



On approval of the Rules for the Development and Approval of Regulations on the Structural Unit of a State Body

Invalidated Unofficial translation

Decree of the Government of the Republic of Kazakhstan No. 1125 dated September 30, 2011. Expired by the Decree of the Government of the Republic of Kazakhstan dated 01.09.2021 No. 590 (effective from the date of its signing and subject to official publication).

Unofficial translation

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The Government of the Republic of Kazakhstan **HEREBY DECREES AS FOLLOWS:**

1. That the attached Rules for the Development and Approval of Regulations on the Structural Unit of a State Body (hereinafter - the Rules) shall be approved.
2. Within a month after the adoption of this Decree, state bodies shall bring their provisions on structural units in accordance with the standard form attached to the Rules.
3. This Decree shall bring into effect from the date of signing.

Prime Minister of the Republic of Kazakhstan

K. Massimov

Approved
by Decree of the Government
of the
Republic of Kazakhstan
No. 1125 dated September 30, 2011

Rules

for the Development and Approval of Regulations on the Structural Unit of a State Body

1. General provisions

1. The Rules for Development and Approval of Regulations on the Structural Unit of a State Body (hereinafter referred to as the Rules) have been developed with the aim of unifying the provisions on the structural units of state bodies and setting the standards that these provisions shall contain.

2. The structural unit of the state body is an officially allocated part of the state body, which is entrusted with part of the tasks, functions and responsibilities of the state body in order to implement a specific area of its activity.

Responsibility of state bodies and officials shall be regulated by the Criminal Code of the Republic of Kazakhstan, the Code of the Republic of Kazakhstan “On Administrative Offenses”, the laws of the Republic of Kazakhstan “ On Combating Corruption”, “ On Administrative Procedures”, and the Decree of the President of the Republic of Kazakhstan “On Approval of the Rules for Imposing Disciplinary Sanctions on Administrative Civil Servants of the Republic of Kazakhstan”.

2. The procedure for the development and approval of regulations on the structural unit of a state body

3. When creating a new structural unit of a state body, an analysis of normative legal acts shall be carried out with a view to identifying the functions to be carried out by the created structural unit of a state body.

The analysis shall be carried out by the personnel department of the state body within five working days before the formation of the structural unit.

Following the results of the analysis, the structure, the list of tasks and functions of the structural unit of the state body shall be determined, on the basis of which the draft regulation on the structural unit shall be further developed.

Structural units of a state body shall develop regulations pursuant to the form in accordance with Appendix 1 to these Rules, with the exception of departments and its territorial divisions, as well as territorial bodies of the state body, which develop provisions pursuant to the form in accordance with Appendix 2 to these Rules.

Footnote. Paragraph 3 as amended by Decree of the Government of the Republic of Kazakhstan No. 93 dated 02.03.2018 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

4. The regulations on the structural unit of the state body (hereinafter referred to as the Regulations) shall be developed by personnel services in conjunction with industry structural units of the state body (depending on the tasks and powers of the structural unit) within ten working days from the date of formation of the structural unit of the state body.

5. The developed draft Regulations shall be agreed upon by the legal department of the state body within three working days; if there are comments and suggestions, it shall be finalized within two working days.

6. Approval of the draft Regulations shall be carried out within two business days after approval by the legal service of the state body.

The draft Regulations shall be initialed on a per-page basis by the heads of the personnel service and the created structural unit of the state body (or by the person performing his duties).

Regulations shall be approved:

1) in state bodies directly subordinate and accountable to the President of the Republic of Kazakhstan, and their territorial bodies - by the relevant head;

2) in the Office of the Prime Minister, the administrative offices of the Chambers of the Parliament, the Central Election Commission, the Constitutional Council, the Supreme Court of the Republic of Kazakhstan, the Office of Logistics, the National Center for Human Rights of the Republic of Kazakhstan – by the relevant head;

3) in the central executive bodies (structural units supervised by the head of the central executive body or his deputy) - by the executive secretary (an official exercising the full authority of the executive secretary) in agreement with the head of the central executive body (or the person performing his duties);

4) in the central executive bodies and territorial bodies (structural units supervised by the responsible secretary) - by the executive secretary (an official exercising the powers of the executive secretary);

5) in executive bodies financed from the local budget, administrative offices of maslikhats and the akim - by the relevant head.

Footnote. Paragraph 6 as amended by Decree of the Government of the Republic of Kazakhstan No. 932 dated 05.09.2013; as amended by Decrees of the Governments of the Republic of Kazakhstan No. 886 dated December 28, 2016 (shall be enforced from the date of its first official publication); No. 93 dated 03.03.2018 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

7. In the event of a reorganization of a state body or changes in the functions of a structural unit:

1) changes to the Regulations on the structural unit shall be made within five working days in accordance with the requirements established by these Rules;

2) when amendments are made to the Regulations, the draft Regulations shall be initialed on a per-page basis by a personnel service, as well as by the head of the relevant structural unit.

Appendix 1
to the Rules for Development
and Approval
of Regulations on the
Structural Unit
of a State Body

Footnote. The upper right corner as reworded by Decree of the Government of the Republic of Kazakhstan No. 93 dated 03.03.2018 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

**The standard form of the
regulations on the structural unit of the
state body**

1. General provisions

1. (Name of the structural unit of the state body) shall be a structural unit ("name of the state body) .

2. The structural unit in its activities shall be guided by the Constitution of the Republic of Kazakhstan, laws, acts of the President and the Government of the Republic of Kazakhstan, other regulatory legal acts, as well as this Regulation.

3. The structure, staffing of the structural unit shall be approved by an authorized official of a state body in the manner established by the legislation of the Republic of Kazakhstan.

4. The structural unit shall consist of *:

1) _____;

2) _____;

3) _____.

2. The main tasks, functions, rights and obligations of the structural unit of the state body

5. Objective:

Functions:

1) _____;

2) _____;

3) _____.

6. Objective:

Functions:

1) _____;

2) _____.

7. Task:

Functions:

1) _____;

2) _____.

8. Rights and obligations:

_____;

_____.

* *This item shall be filled in by structural units having structural units that are part of the structural unit of a state body.*

3. Organization of activities of a structural unit of a state body

9. The structural unit shall have the powers necessary for the implementation of its main tasks and functions, in accordance with legislative acts, acts of the President of the Republic of Kazakhstan, other regulatory legal acts of the Republic of Kazakhstan.

10. The structural unit of the state body shall be headed by the head appointed to the post and dismissed from the post in the manner established by the legislation of the Republics and Kazakhstan.

11. The head of the structural unit of the state body in cases established by the legislation of the Republic of Kazakhstan, shall have a deputy (deputies).

12. The head of the structural unit of the state body shall carry out general management of the activities of the structural unit and shall be personally responsible for the fulfillment of the tasks assigned to the structural unit of the state body and the exercise of its functions.

13. The head of the structural unit shall submit to the management of the state body proposals on the structure and staffing of the structural unit.

14. For these purposes, the head shall:

- 1) determine the duties and powers of his deputy (deputies), if any;
- 2) determine the duties and powers of the heads of structural units that are part of the structural unit;
- 3) exercise other powers in accordance with the laws and acts of the President of the Republic of Kazakhstan.

15. Deputy (deputies) of the head of the structural unit of the state body shall:

- 1) coordinate the activities of the structural unit within its authority;
- 2) during the absence of the head of the structural unit, exercise general management of the activities of the structural unit and is personally responsible for the fulfillment of the tasks assigned to the structural unit and the exercise of its functions;
- 3) carry out other functions assigned by the leadership of the structural unit of the state body.

16. Documents sent on behalf of the structural unit of the state body to other structural units on issues falling within the competence of the structural unit shall be signed by the head of the structural unit, and in case of absence, by his deputy.

Appendix 2
to the Rules for Development
and Approval
of Regulations on the
Structural Unit
of a State Body

Footnote. The Rules are supplemented by Appendix 2 in accordance with Decree of the Government of the Republic of Kazakhstan No. 93 dated 02.03.2018 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

The standard form of the regulation on the department and its territorial divisions, as well as the territorial bodies of the state body

Chapter 1. General Provisions

_____ (the name of the department / territorial unit of the department / territorial body of the state body)

is the department / territorial unit of the department / territorial body of the Republic of Kazakhstan,

carrying out management in the field (s) _____
_____ (name of the state body)

_____ (name of the department / territorial department divisions / territorial body of public authority)

is carried out its activity in accordance with
the Constitution and laws of the Republic of Kazakhstan, acts of the President and the Government
of the Republic of Kazakhstan, other regulatory legal acts and these Regulations.

_____ (the name of the department / territorial unit of the department / territorial body of the state body)

is a legal entity in the legal corporate form of a state institution, has seals and stamps with its name in

the state language, letterhead in the established form, in accordance with the legislation

of the Republic of Kazakhstan accounts with the treasury.

_____ (name of the department / territorial unit of the department / territorial body of the state body)

enters into civil law relations on its own behalf.

_____ (the name of the department / territorial unit of the department / territorial body of the state body)

has the right to act as a party to civil law relations on behalf of the state, if it is authorized
to do so in accordance with the law.

_____ (name of the department / territorial subdivision of the department / territorial body of the state body)
on matters within its competence, in the order established by law, takes decisions drawn up by
orders of the head _____

_____ (name of the department / territorial unit of the department / territorial body of the state body)
and other acts provided for the legislation of the Republic of Kazakhstan.
The structure and staffing limit _____
(the name of the department / territorial unit of the department / territorial body of the state body)
are approved in accordance with applicable law.

8. Location of the legal entity.

9. The full name of the state body is the state institution

_____ (name of the department / territorial unit of the department / territorial body of the state body)
10. This Regulation is the constituent document

_____ (name of the department / territorial unit of the department / territorial body of the state body)

11. Financing of activities _____

_____ (name of the department / territorial unit of the department / territorial body state body)

carried out from the republican and local budgets, budget (cost estimates) of the National Bank of the Republic of Kazakhstan.

12. _____

_____ (the name of the department / territorial unit of the department / territorial body of the state body)

is prohibited from entering into contractual relations with business entities regarding the fulfilment of duties that are functions _____

_____ (name of the department / territorial unit of the department / territorial body of the state body).

If _____

_____ (the name of the department / territorial subdivision of the department / territorial body of the state body)

provides for the right to carry out income-generating activities by legislative acts, then the proceeds

from such activities shall be sent to the state budget.

Chapter 2. The main tasks, functions, rights and obligations of a department or territorial unit of a department or territorial body of a state body

13. Tasks:

_____;
_____;
_____.

14. Functions:

_____;
_____;
_____.

15. Rights and obligations:

_____;
_____;
_____;
_____.

Chapter 3. Organization of activities of a department or territorial unit of a department or territorial body of a state body

16. The management of _____

_____ (the name of the department / territorial unit of the department / territorial body of the state body)

is carried out by the head, who is personally responsible for fulfilling the tasks assigned to

(the name of the department / territorial unit of the department / territorial body of the state body) and his functions.

17. The head of the _____

(name of the department / territorial unit of the department / territorial body of the state body)

is appointed to and dismissed from office in accordance with the legislation of the Republic of Kazakhstan.

18. Head _____

(name of department / territorial subdivision of department / territorial body of a state body)

has deputies who are appointed and removed from office in accordance with the legislation of the Republic of Kazakhstan.

19. The powers of the head of _____

_____:

(name of the department / territorial unit of the department / territorial body of the state body)

_____;

_____;

_____.

The fulfillment of the powers of the head of _____

(the name of the department / territorial subdivision of the department / territorial body of the state body)

during his absence is carried out by the person replacing him in accordance with applicable law.

20. The head determines the powers of his deputies in accordance with applicable law.

Chapter 4. Property of a department or territorial unit of a department or territorial body of a state body

21. _____

(the name of the department / territorial subdivision of the department / territorial body of the state body)

may have separate property on the right of operational management in cases stipulated by law.

The property _____

_____ (the name of the department / territorial subdivision of the department / territorial body of the state body)

is formed from the property transferred to it by the owner, as well as property (including cash income)

acquired as a result of own activities and other sources not prohibited by the legislation of the Republic of Kazakhstan .

22. The property assigned to _____

_____ (the name of the department / territorial unit of the department / territorial body of a state body)

refers to the republican / communal property.

23. _____

_____ (the name of the department / territorial subdivision of the department / territorial body of a state body)

is not entitled to independently alienate or otherwise dispose of property assigned to it and property acquired

at the expense of funds issued to it under the financing plan, unless otherwise provided by law.

Chapter 5. Reorganization and abolition of a department or territorial unit of a department or territorial body of a state body

24. Reorganization and abolition of _____

_____ (name of the department / territorial unit of the department / territorial body of the state body)

are carried out in accordance with the legislation of the Republic of Kazakhstan.

The list of organizations under the jurisdiction _____

(name of the department)

The list of the territorial units under the jurisdiction

_____ (name of the department)

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Justice of the Republic of Kazakhstan