

**On approval of the rules for the provision of public services on enforcement proceedings**

***Unofficial translation***

Order of the Minister of Justice of the Republic of Kazakhstan dated May 29, 2020 No. 69. Registered with the Ministry of Justice of the Republic of Kazakhstan on June 8, 2020 No. 20836.

      *Unofficial translation*

      In accordance with subparagraph 1) Article 10 Of the Law of the Republic of Kazakhstan dated April 15, 2013 "On public services" **ORDER**:

      1. Approve the attached:

      1) Rules for the provision of the public service "Conducting certification of persons applying to engage in the activities of a private enforcement agent" in accordance with Appendix 1 to this order;

      2) Rules for the provision of the public service "Issuance of a license to engage in the activities of a private enforcement agent" in accordance with Appendix 2 to this order;

      3) Rules for the provision of the public service "Initiation of enforcement proceedings on the basis of an executive document at the request of the claimant" according to Appendix 3 to this order.

      2. To recognize as invalid some orders of the Minister of Justice of the Republic of Kazakhstan according to the list in Appendix 4 to this order.

      3. The Department for the Execution of Judicial Acts of the Ministry of Justice of the Republic of Kazakhstan shall ensure:

      1) state registration of this order;

      2) posting this order on the Internet resource of the Ministry of Justice of the Republic of Kazakhstan.

      4. Control over the execution of this order shall be entrusted to the supervising Vice Minister of Justice of the Republic of Kazakhstan.

      5. This order shall be enforced upon the expiration of twenty one calendar days after the day of its first official publication.

|  |  |
| --- | --- |
|
*Minister of Justice of the* *Republic of Kazakhstan*
 |
*M. Beketaev*
 |

      "AGREED"

      Ministry of Digital Development, Innovation

      and aerospace of the

      Republic of Kazakhstan

|  |  |
| --- | --- |
|   | Appendix 1 to the orderMinister of JusticeRepublic of Kazakhstandated May 29, 2020 No. 69 |

 **Rules for the provision of the public service "Certification of persons applying to engage in the activities of a private enforcement agent"**

 **Chapter 1. General Provisions**

      1. These Rules for the provision of public services "Attestation of persons applying to engage in the activities of a private enforcement agent" (hereinafter - the Rules) are developed in accordance with subparagraph 1) Article 10 Of the Law of the Republic of Kazakhstan dated April 15, 2013 "On public services" and determine the procedure for the provision of public services "Conducting certification of persons applying to engage in activities private bailiff" (hereinafter referred to as a public service).

      2. The state service is provided territorial bodies justice of regions, cities of republican significance and the capital (hereinafter - the service provider).

      3. The principle of "one application" - form of rendering public service, which provides a combination of several public services provided to based on one application.

 **Chapter 2. The procedure for the provision of public services**

      4. The Service Provider places on its Internet resource an announcement about the date, time and place of certification of persons applying to engage in the activities of a private enforcement agent (hereinafter - certification).

      An individual (hereinafter referred to as the service recipient) sends an application to the service provider through web portal "Electronic government" www.egov.kz.

      The list of basic requirements for the provision of public services, including the characteristics of the process, form, content, as well as other information, taking into account the specifics of the provision of public services, are given in the standard of public services, in accordance with Appendix 1 to these Rules.

      5. The service recipient consents to the use of the information constituting legally protected secrets contained in information systems, in the provision of public services, unless otherwise provided by the laws of the Republic of Kazakhstan.

      When the service recipient submits the application through the portal, the status of acceptance of the request for the provision of public services is sent to the "personal account", as well as a notification indicating the date and time of receipt of the result of the provision of public services.

      6. Data on the service recipient's identity document, registration/non-registration with organisations providing medical care in the area of mental health, mental and behavioural disorders (illnesses), including those related to the use of psychoactive substances, shall be obtained by the service provider from state information systems via the e-government gateway.

      The service provider shall register the application on the day it is received and submit it for processing.

      When a service recipient applies after working hours, on weekends and public holidays, under the Labour Code of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan “On Holidays in the Republic of Kazakhstan”, an application for a public service shall be registered on the following working day.

      Footnote. Paragraph 6 - as reworded by Order No. 905 of the Minister of Justice of the Republic of Kazakhstan dated 20.10.2021 (shall be enacted ten calendar days after the date of its first official publication).

      7. The Service Provider verifies the completeness of the submitted documents within two working days from the date of receipt of the service recipient's documents.

      In case of incompleteness of the information in the application, the service provider, no later than two working days from the date of their receipt, gives a reasoned refusal to further consider the application. The refusal is issued in the form of an electronic document, signed by an electronic digital signature (hereinafter - EDS) of the authorized person of the service provider and is sent to the "personal account" of the service recipient.

      8. Grounds for refusal to provide public services:

      1) establishing the inaccuracy of the documents submitted by the service recipient for obtaining public services, and (or) the data (information) contained therein;

      2) the presence of restrictions established paragraph 2 article 140 of the Law of the Republic of Kazakhstan dated April 2, 2010 "On enforcement proceedings and the status of bailiffs".

      9. In the absence of grounds for return, the documents are transferred by the contractor to Commission for attestation of persons applying for the activity of a private bailiff, created at the territorial bodies of justice of regions, the city of republican significance and the capital (hereinafter - the Commission).

      When conducting certification, the minutes of the meeting of the Commission for the certification of persons applying to engage in the activities of a private enforcement agent are kept in the form in accordance with Appendix 4 to these Rules.

      10. When passing the certification, it is not allowed to use reference, special and other literature, communication means, as well as any records on paper, electronic media.

      In case of non-observance of these requirements, the service recipient is suspended from certification, about which a corresponding entry is made in the minutes of the meeting of the Commission.

      The service recipient, suspended from certification, re-submits the application after three months from the date of the decision by the Commission.

      11. Certification consists of two stages:

      1) testing for knowledge of the legislation of the Republic of Kazakhstan in the field of enforcement proceedings;

      2) testing of knowledge in the form of an oral interview.

      The service recipient, at his choice, undergoes certification in the Kazakh or Russian languages.

      The list of questions for certification is formed by the Department for the Execution of Judicial Acts of the Ministry of Justice of the Republic of Kazakhstan.

      The time allotted for testing is ninety minutes.

      12. The total number of questions for passing the tests is 100.

      The service recipient is considered to have passed the test if the number of correct answers is 70 or more of the total number of questions, and is admitted to the second stage.

      Testing results are printed in duplicate and provided to the service recipient for review by affixing a personal signature at the end of testing. One copy of the test results sheet is handed over to the service recipient, the second is handed over to the Commission.

      During the oral interview, the members of the Commission ask the service recipient at least three questions corresponding to the subject of legal disciplines, knowledge of which is necessary to engage in the activities of a private enforcement agent.

      13. Based on the results of attestation, the members of the Commission make an appropriate decision by a majority of votes, which is drawn up in a protocol.

      The members of the commission do not abstain from voting. In case of disagreement with the decision taken, a member of the Commission expresses a dissenting opinion in an arbitrary written form, which is also taken into account by the Commission when making a decision.

      If the votes of the members of the Commission are divided equally, the vote of the Chairman of the Commission is decisive.

      14. The service provider's authorised person shall sign the result of the public service based on the Commission's decision within 1 working day and send it to the service provider's personal account.

      Should there be grounds for refusal of a public service, the service provider shall notify the service recipient of the preliminary decision to refuse the public service, as well as the time and place (manner) of the hearing to enable the service recipient to express a position on the preliminary decision.

      The notification of the hearing shall be given at least 3 working days prior to the end of the public service period. The hearing shall be held no later than 2 working days from the date of notification.

      Following the results of the hearing, the service provider shall issue a permit or reasoned refusal to provide a public service.

      Footnote. Paragraph 14 - as reworded by Order No. 905 of the Minister of Justice of the Republic of Kazakhstan dated 20.10.2021 (shall be put into effect ten calendar days after the date of its first official publication).

 **Chapter 3. Other requirements, taking into account the specifics of the provision of public services**

      15. The service recipient for obtaining two state services "Certification of persons applying to engage in the activities of a private enforcement agent" and "Issuance of a license to engage in the activities of a private enforcement agent" sends the service provider one statement across web portal "Electronic government" www.egov.kz. in the form of an electronic document according to 3 to these Rules.

      Decision on the passage of certification by persons applying to engage in the activities of a private bailiff is sent to the Ministry of Justice of the Republic of Kazakhstan for the further provision of public services "Issuance of a license to engage in the activities of a private enforcement agent".

      State services on the principle of "one application" are provided taking into account the requirements of these Rules and the Rules for the provision of public services "Issuance of a license to engage in the activities of a private enforcement agent".

      16. The Service Provider provides data entry on the stage of the provision of public services to the information system for monitoring the provision of public services.

      17. In case of failure of the information system, the service provider notifies the authorized body and / or Joint Stock Company "National Information Technologies".

 **Chapter 4. The procedure for appealing decisions, actions (inaction) of service providers, and (or) their officials on the provision of public services**

      18. In the event of an appeal against decisions, actions (inaction) of the service provider and (or) its officials, the complaint is submitted to the name of the head of the service provider, to the Ministry of Justice of the Republic of Kazakhstan or to authorized body for assessing and monitoring the quality of the provision of public services in accordance with legislation Republic of Kazakhstan...

      19. The service recipient's complaint received by the service provider or the Ministry of Justice of the Republic of Kazakhstan is subject to consideration within five working days from the date of its registration.

      The service recipient's complaint received by the authorized body for the assessment and control over the quality of the provision of public services is subject to consideration within fifteen working days from the date of its registration.

      20. In case of disagreement with the decision made based on the results of the appeal against the provision of public services, the service recipient applies to the court in the established legislation Of the Republic of Kazakhstan.

|  |  |
| --- | --- |
|   | Appendix1to the Terms of Service public service"Carrying out certification of persons,applying for a lesson activities of privatebailiff" |

      Footnote. Annex 1 as amended by Order No. 905 of the Minister of Justice of the Republic of Kazakhstan dated 20.10.2021 (shall be put into effect ten calendar days after the date of its first official publication).

|  |
| --- |
|
Standard of the Public Service “Certification of Persons Applying for the Activity of a Private Bailiff” (hereinafter - the Standard) |
|
1 |
Name of the service provider |
The public service shall be provided by the territorial judicial authorities of the regions, cities of republican significance and the capital. |
|
2 |
Ways of providing a public service |
The e-Government web portal: www.egov.kz |
|
3 |
Duration of public service |
10 working days from the closing date for the receipt of documents. |
|
4 |
Form of public service delivery/form of presentation of public service result |
Electronic (fully automated) delivered on a 'single application' basis. |
|
5 |
Result of a public service |
Decision on the assessment of persons seeking employment as a private bailiff. |
|
6 |
Fees charged for the provision of a public service |
Not chargeable. |
|
7 |
Work schedule of the service provider |
Opening hours:
1) the service provider - Monday to Friday inclusive, from 9.00 a.m. to 6.30 p.m., with a lunch break from 1.00 p.m. to 2.30 p.m., excluding weekends and public holidays;
Acceptance of applications - from 9.00 a.m. to 5.30 p.m.
2) portal - round the clock, except for technical breaks due to repair works (When a service recipient applies after working hours, on weekends and public holidays pursuant to the Republic of Kazakhstan Labour Code of November 23, 2015 and the Republic of Kazakhstan Law of December 13, 2001 “On Holidays in the Republic of Kazakhstan”, the application for a public service shall be registered on the following working day. |
|
8 |
List of documents required for the provision of the public service |
An application for attestation of persons seeking employment as a private bailiff in the form of an electronic document as per Annex 2 hereto.  |
|
9 |
Grounds for refusal of a public service |
1) determination that the documents submitted by the recipient of a public service and (or) the data (information) contained therein are unreliable;
2) existence of the restrictions set out in paragraph 2 of Article 140 of the Law of the Republic of Kazakhstan of 2 April 2010 on Enforcement Proceedings and the Status of Bailiffs”. |
|
10 |
Other requirements, given the specifics of the public service |
The service provider's addresses shall be placed on the service provider's official website - www.adilet.gov.kz. The service recipient may receive information on the procedure and status of the provision of the public service in the remote access mode on the portal in the “personal office” of the service recipient, as well as by phone numbers of the service recipient and the Unified Contact Center.
Contact telephone numbers of service providers can be found on the service provider's website, the Uniform Contact Centre: 1414, 8 800 080 7777.
To receive the two public services “Attestation of Persons Applying to be a Private Bailiff” and “Issuance of Licence to be a Private Bailiff”, the service recipient shall send one application via the e-government portal www.egov.kz. in the form of an electronic document to the service provider. |

|  |  |
| --- | --- |
|   | Appendix 2to the Terms of Servicepublic service"Carrying out certification of persons,applying for a lessonactivities of privatebailiff" |
|   | The form |

 **Application for certification of persons applying to engage in activities**
**private bailiff**

      In \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      To the chairman of the commission for attestation of persons applying to engage in activities

      private bailiff

      from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      surname, name, patronymic (if any) of an individual, individual identification number

      1. Please admit me to the certification of persons applying to engage in the activities of a private enforcement agent

      1) Information about the diploma:

      1. Name of the higher educational institution \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      2. Specialty code \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      3. Diploma number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      4. Date of issue of the diploma \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      2) A document confirming the passage of the nostrification procedure or

      recognition in accordance with the Law of the Republic of Kazakhstan "On Education":

      Series and number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      3) Conclusion on the internship:

      1. Date of approval of the conclusion on the internship \_\_\_\_\_\_\_\_\_\_\_\_\_

      2. Regional Chamber of Private Bailiffs \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      region / city

      3. Trainee supervisor \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      4. Start date of the internship \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      5. Date of completion of the internship \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      Residence address of an individual \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      e-mail \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ contact phone number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      It is hereby confirmed that:

      All specified data are official contacts and any information can be sent to them on admission or refusal to undergo certification, as well as on issues of issuing or refusing to issue a license and (or) Appendix to a license;

      The applicant is not prohibited by the court from engaging in a licensed type and (or) subtype of activity;

      All data specified in this application correspond to reality, for the provision of which I am personally responsible;

      The applicant agrees to the use of personal data of limited access, constituting a secret protected by law, contained in information systems, when issuing a license and (or) Appendix to the license.

      I agree to send an electronic request to the healthcare organization for obtaining certificates from dispensary records - "Register of drug addicts" and "Register of mental patients" and sending the results to the service provider.

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                   (EDS) (surname, name, patronymic (if any)

      Date of filling: "\_\_\_" \_\_\_\_\_ 20\_\_ year

|  |  |
| --- | --- |
|   | Appendix 3to the Terms of Servicepublic service"Carrying out certification of persons,applying for a lessonactivities of privatebailiff" |
|   | The form |

 **Application for certification of persons applying to engage in activities**
**a private enforcement agent and the issuance of a license to engage in activities**
**private bailiff**

      In \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      To the chairman of the commission for attestation of persons applying to engage in activities

      private bailiff

      from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      surname, name, patronymic (if any) of an individual, individual identification number

      1. Please admit me to the certification of persons applying to engage in the activities of a private enforcement agent

      1) Information about the diploma:

      1. Name of the higher educational institution \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      2. Specialty code \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      3. Diploma number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      4. Date of issue of the diploma \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      2) A document confirming the passage of the nostrification or recognition procedure in accordance with the Law of the Republic of Kazakhstan "On Education":

      Series and number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      3) Conclusion on the internship:

      1. Date of approval of the conclusion on the internship \_\_\_\_\_\_\_\_\_\_\_\_\_

      2. Regional chamber of private bailiffs \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ region / city

      3. Trainee supervisor \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      4. Start date of the internship \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      5. Date of completion of the internship \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      4) Payment of the license fee for the right to engage in certain types of activities \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

      2. I ask you to issue a license to engage in the activities of a private enforcement agent.

      Residence address of an individual \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      e-mail \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ contact phone \_\_\_\_\_\_\_\_\_\_\_\_

      It is hereby confirmed that:

      All specified data are official contacts and any information can be sent to them on admission or refusal to undergo certification, as well as on issues of issuing or refusing to issue a license and (or) Appendix to a license;

      The applicant is not prohibited by the court from engaging in a licensed type and (or) subtype of activity;

      All data specified in this application correspond to reality, for the provision of which I am personally responsible;

      The applicant agrees to the use of personal data of limited access, constituting a secret protected by law, contained in information systems, when issuing a license and (or) Appendix to the license.

      I agree to send an electronic request to the healthcare organization to receive certificates from dispensary records - "Register of drug addicts" and "Register of mental patients" and send their results to the service provider.

      Individual \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                              (EDS) (surname, name, patronymic (if any)

      Date of filling: "\_\_\_" \_\_\_\_\_ 20\_\_ year

|  |  |
| --- | --- |
|   | Appendix 4to the Terms of Servicepublic service"Carrying out certification of persons,applying for a lessonactivities of privatebailiff" |
|   | The form |

 **Minutes of the meeting of the Commission for the certification of persons applying for the occupation**
**activities of a private bailiff (hereinafter - the Commission) Department of Justice \_\_\_\_\_\_\_\_\_\_\_\_\_\_ Ministry of Justice of the Republic of Kazakhstan**

      Chaired by:

      Members of the Commission:

      Certification of persons applying to engage in the activities of a private enforcement agent was carried out, based on the results, a decision was made:

      1. Consider passed certification: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      2. Consider not passed certification: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      3. Did not show up for certification: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      Chairman of the Commission \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                                    (signature, position, surname and initials)

      Members of the Commission \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                                    (signature, position, surname and initials)

      Secretary \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                                    (signature, position, surname and initials)

      "\_\_\_\_" \_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_ year

|  |  |
| --- | --- |
|   | Appendix 2 to the orderMinister of JusticeRepublic of Kazakhstandated May 29, 2020 No. 69 |

 **Rules for the provision of the public service "Issuance of a license to engage in the activities of a private enforcement agent"**

 **Chapter 1. General Provisions**

      1. The rules for the provision of the public service "Issuance of a license to engage in the activities of a private enforcement agent" (hereinafter - the Rules) are developed in accordance with subparagraph 1) Article 10 Of the Law of the Republic of Kazakhstan dated April 15, 2013 "On public services" and determine the procedure for the provision of public services "Issuance licenses to engage in the activities of a private enforcement agent" (hereinafter - the state service).

      2. The public service is provided by the Ministry of Justice of the Republic of Kazakhstan (hereinafter referred to as the service provider).

      3. The principle of "one application" - form of rendering public service, providing a combination of several public services provided on the basis of one application.

 **Chapter 2. The procedure for the provision of public services**

      4. An individual (hereinafter referred to as the service recipient) sends to the service provider to obtain a license to engage in the activities of a private enforcement agent statement across web portal "Electronic government" www.egov.kz.

      5. When the service recipient submits the application, the status of acceptance of the request for the provision of public services is sent to the "personal account", as well as a notification indicating the date and time of receipt of the result of the provision of public services.

      6. The list of basic requirements for the provision of public services, including the characteristics of the process, form, content, as well as other information, taking into account the specifics of the provision of public services, are given in the standard of public services, in accordance with Appendix 1 to these Rules.

      7. Excluded by Order No. 905 of the Minister of Justice of the Republic of Kazakhstan dated 20.10.2021 (shall come into effect ten calendar days after the date of its first official publication).

      8. The Service Provider shall obtain from the state information systems via the E-Government gateway data on the identity document, on corruption offences and crimes committed, on criminal record, on absence of data on those previously dismissed for negative reasons from state, military service, from law enforcement and special state bodies, courts and justice bodies, on deprivation of the person's license to practice as a private bailiff, on registration/non-registration with mental health care providers for mental and behavioural disorders (illnesses), including those related to substance use.

      The service recipient shall consent to the use of information constituting a legally protected secret contained in information systems in the provision of public services, unless otherwise provided for by the laws of the Republic of Kazakhstan.

      *Footnote. Paragraph 8 - as reworded by Order No. 905 of the Minister of Justice of the Republic of Kazakhstan dated 20.10.2021 (shall be enacted ten calendar days after the date of its first official publication).*

      9. On the day of receipt of documents for receiving public services, the Service Provider registers them and submits them for execution.

      When the service recipient applies after the end of working hours, on weekends and holidays according to Labor Code Of the Republic of Kazakhstan dated November 23, 2015 and Of the law Of the Republic of Kazakhstan dated December 13, 2001 "On Holidays in the Republic of Kazakhstan", registration of an application for receiving a public service is carried out on the next working day.

      10. The Service Provider verifies the completeness of the submitted documents within two working days from the date of receipt of the service recipient's documents.

      In case of incompleteness of the submitted documents and (or) documents with an expired validity period, the service provider within the specified timeframe refuses to further consider the application.

      11. Should the response of the consenting public authority be negative or other grounds for refusal of a public service be identified, the service provider shall notify the service recipient of the preliminary decision to refuse the provision of the public service, as well as the time and place (manner) of the hearing to enable the service recipient to express a position on the preliminary decision.

      The notification of the hearing shall be sent at least 3 working days prior to the end of the public service period. The hearing shall be held no later than 2 working days from the date of notification.

      Based on the results of the hearing, the service provider shall issue a licence or a reasoned refusal to provide a public service.

      Footnote. Paragraph 11 - as reworded by Order No. 905 of the Minister of Justice of the Republic of Kazakhstan dated 20.10.2021 (shall come into force ten calendar days after the day of its first official publication).

      12. Refusal to issue a license is carried out in cases where:

      1) taking up the view activities prohibited laws The Republic of Kazakhstan for this category of individuals or legal entities;

      2) not included license fee;

      3) the applicant does not comply qualification requirements;

      4) the licensor has received a response from the relevant approving state body about the applicant's non-compliance with the requirements for licensing;

      5) in relation to the applicant, there is a final decision (verdict) of the court on suspension or prohibition of activities or certain types of activities subject to licensing;

      6) the court, on the basis of the submission of the bailiff, is temporarily prohibited from issuing a license to the applicant-debtor;

      7) the inaccuracy of the documents submitted by the applicant for obtaining a license and (or) the data (information) contained in them has been established.

      **Chapter 3. The procedure for reissuing a license to engage in the activities of a private enforcement agent**

      13. The recipient for renewal licenses to engage in the activities of a private enforcement agent (hereinafter referred to as the license) sends an application to the service provider through the web portal of "electronic government" www.egov.kz.

      14. List of documents for license renewal:

      1) Application of an individual for re-issuing a license and (or) Appendix to a license in the form of an electronic document, certified by an EDS in the form, in accordance with Appendix 4 to these Rules;

      2) a copy of the document confirming the payment license fee for the right to engage in certain types of activities, except for cases of payment through PGEG ;

      3) electronic copies of documents containing information about the changes that served as the basis for reissuing the license, with the exception of documents, information from which is contained in state information systems.

      15. The Service Provider registers them and submits them for execution on the day of receipt of documents for renewal of the license.

      When the service recipient applies after the end of working hours, on weekends and holidays according to Labor Code Of the Republic of Kazakhstan dated November 23, 2015 and Of the law Of the Republic of Kazakhstan dated December 13, 2001 "On Holidays in the Republic of Kazakhstan", registration of an application for receiving a public service is carried out on the next working day.

      16. The Service Provider verifies the completeness of the submitted documents within two working days from the date of receipt of documents for renewal of the license.

      In case of incompleteness of the submitted documents, the service provider refuses to further consider the application within the specified time frame.

      In case of completeness of the documents provided, the authorized person of the service provider signs the reissued license by means of an EDS and sends it to the "personal account" of the service recipient.

 **Chapter 4. Other requirements taking into account the specifics of the provision of public services**

      17. The recipient for receiving two public services "Conducting certification of persons claiming to engage in the activities of a private enforcement agent and the issuance of a license to engage in the activities of a private enforcement agent" sends the service provider one application for the provision of two public services through web portal "Electronic government" www.egov.kz.

      The result of the public service "Decision on the attestation by persons applying to engage in the activities of a private bailiff "and documents for a license are sent to the Ministry of Justice of the Republic of Kazakhstan for further provision of the state service" Issuance of a license to engage in the activities of a private bailiff ".

      State services on the principle of "one application" are provided taking into account the requirements of these Rules and Of the Rules provision of state services "Conducting certification of persons applying to engage in the activities of a private enforcement agent."

      18. The Service Provider provides data entry on the stage of the provision of public services to the information system for monitoring the provision of public services.

      19. In case of failure of the information system, the service provider notifies the authorized body and / or Joint Stock Company "National Information Technologies".

 **Chapter 5. The procedure for appealing decisions, actions (inaction) of service providers, and (or) their officials on the provision of public services**

      20. In the event of an appeal against decisions, actions (inaction) of the service provider and (or) its officials, the complaint is submitted to the head of the service provider or to authorized body for assessing and monitoring the quality of the provision of public services in accordance with legislation Republic of Kazakhstan...

      21. The service recipient's complaint received by the service provider is subject to consideration within five working days from the date of its registration.

      The service recipient's complaint received by the authorized body for the assessment and control over the quality of the provision of public services is subject to consideration within fifteen working days from the date of its registration.

      22. In case of disagreement with the decision made based on the results of the appeal against the provision of public services, the service recipient applies to the court in the established legislation Of the Republic of Kazakhstan.

|  |  |
| --- | --- |
|   | Appendix 1 to the Rules provision of public services "Issuance of a license to practiceactivities of privatebailiff " |

      Footnote. Annex 1 as amended by Order No. 905 of the Minister of Justice of the Republic of Kazakhstan dated 20.10.2021 (shall come into force ten calendar days after the date of its first official publication).

|  |
| --- |
|
Standard of the Public Service “Issuance of a Licence to Operate as a Private Bailiff’ (hereinafter referred to as the Standard) |
|
1 |
Name of the service provider |
Ministry of Justice of the Republic of Kazakhstan. |
|
2 |
Ways of providing a public service |
The e-Government web portal: www.egov.kz |
|
3 |
Duration of public service |
From the moment of application on the portal, subject to opening hours and times of acceptance of documents:
10 working days when issuing a licence;
3 working days for the reissuance of a licence. |
|
4 |
Form of public service delivery/form of presentation of public service result |
Electronic (fully automated)
/serviced on a 'single application' basis |
|
5 |
Result of a public service |
Issuance, reissuance of a licence to engage in private bailiff activity or a reasoned refusal to provide a public service.
The form of delivery of the result of a public service shall be electronic.
The result of the public service shall be submitted and stored in the service recipient's “personal office” in the form of an electronic document signed with an electronic signature of the service provider's authorised person. |
|
6 |
Fees charged for the provision of a public service |
The issuance/renewal of a licence to engage in private bailiff activities shall be subject to a licence fee for the right to engage in certain activities, which under Article 554 of the Code of the Republic of Kazakhstan “On Taxes and Other Obligatory Payments to the Budget (Tax Code)” of December 25, 2017 shall be:
1) issuing a licence - 6 monthly calculation indices;
2) reissuance of a licence - 10% of the rate at the time of issuance of the licence.
Payment for the provision of the public service shall be made by cash and/or non-cash payment via second-tier banks and organisations engaged in certain types of banking operations, which shall issue a document (receipt) confirming the amount and date of payment, or the e-government payment gateway. |
|
7 |
Service provider's working hours |
Working hours:
1) the service provider's working hours from Monday to Friday from 9 a.m. to 6.30 p.m., with a lunch break from 1 to 2.30 p.m., excluding weekends and public holidays;
acceptance of applications - from 9.00 a.m. to 5.30 p.m.
2) the portal - round the clock, excluding breaks related to technical work (when the service recipient applies after working hours, on weekends and public holidays as per the Labour Code of the Republic of Kazakhstan of November 23, 2015 and the Law of the Republic of Kazakhstan of December 13, 2001 "On public holidays in the Republic of Kazakhstan", acceptance of applications and delivery of results of public services shall be performed on the following working day). |
|
8 |
List of documents for the provision of the public service |
For obtaining a licence:
1) an application of a natural person to obtain a licence and (or) an annex to the licence in the form as per Annex 2 hereto;
2) a form of data on compliance with the requirements for the activities of a private bailiff, as per Annex 3 hereto;
3) a copy of a document confirming the payment of a licence fee for the right to engage in certain types of activities, except for cases of payment via the e-government payment gateway.
For the reissuance of a licence:
1) an application of a natural person to reissue a license and (or) an annex to the license in the form as per Annex 4 hereto;
2) a copy of the document confirming the payment of the license fee for the right to engage in certain types of activities, with the exception of cases of payment via the e-government payment gateway;
3) electronic copies of documents containing information on the changes that served as the basis for the reissuance of the licence and (or) the annex to the licence, with the exception of documents with information from which is contained in state information systems. |
|
9 |
Grounds for refusal of a public service |
Grounds for refusal:
1) engaging in an activity is prohibited by the laws of the Republic of Kazakhstan for this category of natural or legal persons;
2) no licence fee has been paid;
3) the applicant does not meet the eligibility requirements;
4) the licensor has received a response from the relevant approving authority that the applicant does not meet the licensing requirements;
5) there is an enforceable court decision (sentence) to suspend or ban activities or certain activities subject to licensing against the applicant;
6) the court is temporarily prohibited from issuing a licence to the applicant debtor on the basis of a bailiff's submission;
7) it has been established that the documents submitted by the applicant to obtain a licence and (or) the data (information) contained therein are unreliable. |
|
10 |
Other requirements, subject to the specifics of the public service |
The service recipient can obtain information on the procedure and status of the provision of the public service in the remote access mode on the portal in the service recipient's “personal office” as well as via the telephone numbers of the service provider and the Unified Contact Centre for the provision of public services.
Contact telephone numbers of the service provider for public services 8 (7172) 74-06-23. Unified contact centre for the provision of public services: 1414, 8 800 080 7777.
To receive two public services “Certification of Persons Applying for Private Bailiff Activity and Issuance of Licence for Private Bailiff Activity”, the service recipient shall send one application for two public services to the service provider via the e-government web portal www.egov.kz. |

|  |  |
| --- | --- |
|   | Appendix 2 to the Rules provision of public services "Issuance of a license to practiceactivities of privatebailiff " |
|   | The form |

 **An individual's application for obtaining a license and (or)**
**Appendix es to the license**

      In \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                              (full name of the licensor)

      from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      (surname, name, patronymic (if any) of an individual, individual identification number)

      I ask to issue a license and (or) Appendix to the license to implement

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      (indicate the full name of the type of activity and (or) subtype (s) of the activity)

      on paper \_\_\_\_\_ (put an X sign if it is necessary to obtain a license on paper)

      Residence address of an individual

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      (postal code, region, city, district, locality, street name, house / building number)

      Email \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      Phones \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      Fax machine \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      Bank account \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                        (account number, name and location of the bank)

      Address of the object of the activity or actions (operations)

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      (postal code, region, city, district, locality, street name, number

      houses / buildings (stationary premises)

      Attached are \_\_\_\_\_ sheets.

      It is hereby confirmed that:

      all specified data are official contacts and any information on issues of issuing or refusing to issue a license and (or) Appendix to a license can be sent to them;

      the applicant is not prohibited by the court from engaging in a licensed type and (or) subtype of activity;

      all attached documents are true and valid;

      the applicant agrees to the use of personal data of limited access, constituting a secret protected by law, contained in information systems, when issuing a license and (or) Appendix to the license;

      the applicant agrees to the certification of the application with the electronic digital signature of the employee of the public service center (in case of applying through the public service center).

      Individual

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                  (digital signature) (surname, name, patronymic (if any)

      Date of filling: "\_\_" \_\_\_\_\_\_\_\_\_ 20\_\_

|  |  |
| --- | --- |
|   | Appendix 3 to the Rules provision of public services "Issuance of a license to practiceactivities of privatebailiff" |
|   | The form |

 **Form of information on compliance with the requirements for the implementation of the activities of a private enforcement agent**

|  |
| --- |
|
Service recipient information |
|
Education (name of higher education institution, year of graduation, diploma number, qualification and specialty according to the diploma). |
Required field |
|
Information about the document confirming the passage of the procedure for nostrification of a diploma or recognition |
In accordance with the Law "On Education" |

      It is necessary to select only one basis for obtaining a license and fill it out:

      1) labor activity;

      2) the decision to undergo certification to engage in the activities of a private enforcement agent.

|  |
| --- |
|
Labor activity of the service recipient (indicate only the position and place of work provided for paragraph 5 Article 142 of the Law "On Enforcement Proceedings and the Status of Bailiffs" |
|
Date, month, year |
Position with an indication of the organization |
Basic functional (job) responsibilities  |
Reason for dismissal |
|
Receipts |
Care |
|
Required field |
Required field |
Required field |
Required field |
Required field |
|
If necessary, these lines are supplemented by the service recipient |
|
Number of the decision on passing certification to engage in the activities of a private enforcement agent |
Required field |
|
Date, month, year, region, number |
Required field |

|  |  |
| --- | --- |
|   | Appendix 4 to the Rules provision of public services "Issuance of a license to practiceactivities of privatebailiff" |
|   |  |
|   | The form |

 **An individual's application for reissuing a license and (or)**
**Appendix es to the license**

      In \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                              (full name of the licensor)

      From \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

            (last name, first name, patronymic (if any) of an individual, individual identification number)

      I ask to reissue the license and (or) Appendix to the license (underline the necessary)

      No. \_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_\_ 20\_\_\_, issued (s) (s) \_\_\_\_\_\_\_\_\_\_\_\_\_ (number (s)

      license and (or) Appendix (s) to the license, date of issue, name of the licensor,

      issuing a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ license and (or) Appendix (s) to the license) to carry out

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      (full name of the type of activity and (or) subspecies (s) of activity)

      on the following basis (s) (indicate in the appropriate box X):

      1) change of last name, first name, patronymic (if any) of the individual licensee

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      2) re-registration of the individual entrepreneur-licensee, change of his name

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      3) re-registration of an individual entrepreneur-licensee, change of his legal address

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      4) alienation by the licensee of the license issued under the class "permits issued for objects", together with the object in favor of third parties in cases where the alienation of the license is provided Appendix 1 to the Law of the Republic of Kazakhstan dated May 16, 2014 "On permits and notifications

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      5) changing the address of the location of the object without physically moving it for a license issued under the class "permits issued for objects" or for attachments to a license indicating objects

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      6) the presence of a requirement for re-registration in the laws of the Republic of Kazakhstan

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      7) change of the name of the type of activity

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      8) change the name of the subspecies of activity

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      on paper \_\_\_\_\_\_\_ (put an X sign if it is necessary to obtain a license on paper)

      Residence address of an individual

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      (postal code, region, city, district, locality, street name, house / building number)

      Email \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      Phones \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      Fax machine \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      Bank account \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      (account number, name and location of the bank)

      Address of the object of the activity or actions (operations)

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      (postal code, region, city, district, locality, street name,

      house / building number (stationary room)

      Attached are \_\_\_\_\_ sheets.

      It is hereby confirmed that:

      all specified data are official contacts and any information on issues of issuing or refusing to issue a license and (or) Appendix to a license can be sent to them;

      the applicant is not prohibited by the court from engaging in a licensed type and (or) subtype of activity;

      all attached documents are true and valid;

      the applicant agrees to the use of personal data of limited access, constituting a secret protected by law, contained in information systems, when issuing a license and or) an Appendix to the license;

      the applicant agrees to the certification of the application with the electronic digital signature of the employee of the public service center (in case of applying through the public service center).

      Individual

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

            (digital signature) (surname, name, patronymic (if any)

      Date of filling: "\_\_" \_\_\_\_\_\_\_\_\_ 20\_\_

|  |  |
| --- | --- |
|   | Appendix 3 to the orderMinister of JusticeRepublic of Kazakhstandated May 29, 2020 No. 69 |

 **Rules**
**for the provision of the public service "Initiation of enforcement proceedings on the basis of an executive document at the request of the claimant"**

 **Chapter 1. General Provisions**

      1. These Rules for the provision of public services "Initiation of enforcement proceedings on the basis of an executive document at the request of the claimant" (hereinafter - the Rules) are developed in accordance with subparagraph 1) Article 10 The Law of the Republic of Kazakhstan dated April 15, 2013 "On public services" and determine the procedure for the provision of public services "Excitation enforcement proceedings based on executive document by a statement recoverer"(hereinafter - the state service).

      2. The following basic concepts are used in these Rules:

      one) Single contact center - a legal entity, determined by the Government of the Republic of Kazakhstan, performing the functions of an information and reference service for providing service recipients with information on the provision of state and other services, as well as for state bodies - information on the provision of information and communication services;

      2) public service - one of the forms of implementation of certain state functions, carried out on an individual basis upon request or without the request of service recipients and aimed at realizing their rights, freedoms and legitimate interests, providing them with the corresponding material or intangible benefits;

      3) standard public service - a list of basic requirements for the provision of public services, including the characteristics of the process, the form, content and result of the provision, as well as other information, taking into account the specifics of the provision of public services;

      four) web portal "Electronic government" www.egov.kz, (hereinafter referred to as the portal) - an information system, which is a single window of access to all consolidated government information, including the regulatory legal framework, and to public services, services for issuing technical conditions for connecting to networks of entities natural monopolies and services of subjects of the quasi-public sector, provided in electronic form;

      five) electronic digital signature (hereinafter referred to as EDS) - a set of electronic digital symbols created by means of an electronic digital signature and confirming the authenticity of an electronic document, its ownership and the invariability of its content.

 **Chapter 2. The procedure for the provision of public services**

      3. The state service is provided by the territorial bodies of justice (hereinafter referred to as the service provider) at the place where the enforcement actions were performed.

      4. An individual or legal entity (hereinafter referred to as the service recipient) sends an application and documents established by clause 8 of the State Service Standard through:

      1) the service provider;

      2) non-profit joint stock company "State corporation "Government for Citizens" (hereinafter - the state corporation);

      3) portal.

      5. Description of the procedure for the provision of public services through the service provider:

      1) the service recipient sends the documents to the service provider;

      2) the service provider, on the day of receipt of the documents, registers them in the Automated Information System of the enforcement bodies (hereinafter - AISOEB) and transfers them to the state bailiff;

      3) the state bailiff, within 3 (three) working days from the date of receipt of the documents, makes decree about arousal or about refusal in initiation of enforcement proceedings, which is sent to the service recipient.

      6. Description of the procedure for the provision of public services through a public corporation:

      1) the service recipient submits documents to the State Corporation, which are forwarded to the service provider;

      2) the service provider, on the day of receipt of the documents, registers them with AISOEB and transfers them to the state bailiff;

      3) the state bailiff, within 3 (three) working days from the date of receipt of the documents, makes decree about arousal or about refusal in the initiation of enforcement proceedings, which is sent to the State Corporation and the service recipient.

      7. Description of the procedure for the provision of public services through the portal:

      1) the service recipient sends the documents through the portal.

      When the service recipient applies after the end of working hours, on weekends and holidays according to Labor Code Of the Republic of Kazakhstan and The law "On Holidays in the Republic of Kazakhstan", registration of an application for receiving a public service is carried out on the next working day;

      2) the service provider, on the day of receipt of the documents, registers them with AISOEB and transfers them to the state bailiff;

      3) the state bailiff, within 3 (three) working days from the date of receipt of the documents, makes decree about arousal or about refusal in initiation of enforcement proceedings, which is sent to the service recipient.

      8. If the service recipient provides an incomplete package of documents, the State Corporation or the service provider refuses to accept the application and issues a receipt to this effect in the form, in accordance with Appendix 4 to these Rules.

      9. The Service Provider provides data entry on the stage of the provision of public services to the information system for monitoring the provision of public services.

      10. In case of failure of the information system, the service provider notifies the authorized body and / or Joint Stock Company "National Information Technologies".

      Chapter 3. The procedure for appealing decisions, actions (inaction) of service providers, state corporations and (or) their officials on the provision of public services

      11. In the event of an appeal against decisions, actions (inaction) of a service provider, a state corporation and (or) their officials, the complaint is submitted to the name of the head of the service provider, a state corporation, to the Ministry of Justice of the Republic of Kazakhstan or to authorized body for assessing and monitoring the quality of the provision of public services in accordance with legislation Republic of Kazakhstan...

      12. The service recipient's complaint received by the service provider, state corporation or the Ministry of Justice of the Republic of Kazakhstan is subject to consideration within five working days from the date of its registration.

      The service recipient's complaint received by the authorized body for the assessment and control over the quality of the provision of public services is subject to consideration within fifteen working days from the date of its registration.

      13. In case of disagreement with the results of the provision of public services, the service recipient applies to the court in the established legislation Of the Republic of Kazakhstan.

|  |  |
| --- | --- |
|   | Appendix 1to the Terms of Servicepublic service"Excitement of the executiveproduction based onexecutive documentat the request of the claimant" |

      Footnote. Annex 1 as amended by Order No. 905 of the Minister of Justice of the Republic of Kazakhstan dated 20.10.2021 (shall be enacted ten calendar days after the date of its first official publication).

|  |
| --- |
|
Standard of the public service “Initiating Enforcement Proceedings Based on an Enforcement Document Upon an Application of the Claimant” (hereinafter referred to as the Standard) |
|
1 |
Name of the service provider |
This public service shall be provided by the territorial bodies of justice at the place of execution. |
|
2 |
Ways of providing a public service |
The application shall be accepted and the result of the public service shall be issued via:
1) the service provider;
2) Government for Citizens State Corporation, Non-Commercial Joint-Stock Company;
3) e-Government web portal: www.egov.kz. |
|
3 |
Duration of public service |
3 (three) working days. |
|
4 |
Form of public service delivery/form of presentation of public service result |
Electronic (partly automated) / paper. |
|
5 |
Result of a public service |
Decision by a court bailiff to initiate enforcement proceedings or to refuse to initiate enforcement proceedings. |
|
6 |
The amount of the fee charged to the service recipient for the provision of a public service. |
The public service shall be provided free of charge - to natural persons and legal entities.  |
|
7 |
Work schedule of the service provider |
Working hours:
1) the service provider - from Monday to Friday inclusive, from 9.00 a.m. to 6.30 p.m., with a lunch break from 1.00 p.m. to 2.30 p.m., excluding weekends and public holidays, as per the Labour Law of the Republic of Kazakhstan.
Reception of applications and issuance of results of the public service - from 9 a.m. to 5.30 p.m. with lunch break from 1 p.m. to 2.30 p.m..
The public service shall be provided on a first-come, first-served basis, without an appointment or expedited service;
2) State Corporation - from Monday to Saturday inclusive, except Sundays and public holidays, as per the labour law of the Republic of Kazakhstan, as per the established working hours of the State Corporation from 9 a.m. to 8 p.m. without break for lunch.
Acceptance shall be by "electronic" queue, at the place of execution without expedited service, reservation of the electronic queue via the portal is possible.
3) of the portal - round the clock, except for technical breaks in connection with the repair work (when the service recipient applies after working hours, on weekends and public holidays according to the Labour Code of the Republic of Kazakhstan, the application reception and delivery of the state service shall be performed on the following working day). |
|
8 |
List of documents required for the provision of the public service |
An application for issuance, submission of an execution document for enforcement, initiation of enforcement proceedings in the form as per Annexes 2, 3 hereto.
Executive document.
An identity card, or an electronic document from the digital document service (to verify personal identity).
Service providers shall receive digital documents from the digital document service via the implemented integration, subject to the consent of the document owner provided through the user's cellular subscriber number registered on the e-government web portal by sending a one-time password or by sending a short text message as a response to the notification of the e-government web portal. |
|
9 |
Grounds for refusal of a public service established by the legislation of the Republic of Kazakhstan |
1) determination that the documents submitted by the recipient of a public service and (or) the data (information) contained therein are unreliable;
2) the non-compliance of the submitted materials, objects, data and information required for the provision of a public service with the requirements set out in Article 38 of the Law of the Republic of Kazakhstan “On Enforcement Proceedings and the Status of Bailiffs”. |
|
10 |
Other requirements, subject to the specifics of the public service |
In case of the need to receive documents for the provision of a public service for those recipients who have health problems with an enduring disorder of the organism function limiting their abilities to live, the documents shall be received by an employee of the State Corporation at the place of residence by applying via the unified contact centre 1414, 8 800 080 7777.
The service recipient of a public service may receive the service electronically via the portal, provided that an electronic digital signature is available.
The addresses of the locations where the public service is provided shall be available on the websites of the Service Provider and the State Corporation: www.gov4c.kz.
The service recipient shall obtain information on the procedure and status of the public service by remote access via the Unified Contact Centre 1414, 8 800 080 7777.
The digital document service shall be available to users authorised in the mobile app.
For using a digital document, it shall be required to authorise in the mobile app using a digital signature or one-time password, then go to “Digital Documents” and select the required document. |

|  |  |
| --- | --- |
|   | Appendix 2to the Terms of Servicepublic service"Excitement of the executiveproduction based onexecutive documentat the request of the claimant " |
|   | The form |

 **Application for initiation of enforcement proceedings**

      In \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                              (full name of the service provider)

      from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

            (name of the legal entity and BIN, full name (if any)

      individual and IIN)

      I ask to initiate enforcement proceedings on the basis of the executive document attached to this application.

      Address of the place of residence of an individual, location of a legal entity

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                  (postal code, region, city, district, settlement,

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                        street name, house / building number)

      Email \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

      Phones \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

      It is hereby confirmed that: all the specified data are official contacts, and any information on the execution of the executive document can be sent to them; all attached documents are true and valid.

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                        (signature) (surname, name, patronymic (if any))

      I agree to the use of information constituting a secret protected by law contained in the information systems "\_\_\_" \_\_\_ 20\_\_. (signature)

|  |  |
| --- | --- |
|   | Appendix 3to the Terms of Servicepublic service"Excitement of the executiveproduction based onexecutive documentat the request of the claimant" |
|   | The form |

 **Statement of discharge, direction of a writ of execution**
**for compulsory execution and initiation of enforcement proceedings**

      In\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                                    (full name of the service provider)

      from\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

      (name of a legal entity and BIN / full name (if any) of an individual and IIN)

      I ask you to write out and / or send a writ of execution for compulsory execution

      and initiate enforcement proceedings on the basis of the executive document attached to this application.

      Address of the place of residence of an individual, location of a legal entity

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                  (postal code, region, city, district, settlement,

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

                              street name, house / building number)

      Email\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

      Phones \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

      It is hereby confirmed that: all the specified data are official contacts, and any information on the execution

      of the executive document can be sent to them; all attached documents are true and valid.

      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                   (signature) (surname, name, patronymic (if any))

      I agree to the use of information constituting a secret protected by law contained in information systems

      \_\_\_\_\_\_\_\_ (signature) "\_\_\_" \_\_\_ 20\_\_

|  |  |
| --- | --- |
|   | Appendix 4to the Terms of Servicepublic service"Excitement of the executiveproduction based onexecutive documentat the request of the claimant" |
|   | The form |

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**
**Surname, name, patronymic (if any), or the name of the organization**
**service recipient)**
**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**
**(address of the service recipient) Receipt of refusal to accept documents**

      Guided by article 19, paragraph 2 Article 20 of the Law of the Republic of Kazakhstan dated April 15, 2013 "

      On public services", you are refused to accept documents for the provision of the state service "Initiation of

      enforcement proceedings on the basis of an executive document at the request of a claimant" due to your

      submission of an incomplete package of documents:

      1)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

      2) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

      3) ....

      and / or expired documents.

      This receipt is made in 2 copies, one for each party.

      FULL NAME. (employee) (signature).

      Executor: Full name (if available).

      Telephone:

      Received: Full name (if any) / signature of the service recipient.

      "\_\_\_" \_\_\_\_\_\_\_\_\_ 20\_\_ year.

|  |  |
| --- | --- |
|   | Appendix 4 to the orderMinister of JusticeRepublic of Kazakhstandated May 29, 2020 No. 69 |

 **List of some orders of the Ministry of Justice of the Republic of Kazakhstan that have become invalid**

      1. Order Of the Minister of Justice of the Republic of Kazakhstan dated April 20, 2015 No. 221 "On approval of the standard of the public service" Initiation of enforcement proceedings on the basis of an executive document at the request of a claimant "(registered in the Register of State Registration of Normative Legal Acts No. 10963, published on May 13, 2015 in Information legal system "Әділет");

      2. Order Acting Minister of Justice of the Republic of Kazakhstan dated May 29, 2015 No. 307 "On approval of the regulations of the public service" Initiation of enforcement proceedings on the basis of an executive document at the request of a claimant "(registered in the Register of State Registration of Normative Legal Acts No. 11287, published on June 12, 2015 in Information and legal system "Әділет");

      3. Order Of the Minister of Justice of the Republic of Kazakhstan dated November 30, 2015 No. 605 "On some issues of testing and certification of persons who have undergone an internship and apply to engage in the activities of a private enforcement agent" (registered in the Register of State Registration of Normative Legal Acts No. 12588, published on January 13, 2016 in Information and legal system "Әділет");

      4. Order Of the Minister of Justice of the Republic of Kazakhstan dated January 11, 2018 No. 61 "On the approval of the standards of public services" Conducting certification of persons who have undergone training and applying for the right to engage in the activities of a private enforcement agent "and" Issuance of a license to engage in the activities of a private enforcement agent "(registered in the Register of State registration of regulatory legal acts No. 16309, published on February 15, 2018 in the Reference Control Bank of regulatory legal acts of the Republic of Kazakhstan);

      5. Order Of the Minister of Justice of the Republic of Kazakhstan dated February 1, 2018 No. 170 "On Amendments to the Order of the Minister of Justice of the Republic of Kazakhstan dated November 30, 2015 No. 605" On Certain Issues of Testing and Certification of Persons Who Underwent Training and Applying to Become a Private Bailiff "(registered in the Register of State Registration of Regulatory Legal Acts No. 16372, published on February 26, 2018 in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan);

      6. Order Of the Minister of Justice of the Republic of Kazakhstan dated March 20, 2018 No. 446 "On approval of the regulations of public services" Conducting certification of persons who have undergone training and applying for the right to engage in the activities of a private enforcement agent "and" Issuance of a license to engage in the activities of a private enforcement agent "(registered in the Register of state registration of regulatory legal acts No. 16976, published on June 8, 2018 in the Reference Control Bank of regulatory legal acts of the Republic of Kazakhstan);

      7. Order Of the Minister of Justice of the Republic of Kazakhstan dated April 17, 2019 No. 211 "On amendments to the order of the Minister of Justice of the Republic of Kazakhstan dated April 20, 2015 No. 221" On approval of the standard of the public service "Initiation of enforcement proceedings on the basis of an executive document at the request of the claimant" (registered in the Register state registration of regulatory legal acts No. 18571, published on May 3, 2019 in the Reference Control Bank of regulatory legal acts of the Republic of Kazakhstan);

      8. Order Of the Minister of Justice of the Republic of Kazakhstan dated July 9, 2019 No. 385 "On Amendments to the Order of the Acting Minister of Justice of the Republic of Kazakhstan dated May 29, 2015 No. 307" On Approval of the Regulations for the State Service "Initiation of Enforcement Proceedings on the Basis of an Execution Document at the Request of a Recoverer" (registered in the Register of State Registration of Regulatory Legal Acts No. 19053, published on July 29, 2019 in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan).

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