

Some issues of enforcement of the Law of the Republic of Kazakhstan "On law enforcement service"

Unofficial translation

Resolution of the Government of the Republic of Kazakhstan dated October 20, 2011 № 1192

Unofficial translation

In pursuance of paragraph 2 of Article 45, paragraph 2 of Article 66 of the Law of the Republic of Kazakhstan "On Law Enforcement Service", the Government of the Republic of Kazakhstan **hereby RESOLVES:**

Footnote. Preamble - as amended by Resolution № 1126 of the Government of the Republic of Kazakhstan dated 30.12.2022 (shall be enforced ten calendar days after the date of its first official publication).

1. Approve the attached:

1) Rules for the payment of lump-sum compensation to an officer of a law enforcement body, civil protection body, state courier service of the Republic of Kazakhstan in case of sustained maiming (injury, wound, concussion) in the performance of his official duties, also in the event of his death due to illness, maiming (injuries, wounds, contusions) sustained in the performance of official duties, to persons entitled to it;

2) Rules for secondment of officers of law enforcement bodies, civil protection bodies, state courier service of the Republic of Kazakhstan to state bodies of the Republic of Kazakhstan and international organizations.

Footnote. Paragraph 1 – as amended by Resolution № 1126 of the Government of the Republic of Kazakhstan dated 30.12.2022 (shall be enforced ten calendar days after the date of its first official publication).

2. To recognize as invalid some decisions of the Government of the Republic of Kazakhstan in accordance with the Annex to this resolution.

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

Prime Minister of the Republic of Kazakhstan

K. Massimov

Approved
by resolution of the Government
of the Republic of Kazakhstan
dated October 20, 2011 № 1192

Rules

for payment of lump-sum compensation to an officer of a law enforcement body, civil protection body, state courier service of the Republic of Kazakhstan in case of sustained maiming (injury,

wound, concussion) in the performance of his official duties, also in the event of his death due to illness, maiming (injuries, wounds, contusions) sustained in the performance of official duties, to persons entitled to it;

Footnote. The Rules – as amended by Resolution № 1126 of the Government of the Republic of Kazakhstan dated 30.12.2022 (shall be enforced ten calendar days after the date of its first official publication).

1. These Rules for payment of lump-sum compensation to an officer of a law enforcement body, civil protection body, state courier service of the Republic of Kazakhstan in case of sustained maiming (injury, wound, concussion) in the performance of his official duties, also in the event of his death due to illness, maiming (injuries, wounds, contusions) sustained in the performance of official duties, to persons entitled to it (hereinafter-the Rules), have been developed in pursuance of paragraphs 1, 2 и 3 of Article 66 of of the Law of the Republic of Kazakhstan "On Law Enforcement Service" and establish the procedure for the payment of lump-sum compensation in the event of sustained illness, maiming (injury, wound, concussion) by an officer of a law enforcement body, civil protection body, state courier service (hereinafter-servant) during the performance of his official duties, also in the event of his death due to illness, maiming (injuries, wounds, contusions) sustained in the performance of official duties, to persons entitled to it.

2. Lump-sum compensation shall be paid to the officers or persons entitled to it in the following cases:

1) death of an officer in the line of duty or within a year after dismissal from service due to illness, maiming(injury, wound, concussion) sustained in the line of duty (persons entitled to a lump sum compensation are dependents or heirs of the employee);

2) when disability is established to an officer as a result of illness, maiming(injury, wound , concussion) sustained in the performance of official duties;

3) if an officer sustained a severe or minor injury (injury, wound, concussion) in the performance of official duties that did not result in disability.

3. In order to receive a lump sum compensation, an officer or persons entitled to it, shall draw up and file to the financial unit of a law enforcement body, civil protection body, state courier service of the Republic of Kazakhstan at the service place of the officer (hereinafter - financial unit) the following documents:

1) in the event of death of an officer in the line of duty or within a year after dismissal from service due to illness, maiming(injury, wound, concussion) sustained in the line of duty:

application in the form of Appendix 1 to these Rules;

a copy of the death certificate or notice of death;

a copy of the conclusion from the service place of the deceased on the circumstances of the death;

certificate of heirship, if the applicant for payment is the heir of the deceased;

a letter of determination of dependency;
statement of the financial unit on the financial allowance of the deceased as of the day of death.

On the fact of the death of an officer who died before the expiry of one year due to damage to health during the events specified in subparagraph 1) of paragraph 2 of these Rules , in addition, a conclusion of the military medical commission (hereinafter - MMC) shall be submitted;

2) when it is established that an officer's disability resulted from illness, maiming (injury, wound, concussion) sustained in the performance of official duties:

application as required by Appendix 1 to these Rules;

a copy of the conclusion from the officer's service place on the circumstances of sustaining the disease, injury (trauma, wound, concussion);

a copy of the conclusion issued by the MMC, confirming the fact of damage to health, with the seal of this MMC;

a statement of the financial unit on the officer's salary as of the day of the illness, maiming (injury, wound, concussion);

a copy of the certificate of disability;

3) in the event that an employee is seriously or slightly injured in the events specified in subparagraph 3) of paragraph 2 of these Rules:

application as required by Appendix 1 to these Rules;

a copy of the conclusion from the officer's service place on the circumstances of severe or minor injury;

a certificate from a medical institution or MMC on the severity of the injury;

a statement of the financial unit on the officer's salary on the day of the event.

4. Lump-sum compensation upon establishing an officer's disability resulting from illness, maiming (injury, wound, concussion) sustained in the performance of official duties, or resulting from illness, maiming (injury, wound, concussion) sustained in the performance of official duties, before the expiry of one year from the date of the officer's dismissal from the law enforcement service, shall be paid in the following amounts:

1) to a person with the first disability group - thirty months' allowance;

2) to a person with the second disability group - eighteen months' allowance;

3) to a person with the third disability group - six-months' allowance.

5. When an officer or persons entitled to a lump-sum compensation apply for payment of the compensation, the financial unit shall check the completeness and correctness of the documents referred to in paragraph 3 of these Rules, and register the application on the day of its receipt, addressed in the name of the head of the law enforcement body, the civil protection body or the state courier service of the Republic of Kazakhstan, in the registration log of applications for the payment of lump-sum compensation in case of maiming (injury, wound, concussion)sustained by the officer in the performance of his official duties, also in

the event of his death due to maiming (injury, wound, concussion) sustained in the performance of official duties, to persons entitled to it, as required by Appendix 2 to these Rules.

6. In case of death of an officer in the performance of official duties or within a year after dismissal from service due to illness, maiming (injury, wound, concussion) sustained in the performance of mandatory official duties, dependents or heirs shall be paid a lump sum compensation in the amount of sixty months' salary for the last position held.

7. Relevant documents are not issued and lump-sum compensation shall not be paid if it is ascertained in the established procedure that the death, illness, maiming (injury, wound, concussion) injury (injury, injury, concussion) of the officer happened under the circumstances unrelated to the performance of official duties.

8. Lump-sum compensation shall be paid on the grounds of legality, accuracy and completeness of all documents by the financial unit of the law enforcement body, civil protection body, state courier service of the Republic of Kazakhstan at the expense of funds provided in the republican and local budgets for these purposes, by transfer to the recipient's personal account in second-tier bank within the Republic of Kazakhstan, as well as their postal transfer within two months from the application date.

A minor-aged recipient shall be paid a one-time compensation only by transfer to his personal account in a second-tier bank at the place of residence with concurrent notification of the guardianship and custodianship authorities, also his legal representatives within two months from the application date.

9. In the cases referred to in paragraph 2 of these Rules, the human resources offices of law enforcement bodies, civil protection bodies, the state courier service of the Republic of Kazakhstan, shall notify in writing within three days, the officers or persons entitled to compensation about the need to file applications for the payment of lump-sum compensation to the finance department.

10. The human resources and financial services of law enforcement bodies, civil protection bodies, state courier service of the Republic of Kazakhstan shall be in charge of the overall work on compensation for damage in the event of death or injury of the officers.

Appendix 1
to the Rules for payment of lump-sum
compensation to an officer of a law
enforcement
body, civil protection body, state courier
service
of the Republic of Kazakhstan in case of
sustained
maiming (injury, wound, concussion) in
the performance
of his official duties, also in the event of
his death
due to illness, maiming (injuries, wounds,
contusions)

sustained in the performance of official
duties,
to persons entitled to it

to _____
position, special rank, or class rank,
full name of the head of a law-enforcement body,
civil protection body, state courier service
from _____
Full name of the applicant, residing at:
IIN _____

Application for a lump sum payment

Footnote. Appendix 1 – as amended by Resolution № 1126 of the Government of the Republic of Kazakhstan dated 30.12.2022 (shall be enforced ten calendar days after the date of its first official publication).

I request to be paid lump sum compensation in connection with

(indicate the nature of the event, for which damages are to be compensated)

Please, transfer the sum due to me to _____

(indicate the name of the bank, BIN of the bank, BIC of the bank,
№ of the recipient's personal account or his address in case of postal transfer).

Attached to the application are the following documents:

1. _____
2. _____
3. _____

Signature of the applicant _____ " ____ " _____ 20 ____ .

Documents accepted " ____ " _____ 20 ____ . Signature _____

(signature of the person, who accepted the documents)

Appendix 2
to the Rules for payment of lump-sum
compensation to an officer of a law
enforcement
body, civil protection body, state courier
service
of the Republic of Kazakhstan in case of
sustained
maiming (injury, wound, concussion) in
the performance
of his official duties, also in the event of
his death
due to illness, maiming (injuries, wounds,
contusions)
sustained in the performance of official
duties,

to persons entitled to it

Registration log of applications for payment of lump-sum compensation to an officer of the law enforcement body, civil protection body or the state courier service of the Republic of Kazakhstan in case of maiming (injury, wound, concussion) sustained during the performance of his official duties, also in the event of his death due to maiming (injury, wound, concussion) sustained in the performance of official duties, to persons entitled to it

Footnote. Appendix2 – as amended by Resolution № 1126 of the Government of the Republic of Kazakhstan dated 30.12.2022 (shall be enforced ten calendar days after the date of its first official publication).

№ п/п	Full name of an officer, who sustained an injury, also of the deceased person and his address	Full name of a dependent, heir of the deceased officer and his address	Ground for damage compensation (death, disability, sever or minor injury)	Amount of lump sum compensation	№ and date of the payment document	In case of declined application, indicate the ground for declining
1	2	3	4	5	6	7

Approved
by Resolution № 1192
of the Government
of the Republic of Kazakhstan
dated October, 20, 2011

Rules

for secondment of officers of law enforcement bodies, civil protection bodies, state courier service of the Republic of Kazakhstan to state bodies of the Republic of Kazakhstan and international organizations

Footnote. The Rules – as amended by Resolution № 1126 of the Government of the Republic of Kazakhstan dated 30.12.2022 (shall be enforced ten calendar days after the date of its first official publication).

1. These Rules for secondment of officers of law enforcement bodies, civil protection bodies, state courier service of the Republic of Kazakhstan to state bodies of the Republic of Kazakhstan and international organizations (hereinafter –the Rules) have been developed in pursuance of paragraph 2 of Article 45 of the Law of the Republic of Kazakhstan "On Law Enforcement Service" and establish the procedure for secondment of officers of law enforcement bodies, civil protection bodies, state courier service of the Republic of Kazakhstan to state bodies of the Republic of Kazakhstan and international organizations, of which the Republic of Kazakhstan is a member (hereinafter- international organizations).

2. In order to perform the tasks defined by the relevant laws of the Republic of Kazakhstan, the officers of law enforcement, civil protection bodies, the state courier service of the Republic of Kazakhstan (hereinafter -seconded persons) shall be seconded to:

1) to the Administration of the President of the Republic of Kazakhstan, the apparatus of the chambers of the Parliament of the Republic of Kazakhstan, the Apparatus of the Government of the Republic of Kazakhstan - on the basis of an act of the Government of the Republic of Kazakhstan;

2) to other state bodies of the Republic of Kazakhstan - in agreement with their top managers on the basis of an act of a law enforcement body, civil protection authorities, the state courier service of the Republic of Kazakhstan;

3) to international organizations – by an act of the Government of the Republic of Kazakhstan, unless otherwise established by the relevant ratified international treaties.

Footnote. Paragraph 2 as amended by the Resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 № 236 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

3. The seconded persons shall reserve the status of officers of the relevant law enforcement bodies, civil protection bodies, and state courier service of the Republic of Kazakhstan.

4. Seconded persons shall be paid official salaries established for the relevant categories of employees of the Administration of the President of the Republic of Kazakhstan, the chambers of the Parliament of the Republic of Kazakhstan, the Apparatus of the Government of the Republic of Kazakhstan and other state bodies of the Republic of Kazakhstan, as well as salaries (surcharges) for a special title (class rank) established by the current legislation.

At the same time, the calculation of the length of service for seconded persons giving the right to establish an official salary shall be carried out on the basis of a certificate provided by the personnel service of the relevant law enforcement agency, civil protection body, state courier service of the Republic of Kazakhstan.

Payment of official salaries, health benefits and bonuses to seconded persons shall be made at the expense of funds provided for the maintenance of the Administration of the President of the Republic of Kazakhstan, the chambers of the Parliament of the Republic of Kazakhstan, the Government Apparatus of the Republic of Kazakhstan and other state bodies of the Republic of Kazakhstan.

Bonuses for seconded persons shall be provided on the basis of official salaries in the procedure determined for employees of the Administration of the President of the Republic of Kazakhstan, the Chambers of the Parliament of the Republic of Kazakhstan, the Government Apparatus of the Republic of Kazakhstan and other state bodies of the Republic of Kazakhstan.

Footnote. Paragraph 4 - as amended by the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 № 236 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

5. Persons seconded to international organizations shall be paid wages established for the relevant categories of officers of international organizations, at the expense of funds provided for by the legislation of the Republic of Kazakhstan, unless otherwise established by the relevant ratified international treaties.

6. Other payments and also property security to seconded persons shall be provided at the expense of funds established for the maintenance of the relevant law enforcement bodies, civil protection bodies, the state courier service of the Republic of Kazakhstan, from where they were seconded. One-time payments shall be estimated from the salary for the last position held before secondment.

7. Special promoting ranks and class ranks shall be awarded to the seconded persons as established by the legislation of the Republic of Kazakhstan.

8. Assessment of persons seconded to state bodies shall be carried out in the manner established for officers of the relevant state bodies, and of persons seconded to international organizations - in the manner established for officers of law enforcement bodies, civil protection bodies, the state courier service of the Republic of Kazakhstan.

9. Promotion and bringing to disciplinary responsibility of seconded persons shall be carried out in accordance with the procedure established for employees of the Administration of the President of the Republic of Kazakhstan, the Chambers of the Parliament of the Republic of Kazakhstan, the Government Apparatus of the Republic of Kazakhstan and other state bodies of the Republic of Kazakhstan within the powers of these state bodies determined by the legislation of the Republic of Kazakhstan.

Footnote. Paragraph 9 - as amended by the resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 № 236 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

10. Pension provision of seconded persons shall be carried out in accordance with the pension legislation of the Republic of Kazakhstan. At the same time, for seconded persons to state bodies, official salaries shall be taken into account for their positions in the Administration of the President of the Republic of Kazakhstan, the offices of the Chambers of the Parliament of the Republic of Kazakhstan, the Government Apparatus of the Republic of Kazakhstan and other state bodies of the Republic of Kazakhstan, and for seconded persons to international organizations - official salaries for the last position held before seconding.

Footnote. Paragraph 10 - as amended by the Resolution of the Government of the Republic of Kazakhstan dated 17.03.2023 № 236 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

The list of decisions of the Government of the Republic of Kazakhstan recognized as invalid

1. The resolution of the Cabinet of Ministers of the Republic of Kazakhstan dated June 18, 1993 № 515 "On providing uniforms for employees of the civil service on quarantine service of the Republic of Kazakhstan."
2. The resolution of the Government of the Republic of Kazakhstan dated December 27, 1996 № 1644 "On approval of the Regulation on the performance of service by persons of ordinary and senior staff of the Internal Affairs of the Republic of Kazakhstan".
3. The resolution of the Government of the Republic of Kazakhstan dated November 16, 1999 № 1726 "On uniforms and signs of distinction of court officers."
4. The resolution of the Government of the Republic of Kazakhstan dated August 21, 2000 № 1287 "On amendments and additions introduced to the resolution of the Government of the Republic of Kazakhstan dated December 27, 1996 № 1644."
5. Resolution of the Government of the Republic of Kazakhstan dated January 24, 2002 № 97 "On approval of the Rules of payment of immediate compensation in case of death (death) or injury of the law-enforcement official of the Republic of Kazakhstan to state bodies during execution of official duties or service debt" (SAPP of the Republic of Kazakhstan, Article 28, 2002, № 5).
6. The resolution of the Government of the Republic of Kazakhstan dated November 26, 2002 № 1260 "On approval of the Rules of payment of immediate compensation in case of death (death) or receiving an injury by the official of bodies of financial police of the Republic of Kazakhstan during execution of official duties or an office debt and for burial of the dead or the died employees and pensioners of bodies of financial police".
7. The resolution of the Government of the Republic of Kazakhstan dated October 1, 2003 № 1013 "Issues of uniforms of state control workers on maritime and inland water transport of the Republic of Kazakhstan"
8. The resolution of the Government of the Republic of Kazakhstan dated December 22, 2003 № 1283 "On amendments introduced to the resolution of the Government of the Republic of Kazakhstan dated November 16, 1999 № 1726."
9. The resolution of the Government of the Republic of Kazakhstan dated August 3, 2004 № 826 "On procedure for the secondment of military personnel, employees of internal affairs bodies, financial police and the prosecutor's office to individual state bodies of the Republic of Kazakhstan" (SAPP of the Republic of Kazakhstan, Article 384, 2004, № 29).
10. The resolution of the Government of the Republic of Kazakhstan dated February 7, 2005 № 114 "On approval of the Rules for the payment of immediate compensation to dependents and heirs of an employee of the prosecutor's office of the Republic of Kazakhstan in the event of death (death) during the execution of his official duties or within a year after

his dismissal from service as a result of injury or injury sustained in the execution of his official duties "(SAPP of the Republic of Kazakhstan, Article 62, 2005, № 6).

11. The resolution of the Government of the Republic of Kazakhstan dated March 5, 2005 № 212 "On approval of the Rules for payment of immediate compensation when receiving an injury by the employee of bodies of the state fire service during execution of official duties or an office debt, and in case of his death (death) - to the persons entitled to receive" (SAPP of the Republic of Kazakhstan, Article 118, 2005 № 12).

12. The resolution of the Government of the Republic of Kazakhstan dated April 4, 2005 № 299 "On approval of the Rules for payment of immediate compensation to the staff of criminal executive system of judicial authorities of the Republic of Kazakhstan when receiving an injury during execution of official duties or a service debt, and in case of their death (death) - to the persons entitled to receive" (SAPP of the Republic of Kazakhstan, Article 159, 2005 № 14).

13. The resolution of the Government of the Republic of Kazakhstan dated April 15, 2005 № 363 "On approval of the Regulation on the execution of service by ordinary and senior staff of state fire service bodies (SAPP of the Republic of Kazakhstan, Article 201, 2005 № 17,).

14. The resolution of the Government of the Republic of Kazakhstan dated October 11, 2005 № 1011 "On amendments introduced to the resolution of the Government of the Republic of Kazakhstan dated March 5, 2005 № 212 (SAPP of the Republic of Kazakhstan, Article 519, 2005 № 37).

15. The resolution of the Government of the Republic of Kazakhstan dated November 3, 2005 № 1093 "On amendments and additions introduced to the resolution of the Government of the Republic of Kazakhstan dated December 27, 1996 № 1644".

16. The resolution of the Government of the Republic of Kazakhstan dated November 29, 2005 № 1172 "On amendments and additions introduced to the resolution of the Government of the Republic of Kazakhstan dated October 1, 2003 № 1013.

17. The resolution of the Government of the Republic of Kazakhstan dated July 19, 2007 № 614 "On approval the Rules for the secondment of staff of the criminal executive system to State bodies and international organizations.

18. The resolution of the Government of the Republic of Kazakhstan dated July 30, 2007 № 639 "On approval of the Regulations on the execution of service by persons of ordinary and senior members of the criminal executive system of the judicial authorities of the Republic of Kazakhstan (SAPP of the Republic of Kazakhstan, Article 302, 2007 № 26,).

19. The resolution of the Government of the Republic of Kazakhstan dated November 2, 2007 № 1034 1172 "On amendments and additions introduced to the resolution of the Government of the Republic of Kazakhstan dated December 27, 1996 № 1644 (SAPP, of the Republic of Kazakhstan Article 488, 2007, № 42).

20. The resolution of the Government of the Republic of Kazakhstan dated January 25, 2008 № 68 "On amendments and additions introduced to the resolution of the Government of the Republic of Kazakhstan dated July 30, 2007 № 639" (SAPP of the Republic of Kazakhstan, Article 31, 2008, № 2,).

21. Paragraph 30 of the resolution of the Government of the Republic of Kazakhstan dated November 18, 2008 № 1068 "On amendments and additions introduced to some decisions of the Government of the Republic of Kazakhstan in the field of fire safety"

22. Paragraph 28 of the resolution of the Government of the Republic of Kazakhstan dated November 18, 2008 № 1068 "On amendments and additions introduced to some decisions of the Government of the Republic of Kazakhstan in the field of fire safety"

23. Paragraph 3 of the resolution of the Government of the Republic of Kazakhstan dated June 16, 2009 № 913 "On issues of the Ministry of Transport and Communications of the Republic of Kazakhstan (SAPP, of the Republic of Kazakhstan, Article 271, 2009 № 30).

24. The resolution of the Government of the Republic of Kazakhstan dated July 23, 2009 № 1125 "On amendments and additions introduced to some decisions of the Government of the Republic of Kazakhstan dated July 30, 2007 № 639 (SAPP of the Republic of Kazakhstan Article 323, 2009 № 34).

25. The resolution of the Government of the Republic of Kazakhstan dated April 24, 2010 № 350 "On amendments and additions introduced to the resolution of the Government of the Republic of Kazakhstan dated July 30, 2007 № 639" (SAPP of the Republic of Kazakhstan Article 244, 2010 № 31).

26. The resolution of the Government of the Republic of Kazakhstan dated July 3, 2010 № 684 "On additions introduced to the resolution of the Government of the Republic of Kazakhstan dated August 3, 2004 № 826" (SAPP of the Republic of Kazakhstan, Article 378, 2010 № 42).

27. The resolution of the Government of the Republic of Kazakhstan dated September 2, 2010 № 873 "On additions introduced to the resolution of the Government of the Republic of Kazakhstan dated December 27, 1996 № 1644.

28. The resolution of the Government of the Republic of Kazakhstan dated October 7, 2010 № 1034 "On approval of the Rules for payment of immediate compensation to the official of customs authority when receiving an injury, or other damage of the health excluding for it an opportunity of further to be engaged in professional activity and also in case of his death (death) in connection with execution of official duties" (SAPP of the Republic of Kazakhstan, Article 520, 2010, № 54,).