



On approval of the Rules for the implementation of social assistance in the form of monthly payments to citizens of the Republic of Kazakhstan after the completion of the capitalization period of payments for damages caused to the life and health of employees by legal entities liquidated due to bankruptcy

Unofficial translation

Resolution of the Government of the Republic of Kazakhstan dated May 25, 2011 № 571.

Unofficial translation

Footnote. Title of the resolution in the wording of the resolution of the Government of the RK 14.04.2016 № 215

Pursuant to paragraph 4 of Article 945 of the Civil Code of the Republic of Kazakhstan (Special Part), the Government of the Republic of Kazakhstan **hereby RESOLVES:**

Footnote. Preamble - as amended by Resolution No. 850 of the Government of the Republic of Kazakhstan dated 26.10.2022 (shall be enforced ten calendar days after the date of its first official publication).

1. To approve the attached Rules for the implementation of social assistance in the form of monthly payments to citizens of the Republic of Kazakhstan after the completion of the capitalization period of payments for damages caused to the life and health of employees by legal entities liquidated as a result of bankruptcy.

Footnote. Paragraph 1 in the wording of the resolution of the Government of the RK 14.04.2016 № 215

2. This resolution shall be enforced from January 1, 2011 and shall be subject to official publication

Prime Minister of the Republic of Kazakhstan

K.Massimov

Approved
by resolution of the Government
of the Republic of Kazakhstan
dated May 25, 2011 № 571

Rules

for the implementation of social assistance in the form of monthly payments to citizens of the Republic of Kazakhstan after the completion of the capitalization period of payments for damages caused to the life and health of employees by legal entities liquidated due to bankruptcy

Footnote. Rules in the wording of the resolution of the Government of the RK 14.04.2016 № 215

These Rules for implementation of social assistance in the form of monthly payments to citizens of the Republic of Kazakhstan after completion of the period of capitalization of payments for compensation for damage caused to the life and health of employees by legal entities liquidated as a result of bankruptcy (hereinafter – the Rules), are developed in accordance with paragraph 4 of Article 945 of the Civil Code of the Republic of Kazakhstan (Special part) and regulate the procedure for the appointment and implementation of social assistance in the form of monthly payments to citizens of the Republic of Kazakhstan after completion of the period of capitalization of payments for compensation for damage caused to the life or health of employees by legal entities liquidated as a result of bankruptcy.

Footnote. The preamble is in the wording of the resolution of the Government of the Republic of Kazakhstan dated 27.03.2024 № 228 (effective ten calendar days after the date of its first official publication).

Chapter 1. General provisions

Footnote. Title of Chapter 1 in the wording of the resolution of the Government of the RK 09.10.2018 № 624 (shall be enforced from the date of its first official publication)

1. The following basic concepts shall be used in these Rules:

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

2) social assistance in the form of monthly payments - cash payments to citizens of the Republic of Kazakhstan - former employees and persons who suffered damage due to the death of the former employee (hereinafter referred to as the injured persons) of legal entities liquidated due to bankruptcy and recognized liable for damage caused to life or health of employees, made after the completion of the capitalization period of payments for damages (the victim reaches 70 years of age, but not earlier than 10 years (120 months) after the recognition date of bankruptcy of the legal entity);

3) the authorized organization for the provision of social assistance in the form of monthly payments - banks and organizations carrying out certain types of banking transactions;

4) the authorized body for appointing social assistance in the form of monthly payments (hereinafter -the authorized body) - territorial units of the Committee for Labor and Social Protection of the Ministry of Labor and Social Protection of the Population of the Republic of Kazakhstan;

5) the authorized body in the sphere of social protection - the state body implementing regulation in the sphere of social protection of the population;

6) electronic model of the case (hereinafter - EMC) - electronic model of the case of the recipient of social assistance in the form of monthly payments, formed by the State Corporation;

7) period of capitalization - the period specified in the document confirmed by the court or liquidation commission (judicial act, register of creditors, certificate -calculation) for which capitalization shall be performed;

8) the amount of capitalized payments - the amount paid to the injured person in monetary terms, or repaid at the expense of the debtor's property in kind, specified in the judicial act (s), the register of creditors, certificate-calculation;

9) branches of the State Corporation - city and district branches of the State Corporation;

10) branches of the State Corporation - regional, cities of republican significance and capital branches of the State Corporation;

11) a centralized data repository (hereinafter referred to as the CDR) - a centralized data repository of recipients of social assistance in the form of monthly payments;

12) electronic digital signature (hereinafter referred to as the EDS) - a set of electronic digital symbols created by means of electronic digital signature and confirming validity of the electronic document, its ownership and stability of content.

Footnote. Paragraph 1 as amended by the resolution of the Government of the RK dated 09.10.2018 № 624 (shall be enforced from the date of its first official publication); dated 09.11.2020 № 745 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 16.03.2022 No. 128 (shall be enforced from the date of its first official publication); dated 27.03.2024 № 228 (effective ten calendar days after the date of its first official publication).

Chapter 2. Procedure of applying for social assistance in the form of monthly payments

Footnote. Title of Chapter 1 in the wording of the resolution of the Government of the RK dated 09.10.2018 № 624 (shall be enforced from the date of its first official publication).

2. Persons entitled to receive social assistance in the form of monthly payments shall submit an application for the appointment of social assistance in the form of monthly payments in the form approved by the authorized body in the field of social protection, and for identification - an identity document to the branch of the State Corporation in the place of residence.

3. When receiving an application, the State Corporation's specialists receive information about the identity document and registration at their permanent place of residence from the relevant state information systems through the gateway of the "electronic government" (hereinafter referred to as the information systems).

In the absence of information from information systems, the following documents shall be attached to the application:

1) for residents of the city of Baikonur - a certificate of the department for accounting and registration of citizens of housing in the city of Baikonur;

2) information about the number of the bank account opened in the authorized organization for the issuance of social assistance in the form of monthly payments, or the cash control account of the institution of the penal and correctional system;

3) a judicial act (acts) confirming the right to receive capitalized amounts, containing information on the capitalization period, the amount of capitalized payments for damages:

upon receipt of the amounts of capitalized payments from the state – an enforced decision (resolution, ruling) on assigning responsibility to the state for paying capitalized payments as indemnity for harm;

when receiving amounts of capitalized payments at the expense of the property of a liquidated legal entity - a ruling (decision) on completion of bankruptcy proceedings with the approval of the final report of the bankruptcy trustee, containing a breakdown for each primary creditor.

The right for receiving capitalized amounts can also be confirmed by an archival document of the court or the state archive containing information on the capitalization period, the amount of capitalized payments for damages.

Depending on the status of the affected person:

in case of compensation for harm caused by damage to health - a statement of the degree of loss of professional ability to work in the form approved by the authorized social protection body;

in case of indemnity for harm to persons with disabilities who have suffered damage as a result of the death of an employee who, in accordance with paragraph 3 of Article 940 of the Civil Code of the Republic of Kazakhstan, is compensated for the damage for the disability period, information on the establishment of disability to the applicant is requested from the automated information system "Centralized data bank of persons with disability" (hereinafter - AIS "CDDPD").

In the absence of information from the AIS CDDPD, a copy of the certificate of disability or the degree of loss of professional ability to work shall be attached to the application.

If there is information about the establishment of the degree of loss of professional ability to work or disability in a judicial act or an archival document confirming the right to receive capitalized amounts, a separate certificate is not required.

For the appointment of social assistance in the form of monthly payments to incapacitated, partially incapacitated persons or in need of guardianship or patronage, an application and the necessary documents shall be filed by their legal representatives.

An application for the appointment of social assistance in the form of monthly payments by third parties shall be submitted by a power of attorney issued as required by Article 167 of the Civil Code of the Republic of Kazakhstan.

Footnote. Paragraph 3 –in the wording of the resolution of the Government of the Republic of Kazakhstan dated 09.11.2020 № 745 (shall be enforced after the day of its first official publication); as amended by Resolution No. 850 of the Government of the Republic of Kazakhstan dated 26.10.2022 (shall be enforced ten calendar days after the date of its first official publication).

4. When applying for social assistance in the form of monthly payments, the applicant shall be checked for the fact of the appointment or application for payment.

The specialist who accepted the application checks the completeness of the package of documents accepted from the applicant for the purpose of assigning social assistance in the form of monthly payments, as well as information received from the information systems of state bodies and (or) organizations, shall ensure the quality of scanning and compliance of electronic copies of documents with the originals submitted by the applicant in accordance with paragraph 3 of these Rules.

When receiving data from the information system of the authorized body in the field of social protection, confirming that a payment has been made, as well as in cases where the applicant has submitted an incomplete package of documents or has not been entitled to social assistance in the form of monthly payments, the applicant shall be promptly issued with a receipt of refusal to accept an application for social assistance in the form of monthly payments in the form approved by the authorized body in the field of social protection.

Electronic copies of documents shall be certified by the EDS of a specialist of the State Corporation.

5. The application for the appointment of social assistance in the form of monthly payments in the branch of the State Corporation shall be registered in the electronic register of the registration of applications of citizens for appointment in the form approved by the authorized body in the field of social protection.

6. The applicant shall be given a receipt of acceptance of the documents from the applicant.

Chapter 3. Procedure for assigning social assistance in the form of monthly payments

Footnote. Title of Chapter 3 in the wording of the resolution of the Government of the RK dated 09.10.2018 № 624 (shall be enforced from the date of its first official publication).

7. The branch of the state corporation within two working days forms the EMC with calculation of the amount of social assistance in the form of monthly payments and the draft decision on the appointment of social assistance in the form of monthly payments.

The formed EMC shall be sent to the authorized body to decide on the appointment (refusal to appoint) of social assistance in the form of monthly payments through the branch of the State Corporation.

The branch of the State Corporation shall review the received documents within two working days, shall check the correctness of EMC registration and calculation of social assistance in the form of monthly payments.

Footnote. Paragraph 7 as amended by the resolution of the Government of the RK dated 09.10.2018 № 624 (shall be enforced from the date of its first official publication).

8. The calculation of social assistance in the form of monthly payments shall be carried out in accordance with the procedure established by the authorized body in the field of social protection.

9. The authorized body shall consider the received EMC and shall make a decision on the appointment (refusal to appoint) of social assistance in the form of monthly payments within four working days in the form approved by the authorized body in the field of social protection.

If in order to decide on the appointment (refusal to appoint) of social assistance in the form of monthly payments it is revealed that additional documents need to be added to the EMC, the authorized body shall return the EMC to the branch of the State Corporation with notification in the form approved by the authorized body in the field of social protection. The branch of the State Corporation shall, within five working days from the date of receipt of the notification, inform the applicant of the need to submit additional documents within twenty-five working days. The period of additional formation should not exceed thirty working days.

If within thirty working days the required documents are not submitted, the authorized body shall make a decision on the appointment (refusal to appoint) of social assistance in the form of monthly payments under the available documents.

In the following date of application shall be the day of repeated submission of the application with all necessary documents.

Footnote. Paragraph 9 as amended by the resolution of the Government of the RK dated 09.10.2018 № 624 (shall be enforced from the date of its first official publication).

10. When deciding to appoint (refuse to appoint) social assistance in the form of monthly payments, the branch of the State Corporation gives the applicant a notification of appointment upon personal application (refusal of appointment) in the form approved by the authorized body in the field of social protection, with its registration in the register in the form approved by the authorized body in the field of social protection, and informs the applicant by sending message-notification to the mobile phone of the applicant. Message-notification shall be registered in the message-notification register according to the form approved by the authorized body in the field of social protection.

11. The amount of social assistance in the form of monthly payments shall be increased annually by the authorized body in accordance with the procedure provided for by the

legislation of the Republic of Kazakhstan and shall be formalized in the form of an electronic draft decision prepared by the branch of the State Corporation in the form approved by the authorized body in the field of social protection.

12. If the name, first name, patronymic name (if any) is changed, the date of birth of the recipient shall be automatically changed in the CDR.

13. EMC shall be printed by a specialist of the State Corporation to form a paper version of the case of a person entitled to receive social assistance in the form of monthly payments in the form approved by the authorized body in the field of social protection.

Chapter 4. Procedure for the appointment and payment of social assistance in the form of monthly payments in the event of a change of residence

Footnote. Title of Chapter 4 in the wording of the resolution of the Government of the RK dated 09.10.2018 № 624 (shall be enforced from the date of its first official publication).

14. Persons coming from other regions of the Republic of Kazakhstan shall submit an application to the branch of the State Corporation for a paper file of the recipient of social assistance in the form of monthly payments in the form approved by the authorized body in the field of social protection. The Office of the State Corporation shall request a paper file of the recipient of social assistance in the form of monthly payments to the applicant's place of residence.

15. Persons who have come to the Republic of Kazakhstan for permanent residence from other countries that have previously received social assistance in the form of monthly payments in the Republic of Kazakhstan shall submit an application in the form approved by the authorized body in the field of social protection and documents provided for in paragraph 3 of these Rules, unless otherwise provided for by laws and international treaties.

16. Persons who have arrived for permanent residence in the Republic of Kazakhstan, who have previously been appointed social assistance in the form of monthly payments in the Republic of Kazakhstan, shall resume social assistance previously appointed in the Republic of Kazakhstan in the form of monthly payments in the amount established at the time of departure from the Republic of Kazakhstan, or at his request, a new appointment procedure shall be carried out in accordance with the legislation of the Republic of Kazakhstan from the date of appeal.

If an increase in social assistance in the form of monthly payments is made during the period of departure, the amount of social assistance shall be determined taking into account these increases.

17. The paper file of the recipient of social assistance in the form of monthly payments, which have gone to other regions of the Republic of Kazakhstan, shall be sent at the request of other branches of the State Corporation with the Annex of the certificate in the form approved by the authorized body in the field of social protection.

18. The payment of social assistance in the form of monthly payments to persons travelling outside the Republic of Kazakhstan for permanent residence shall be made on a month of withdrawal from registration with the internal affairs agencies.

Chapter 5. Procedure for the payment of social assistance in the form of monthly payments

Footnote. Title of Chapter 5 in the wording of the resolution of the Government of the RK dated 09.10.2018 № 624 (shall be enforced from the date of its first official publication).

19. On the basis of the decisions of the authorized body on the appointment of social assistance in the form of monthly payments, the State Corporation shall form monthly the need for budgetary funds for payment and shall submit it to the authorized body in the field of social protection by the 25th of the month preceding the month of payment.

20. The authorized body in the field of social protection shall send to the Ministry of Finance of the Republic of Kazakhstan information on budgetary funds necessary for payment, within the limits of the consolidated financing plan for payments for the corresponding period.

21. The authorized body in the field of social protection, in accordance with the need for budgetary funds for payment, shall transfer budgetary funds to the State Corporation within the limits provided for by the individual financing plan for payments for the reporting period.

22. The amounts formed after the formation of the demand for the month of payment shall be included in the month following it in accordance with the legislation of the Republic of Kazakhstan.

23. The State Corporation, having received budgetary funds, shall form payment orders for the payment of social assistance in the form of monthly payments, as well as deductions from social assistance in the form of monthly payments in accordance with the payment schedule.

24. Payment of social assistance in the form of monthly payments shall be made by the State Corporation by:

- 1) credit to bank accounts in the authorized social assistance organization in the form of monthly payments;
- 2) delivery to the recipients through the branches of the joint-stock company “Kazpost”.

In case of change of the bank account number of the recipient, payment method, residence of the recipient (guardian), the branch of the State Corporation of recipients (guardians) is submitted with an application for these changes with documents confirming the corresponding changes.

25. Cooperation on payment of social assistance in the form of monthly payments to recipients shall be regulated by agreements concluded between the State Corporation, banks and organizations carrying out certain types of banking transactions.

26. Payment of banking services related to payment of social assistance in the form of monthly payments shall be made at the expense of budgetary funds.

27. The branch of the State Corporation, on the basis of the decision of the authorized body in the form approved by the authorized body in the field of social protection, shall suspend the payment of social assistance in the form of monthly payments from the first day of the month following the month of receipt of information:

1) on the absence of spending transactions of three or more months on the bank account of the recipient, submitted by the authorized organization for the issuance of social assistance in the form of monthly payments;

2) detection of missing wanted persons, including from information systems;

3) detecting the fact of departure of recipients of social assistance in the form of monthly payments for permanent residence outside the Republic of Kazakhstan, including from information systems.

If the above-mentioned facts are corrected, social assistance in the form of monthly payments shall be renewed in accordance with the procedure provided for in paragraph 29 of these Rules.

28. The branch of the State Corporation, on the basis of the decision of the authorized body in the form approved by the authorized body in the field of social protection, shall stop the payment of social assistance in the form of monthly payments from the first day of the month following the month of receipt, in cases of submission:

1) information on the death of the recipient of social assistance in the form of monthly payments, including from information systems;

2) applications of the recipient of social assistance in the form of monthly payments on termination of payment of social assistance in the form of monthly payments with submission of a document confirming its withdrawal from registration with internal affairs bodies.

29. In case of occurrence of circumstances, which are the grounds for resumption of payment, preparation by the State Corporation of EMC, supplemented by newly submitted documents with electronic draft decision, and its approval by the authorized body shall be carried out from the date of suspension or occurrence of the right to renewal.

30. Employees of the branch of the State Corporation shall make daily records of death, departure, retention amounts with a reference mark, actions on suspension or withdrawal of payment, resumption of payment, as well as adjustments to the amounts of requirement in the downward direction due to death, departure of recipients, and suspension of payment.

31. The return of excess (paid) amounts of social assistance in the form of monthly payments shall be carried out:

1) at the request of the recipient;

2) on the basis of a letter from the branch of the State Corporation.

At the same time, the branch of the State Corporation shall submit to the authorized organization for the issuance of social assistance in the form of monthly payments a letter containing the necessary document (information on the death or departure of the recipient outside the Republic of Kazakhstan, including those received from information systems)

confirming the validity of returning payments to the State Corporation for transfer to the income of the republican budget;

3) by court decision.

32. In cases of erroneous transfer of amounts of social assistance in the form of monthly payments, the State Corporation sends to the authorized organization for granting social assistance in the form of monthly payments information on withdrawal of the payment order or suspension of execution of the instruction in the form and method established by the agreement between the State Corporation and the authorized organization for issuing social assistance in the form of monthly payments.

On the basis of the information on the erroneous transfer or withdrawal or suspension of the execution of the instruction, the authorized organization for the issuance of social assistance in the form of monthly payments shall return money to the State Corporation or shall suspend the execution of the instruction in accordance with the procedure established by the legislation of the Republic of Kazakhstan on payments and transfers of money.

33. For write-off of the amounts of social assistance in the form of monthly payments transferred excessively (paid) to recipients for the reasons not depending on offices of the State Corporation, the State Corporation shall address to judicial authorities for removal of definition about impossibility of return of the amounts in connection with uncertainty of location of the debtor or absence of successors.

Write-off of excess (paid) amounts by the State Corporation shall be performed under the write-off certificate on the basis of court acts.

Chapter 6. Procedure for the appointment and payment of social assistance in the form of monthly payments in institutions of the criminal executive system

Footnote. Title of Chapter 6 in the wording of the resolution of the Government of the RK dated 09.10.2018 № 624 (shall be enforced from the date of its first official publication).

34. A person entitled to receive social assistance in the form of monthly payments in the institution of the criminal executive system shall receive social assistance in the form of monthly payments on the basis of the application and documents provided for in paragraph 3 of these Rules submitted by the administration of the institution of the criminal executive system to the branch of the State Corporation at the location of the institution of the criminal executive system.

35. If a person at the time of placement in an institution of the criminal executive system is the recipient of social assistance in the form of monthly payments, the State Corporation at the location of the institution of the criminal executive system, on the basis of the application of the given person submitted by the administration of the institution of the criminal executive system in accordance with paragraphs 13 and 17 of these Rules, shall make the payment in accordance with the legislation of the Republic of Kazakhstan.

36. The branch of the State Corporation at the location of the institution of the criminal executive system, after receiving the paper file of the recipient of social assistance in the form of monthly payments, shall register with the details of the cash control account of the institution of the criminal executive system for the transfer of social assistance in the form of monthly payments.

Chapter 7. Procedure for the payment of social assistance in the form of monthly payments in state medical and social institutions

Footnote. Title of Chapter 7 in the wording of the resolution of the Government of the RK dated 09.10.2018 № 624 (shall be enforced from the date of its first official publication).

37. The guardian shall submit to the branch of the State Corporation the decision of the court to recognize the person entitled to social assistance in the form of monthly payments as incapacitated (limited legal capacity) or the decision of the guardianship body and the document confirming the guardianship.

The branch of the State Corporation at the location of the state medical and social institution shall pay social assistance in the form of monthly payments in accordance with paragraphs 13 and 17 of these Rules.

Persons recognized by a court decision as incapacitated, with limited legal capacity and in need of guardianship and living in state medical and social institutions shall be paid social assistance in the form of monthly payments from the first day of the month following the month of registration of the application and shall be paid until the end of the month of registration with state medical and social institutions.

38. Social assistance in the form of monthly payments shall be transferred to their bank accounts, opened in the authorized organization for the provision of social assistance in the form of monthly payments, to incapacitated, have limited legal capacity and in need of guardianship, residing in medical and social institutions.