Laws of the Republic of Kazakhstan dated 11.05.2004 No 552 (the order of enforcement see Article 2); dated 20.12.2004 No 13 (shall be enforced from 01.01.2005); dated 21.12.2004 No 15 (shall be enforced from 01.01.2005); dated 10.01.2006 No 116 (the order of enforcement see Article 2 of the Law No 116); dated 09.02.2009 No 126(the order of enforcement see Article 2); dated 19.03.2010 No 258-IV; dated 28.01.2011 No 402-IV (shall be enforced from 05.08.2011); dated 24.03.2011 No 420-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.02.2012 No 556-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No 101-V(shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 36. The procedure of appointment or election to a post, excuse from the post or termination of powers of akim of district in a city, city of district significance, village, township, rural district.

Footnote. Title is in the wording of the Law of the Republic of Kazakhstan dated No 101-V (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Akim of district in a city, city of district significance, township, village, rural district shall be appointed or elected to a post in the procedure, determined by the President of the Republic of Kazakhstan.

2. Akim of district in a city, city of district significance, township, village, rural district shall be excused from the post and terminated its powers in the procedure, determined by the President of the Republic of Kazakhstan.

Footnote. Article 36 as amended by the Law of the Republic of Kazakhstan dated 11 May, 2004 No 552 (the order of enforcement see Article 2).

Article 37. Acts of akimat, akim

1. Akimat on the basis and in pursuance of the Constitution of the Republic of Kazakhstan , the Laws, acts of the President of the Republic of Kazakhstan, other regulatory legal acts shall issue the regulations.

2. Regulations of akimat shall be signed by akim.

3. Akim shall issue the decisions of regulatory- legal nature and instructions on issues of administrative - regulatory, operative and individual nature.

4. The acts of akimat and (or) akim, accepted within its competence, shall be binding over the whole territory of relevant administrative - territorial entity.

5. The effect of acts of akimat and (or) akim may be suspended by relevant procurator.

6. The acts of akimat and (or) akim, related to the rights, freedoms, and duties of citizens (except of acts, contained the state secrets of the Republic of Kazakhstan and other legally protected secret), shall liable to obligatory official publication.

7. The acts of akimat and (or) akim, carrying obligatory significance, related to the rights, freedoms, and duties of citizens, liable to state registration of territorial bodies of Ministry of justice of the Republic of Kazakhstan in established by the legislation of the Republic of Kazakhstan procedure.

8. The effect of acts of akimat and (or) akim, may be cancelled or suspended in whole or in part by the President, the Government of the Republic of Kazakhstan, superior akimat and (or) akim, personally by akimat and (or) akim, as well as by court decision.

Footnote. Article 37 as amended by the Law of the Republic of Kazakhstan dated 09.02.2009 No 126 (the order of enforcement see Article 2).

Article 38. The machinery of akim of region, city of republican significance, a capital city, district (city of region significance), district in a city, city of district significance, township, village, rural district

1. Research and information, procedural and institutional and logistical support of activity of akim shall be carried out by machinery of akim.

2. The machinery of akim of region, city of republican significance, a capital city, district (city of region significance) shall be formed, abrogated and reorganized accordingly by akimat of region, city of republican significance, a capital city, district (city of regional significance).

The machinery of akim of district in a city, city of district significance, township, village, rural district shall be formed, abrogated and reorganized by akimat of region, city of republican significance, a capital city, district (city of regional significance).

2-1. The head of machinery of akim of region, city of republican significance, a capital city, district (city of regional significance), district in a city shall be appointed to a post and excused from the post by authorized officer, determined by the President of the Republic of Kazakhstan, and in a procedure, established by the President of the Republic of Kazakhstan.

3. The issues of activity of state employees of machinery of akim in connection with termination of powers of akim, appointment or election the new akim shall be determined by the legislation of the Republic of Kazakhstan.

4. A provision of machinery of akim, its structure shall be confirmed by relevant akimat.

5. The machinery of akim shall be a state agency, contained at the expense of local budget.

Footnote. Article 38 as amended by the Laws of the Republic of Kazakhstan dated 11.05.2004 No 552 (the order of enforcement see Article 2); dated 21.12.2004 No 15 (shall be enforced from 1January, 2005); dated 13.06.2013 No 101-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 39. Executive bodies, financed from local budgets

1. Executive bodies, financed from local budgets, shall be formed, abrogated and reorganized by akimat of region, city of republican significance, a capital city, district (city of region significance) under the scheme of management of administrative - territorial entity, confirmed by the relevant maslikhat.

2. The competence and organization of activity of executive bodies, financed from local budgets, shall be determined by relevant akimat in compliance of requirements of the Laws of

the Republic of Kazakhstan.

Footnote. Article 39 as amended by the Law of the Republic of Kazakhstan dated 11 May, 2004 No 552 (the order of enforcement see Article 2).

Chapter 3-1. Citizen participation in a local self - government

Footnote. The law is supplemented by the chapter 3-1 in accordance with the Law of the Republic of Kazakhstan dated 09.02.2009 No 126 (the order of enforcement see Article 2).

Article 39-1. Grounds of participation of citizens in a local self - government

The grounds for recognition of the citizen of the Republic of Kazakhstan as a member of local community shall be a fact of his registration according to the place of residence on the territory of administrative - territorial entity, within which shall be carried out local self - government.

Establishment of any other conditions of the entry of citizens of the Republic of Kazakhstan to members of local community, except of ground, provided by this Law shall not be allowed.

Foreigners and stateless persons, having permanent place of residence on the territory of local community, shall have the right for participation in carrying out of local self - government within, established by this Law or international treaty.

Article 39-2. Rights and obligations of members of local community

1. Members of local community shall have the rights:

1) to carrying out directly of local self - government, as well as through elected bodies of local self - government independent from origin, social, capacity and property status, gender, race, nationality, language, attitude to religion, persuasions, belongings to political parties and public associations;

2) to elect and be elected to the elected bodies of local self - government in the procedure, provided by the legislation of the Republic of Kazakhstan on elections;

3) to address personally, as well as direct individual and collective applications to the bodies of local self - government;

4) to exercise of other rights, provided by this Law and other legislative acts of the Republic of Kazakhstan.

Limitation of rights of member of local community to participation in local self - government, except of the cases, provided by the legislative acts of the Republic of Kazakhstan shall not be allowed, and may be appealed through the courts against.

2. Members of local community shall be obliged:

1) to observe the Constitution and the legislation of the Republic of Kazakhstan;

2) to assist to advancing of unity of people of Kazakhstan and interethnic concord in the country;

3) to be respect to the state and other languages, traditions and customs of the people of Kazakhstan and promote to its development.

Article 39-3. Gatherings of local community and meeting of local community

1. In the territory of cities of district significance, villages, townships, rural districts for deciding the issues of local significance shall be held a gathering of local community and meeting of local community.

Non-adults, persons, adjudged by court as disabled, as well as persons, that are contained in places of deprivation of freedom under sentence of court shall have not a right to participate in the gathering of local community and in the meeting of local community.

2. The gathering of local community shall be held as and when needed of most important issues of local community:

- 1) definition of priority tasks of local community and terms of its realization;
- 2) definition of entry list of meeting of local community and term, on which they shall be delegated;
- 3) making suggestions to maslikhats of district (cities of regional significance), akims of regions (cities of regional significance), cities of district significance, villages, townships, rural districts, bodies of local self - government on issues of local significance;
- 4) hearing and discussion of report of akims on issues of carrying out by them the functions of local self - government;
- 5) hearing and discussion of report of maslikhat on executed work of maslikhat of district (city of regional significance), activity of its permanent commissions;
- 6) other issues of local significance, established by gathering of local community.

3. The meeting of local community shall be held on current issues of local significance:

- 1) discussion of budget programs;
- 2) discussion of issues of formation and using of income sources of local self - government;
- 3) formation of commission of local community among meeting participants of local community in order of monitoring for use of budget funds, unveiled for decision of issues of local significance, and income sources of local self - government;
- 4) hearing and discussion of report on results of conducted monitoring for use of budget funds, unveiled for decision of issues of local significance, and income sources of local self - government;
- 5) other current issues of local community.

4. Monitoring shall be conducted with the aim of gathering, systematization, analyzing and summarizing information on using the budget funds, unveiled for decision of issues of local significance, and income sources of local self - government.

Monitoring shall be carried out semiannually by members of commission of local community by comparison of planned and reached results of use of budget funds, unveiled for decision of issues of local significance, and income sources of local self - government. In case of need, upon decision of meeting of local community, may be held an extraordinary meeting.

Commission of local community shall have the right to engage the specialists for conducting of monitoring for use of budget funds, unveiled for decision of issues of local significance, and income sources of local self - government.

Technical and tutorial guidance on conducting of monitoring shall provide the central authorized body on budget execution.

Report on monitoring results, signed by members of commission of local community, shall be submitted for the discussion of meeting of local community.

At the end of discussion of report on results of monitoring the meeting of local community shall accept recommendations for the effective use of budget funds, unveiled for decision of issues of local significance, and income sources of local self - government.

Akim of relevant territory shall introduce to the next meeting of local community the substantiated conclusion on results of consideration of recommendations of effective use of budget funds, unveiled for decision of issues of local significance, and income sources of local self - government.

5. The gathering of local community may be convened by akims of the city of district significance, village, township, rural district independently or at the initiative not less than ten percent of members of local community, residing in this territory and having a rights to participate in it and signed an application on the need of its convene with an indication of surname, name, patronymic (in its presence) and place of residence.

The initiators of gathering of local community shall be obliged to file an application on

holding the gathering of local community to akim of relevant district (city of regional significance).

Holding of gathering of local community shall be allowed upon received a favourable decision of akim of relevant district (city of regional significance).

6. Holding of separate gathering of local community of residents of village, street, multi-family development shall be allowed. On separate gatherings of local community of residents of village, street, multi-family development shall be elected representatives for participation in the gathering of local community.

Procedure of holding of separate gatherings of local community and determination of number of representatives of residents of village, street, multi-family development for participation in the gathering of local community shall be developed by akims of the cities of district significance, village, township, rural district and confirmed by maslikhats of district (cities of regional significance).

Typical procedure of holding of separate gatherings of local community shall be confirmed by the Government of the Republic of Kazakhstan.

The number of representatives of residents of village, street, multi-family development for participation in the gathering of local community shall be determined on the basis of principle of equal representation from residents of village, street, multi-family development.

7. Meeting of local community may be convened by akims of city of district significance, village, township, rural district independently or at the initiative of not less than ten percent of members of meeting, delegated by gathering of local community.

The initiators of meeting of local community shall be obliged to file an application on holding the gathering of local community to akim of relevant district (city of regional significance).

Holding of meeting of local community shall be allowed upon received a favourable decision of akim of relevant district (city of regional significance).

8. Holding of gathering of local community, separate gathering of local community of residents of village, street, multi-family development, meeting of local community shall be organized by akims of the city of district significance, village, township, rural district.

On time, the place of convening of gathering of local community, meetings of local community and issues under discussion of population of local community shall be informed no later than ten calendar days before their implementation through the media or by other means.

9. The gathering of local community shall be recognized as accomplished upon participation in it for at least ten percent of the members of local community. In the case of holding of gatherings of local community with participation of representatives of gatherings of local community shall be recognized as accomplished upon participation in it for at least half of muster-roll of elected representatives on separate gatherings of local community of residents of village, street, multi-family development.

The meeting of local community shall be recognized as accomplished upon participation in it for at least half of the members, delegated by gathering of local community.

10. The gathering of local community or meeting of local community shall be opened by akims of the city of district significance, village, township, rural district or person authorized by them.

To maintain the gathering of local community and meeting of local community by open ballot shall be elected the dean and secretary of gathering of local community and meeting of local community.

An agenda shall be confirmed by gathering of local community and meeting of local community.

On the gathering of local community or meeting of local community shall be taken a minutes, in which is pointed out:

1) the date and place of holding of gathering of local community and meeting of local community;

2) muster-roll of members of local community, residing on relevant territory and having the right to participate in the gathering of local community or in the meeting of local

community;

3) a number and list of presents with an indication of surname, name, patronymic (in its presence);

4) surname, name, patronymic (in its presence) of the dean and secretary of gathering of local community or meeting of local community;

5) an agenda, content of performances and making a decision.

A protocol shall be signed by the dean and secretary of gathering of local community or meeting of local community and transferred to akim of relevant city of district significance, village, township, rural district.

11. Decision of gathering of local community or meeting of local community shall be recognized as accepted, if more than half of the participants of gathering of local community voted for it. Akims of the city of district significance, village, township, rural district shall have the right to cast a dissenting vote with the decision of gathering of local community or meeting of local community, which shall be allowed by reconsideration of issues, caused such dissent.

In case of impossibility of settlement of questions, caused the dissent of akims of the city of district significance, village, township, rural district, an issue shall be solved by superior akim after its initial discussion on the meeting of maslikhat of relevant district (city of regional significance).

12. Decision, adopted on the gathering of local community or meeting of local community, shall be liable for obligatory consideration by akims of the city of district significance, village, township, rural district.

13. Bodies of local government and self - government, civil servants shall provide execution of decisions within its competence, adopted on the gathering of local community or meeting of local community and approved by akims of the city of district significance, village, township, rural district.

14. Decisions, adopted on the gathering of local community or meeting of local community, shall be distributed through the mass media or other means. In case of necessity at the end of decision of gathering of local community or meeting of local community akims of the city of district significance, village, township, rural district shall adopt a decision.

Footnote. Article 39-3 is in the wording of the Law of the Republic of Kazakhstan dated 13.06.2013 No 101-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 39-4. Obligations of bodies of local self - government

Bodies of local self - government in the exercise its activity shall be obliged:

1) to observe the Constitution and the legislation of the Republic of Kazakhstan;

2) not to allow making decisions, of not relevant to national internal and external policy, as well as financial and investment;

3) not to allow making decisions, defeated to formation of single labor market, capital, free exchange of goods and services, to formation and development of cultural and informational united area of the Republic of Kazakhstan;

4) to serve the interests of the Republic of Kazakhstan in providing of national security of the Republic of Kazakhstan;

5) to maintain the national standards, establishing in socially significant spheres of activity;

6) to provide a loyalty and legal interests of members of local community;

7) to adhere the principles of publicity and openness, consideration of public opinion in the exercise of its activity, provide possibility of free access of members of local community on the meeting of bodies of local self - government;

8) to provide participation of members of local community in the decision of issues of local significance.

Article 39-5. Relationships of state bodies with bodies of local self - government

1. State bodies shall establish necessary legal, organizational and other conditions for making and developing of local self - government, provide an assistance to population in exercising of a right on the local self - government in accordance with the legislative acts of the Republic of Kazakhstan and other regulatory legal acts, including methodological and information support of activity of bodies of local self - government.

2. The State shall guarantee independence of bodies of local self - government within its powers, established by this Law.

Article 39-6. Responsibility of bodies of local self - government

Bodies of local self - government shall have responsibility before population of local community in accordance with the Laws of the Republic of Kazakhstan.

Chapter 4. Concluding and transitional period provisions

Article 40. Local budget

Footnote. Article is excluded by the Law of the Republic of Kazakhstan dated 09.02.2009 No 126 (the order of enforcement see Article 2).

Article 41. Correlation of this Law with other legislative acts and procedure of realization its provisions

1. Provisions of this Law shall be the basic for adoption of other regulatory legal acts, regulating separate directions and facilitating mechanisms of local government and self - government of the Republic of Kazakhstan.

2. The Legislation of the Republic of Kazakhstan, enter into force of this Law, shall apply in the part, without prejudice on it, and during a year from the date of its entry into force should be brought in accordance with this Law.

*The President
of the Republic of Kazakhstan*