



On approval of the Rules for procedure of bringing by the anti-corruption service for administrative offenses

Unofficial translation

The Order of the Minister for Civil Service Affairs of the Republic of Kazakhstan dated May 24, 2016 No. 105. It is registered with the Ministry of Justice of the Republic of Kazakhstan on June 22, 2016 No. 13812.

Unofficial translation

In accordance with part two of Article 790 of the Code of the Republic of Kazakhstan on Administrative Offenses, **I HEREBY ORDER:**

Footnote. The preamble is in the wording of the order of the Chairman of the Anti-Corruption Agency of the Republic of Kazakhstan (Anti-Corruption Service) dated 05.12.2022 No. 434 (shall be enforced from the date of its first official publication).

1. Approve the attached Rules for procedure of bringing by the anti-corruption service for administrative offenses.

2. The National Bureau for Combating Corruption of the Ministry of Civil Service Affairs of the Republic of Kazakhstan (hereinafter referred to as the National Bureau) together with the Legal Department of the Ministry of Civil Service Affairs of the Republic of Kazakhstan, in the manner prescribed by law, shall ensure:

1) state registration of this Order with the Ministry of Justice of the Republic of Kazakhstan;

2) within ten calendar days after the state registration of this Order, its direction for official publication in periodicals and the Legal Information System "Adilet";

3) within five working days from the date of receipt of this Order, its direction to the Republican State Enterprise on the Right of Economic Management "Republican Center for Legal Information of the Ministry of Justice of the Republic of Kazakhstan" for placement in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

4) placement of this Order on the Internet resources of the Ministry of Civil Service of the Republic of Kazakhstan and the National Bureau.

3. This Order shall be enforced upon expiry of ten calendar days after the day its first official publication.

*The Minister
for Civil Service Affairs
of the Republic of Kazakhstan*

T. Donakov

Approved
By the Order of the Minister

Rules for procedure of bringing by the anti-corruption service for administrative offenses

Chapter 1. General Provisions

1. These Rules for procedure of bringing by the anti-corruption service for administrative offenses (hereinafter referred to as the Rules) shall be developed in accordance with Paragraph 2 of Article 790 of the Code of the Republic of Kazakhstan "On Administrative Offenses" and determine the procedure for procedure of bringing of an individual or representative of a legal entity by employees of the anti-corruption service.

2. The bringing of an individual or a representative of a legal entity in respect of whom an administrative case is being conducted (hereinafter referred to as the person in respect of whom an administrative case is being conducted) shall be used as a measure to ensure the proceedings in an administrative case provided by Article 785 of the Code of the Republic Kazakhstan "On Administrative Offenses."

3. The basis for bringing shall be the ruling of the judge, the head of the structural subdivision of the anti-corruption service or his/her deputy, the head of the territorial subdivision of the anti-corruption service or his/her deputy (hereinafter – an official who issued the ruling on bringing), in whose proceedings the case of an administrative offense is in the form according to Appendix to these Rules.

Footnote. Paragraph 3 is in the wording of the order of the Chairman of the Anti-Corruption Agency of the Republic of Kazakhstan (Anti-Corruption Service) dated 08.02.2020 No. 33 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 2. Procedure for bringing

4. In case of failure to appear at the call of the judge or official who issued the ruling on transfer without valid reason, the person in respect of whom the administrative proceedings are being conducted shall be subjected to ruling by the court or official in whose proceedings the case on administrative offence is being processed.

5. Valid reasons for the non-appearance of a person duly notified of the call are recognized: a disease that makes it impossible for a person to appear, certified by a medical document in accordance with the orders of the Acting Minister of Healthcare of the Republic of Kazakhstan dated October 30, 2020, No. KR HCM-175/2020 "On approval of forms of accounting documentation in the field of healthcare, as well as instructions for filling them out" (registered in the Register of state registration of regulatory legal acts under No. 21579) and the Minister of Healthcare of the Republic of Kazakhstan dated November 18, 2020, No. KR HCM-198/2020 "On approval of the rules for conducting an examination of temporary

disability, as well as the issuance of a sheet or certificate of temporary disability" (registered in the Register of state registration of regulatory legal acts No. 21660) (hereinafter - Orders), death of close relatives and emergency situations that deprive a person of the opportunity to appear at the appointed time.

Footnote. Paragraph 5 is in the wording of the order of the Chairman of the Anti-Corruption Agency of the Republic of Kazakhstan (Anti-Corruption Service) dated 05.12.2022 No. 434 (shall be enforced from the date of its first official publication).

6. The person in respect of whom the administrative proceedings are being conducted shall be familiarized with the decision on bringing before its execution, which shall be certified by his signature. In case of refusal of signature of the person to be brought in by the official executing the bringing, a corresponding entry shall be made in the decision on bringing.

7. Minors under fourteen, persons under eighteen without notice of their legal representative, pregnant women, as well as patients who due to health reasons cannot or should not leave their place of residence, which must be certified by a medical document in accordance with the Orders cannot be brought to bringing.

8. The bringing shall not be made in the period from 20.00 to 8.00 local time.

9. The court ruling on bringing received by the anti-corruption service shall be submitted for execution to the official of the anti-corruption service or to the person performing his duties.

10. Upon receipt of ruling on bringing, the official of the anti-corruption service organizes the verification of the information specified therein about the person to be brought in (surname, name, patronymic (if available), year of birth and location), and takes measures to establish his actual location. If necessary, the person to be brought in shall be checked according to the available records of the anti-corruption service.

If the ruling on bringing does not contain separate data that can reliably establish the person subject to drive or the place of his stay, and it was not possible to make up for them, the anti-corruption service will immediately notify the court or the official who issued the ruling.

11. In the event that the person to be brought in is located in the territory of another region, city of republican significance or capital, the official who is entrusted with the procedure of bringing, in agreement with the court and the official who issued the ruling, decides on direction for execution a bringing by territorial affiliation.

12. After procedure of bringing a mark shall be made in the ruling on its performance by the judge or the official who issued the ruling on bringing.

13. The official of the anti-corruption service shall notify the judge in writing or the official who made the ruling on bringing with the receipt of bringing on the results of bringing procedure. If there are circumstances that impede the procedure of bringing, copies of documents confirming these circumstances shall be attached to the notification.

The court or the official who issued the ruling on bringing shall be notified by the head (deputy) of the anti-corruption service or its territorial unit, to whom the court or the official who issued the decision has been entrusted with ensuring the bringing.

14. If it is impossible to carry out the bringing within the time periods specified in the ruling of bringing, and also if there is no person to be brought in, the head (deputy) of the anti-corruption service or its territorial unit, which was entrusted with the provision of bringing, shall notify the court or official who issued the ruling on bringing no later than five working days, indicating circumstances that impede the execution of the ruling.

Appendix
to the Rules for proceedings
of bringing to court
by the anti-corruption service
in cases of administrative
offenses

Form

**RULING on the bringing of an individual or a representative
of a legal entity in respect of whom proceedings on the administrative
case is being conducted by the anti-corruption service**

Footnote. The appendix is in the wording of the order of the Chairman of the Anti-Corruption Agency of the Republic of Kazakhstan (Anti-Corruption Service) dated 05.12.2022 No. 434 (shall be enforced from the date of its first official publication).

"__" _____ 20__
(name of the city, district)

(position, name of the subdivision of the anti-corruption service,

special rank (if any), surname, name, and patronymic (if any) of an official
having considered the materials of administrative case No. ___ dated "__" _____ 20__

(brief content of an administrative offense)

ESTABLISHED:

(reasons and purpose of bringing a person evading appearance)

Based on the stated, guided by part two of Article 790 of the Code of the Republic of Kazakhstan on Administrative Offenses, I RULED:

1. To provide bringing to the court _____

—

(surname, name, and patronymic (if any) of the person to be brought)

—

living at (working)

—

(address at the place of registration (residence)

—

of an individual, location of a legal entity)

to the building _____

—

(name of state body, legal address)

office No. _____ by _____ hours _____ minutes of local time.

2. To entrust the execution of the ruling to _____

—

(name of the subdivision of the anti-corruption service)

3. To report the results of the execution to the official who issued the ruling on bringing.

4. The ruling may be appealed to the court in accordance with the legislation of the Republic of Kazakhstan.

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—

(position of the person who made the ruling (signature) (surname, name, and special rank (if any) patronymic (if any)

Place for seal

I am familiar with this ruling: _____

—

(surname, name, and patronymic (if any) of the person to be brought, date and time of familiarization)

