



On approval of the Rules for compensation for damage caused to health and property of an employee or serviceman of national security agencies, as well as damage caused to health and property of family members and close relatives of an employee or serviceman of national security agencies in connection with performance of their official duties

Unofficial translation

Decree of the Government of the Republic of Kazakhstan No. 1213 dated September 18, 2012

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Footnote. The heading as amended by the resolution of the Government of the Republic of Kazakhstan dated 10.08.2023 No. 666 (shall be enforced upon expiry of ten calendar days after its first official publication).

In accordance with Article 18 of the Law of the Republic of Kazakhstan "On National security agencies of the Republic of Kazakhstan" the Government of the Republic of Kazakhstan hereby **RESOLVES**:

Footnote. The preamble as amended by the resolution of the Government of the Republic of Kazakhstan dated 10.08.2023 No. 666 (shall be enforced upon expiry of ten calendar days after its first official publication).

1. To approve the attached Rules for compensation for damage caused to health and property of an employee or serviceman of national security agencies, as well as damage caused to health and property of family members and close relatives of an employee or serviceman of national security agencies in connection with performance of their official duties.

Footnote. Paragraph 1 as amended by the resolution of the Government of the Republic of Kazakhstan dated 10.08.2023 No. 666 (shall be enforced upon expiry of ten calendar days after its first official publication).

2. This Decree shall be enforced upon expiry of ten calendar days after the first official publication.

The Prime Minister of the Republic of Kazakhstan

K. Massimov

Approved by
the Decree of the Government
of the Republic of Kazakhstan
No. 1213 dated September 18, 2012

Rules for compensation for damage caused to health and property of an employee or serviceman of national security agencies, as well as damage caused to health and property of family members and close relatives of an employee or serviceman of national security agencies in connection with performance of their official duties

Footnote. The Rules as amended by the resolution of the Government of the Republic of Kazakhstan dated 10.08.2023 No. 666 (shall be enforced upon expiry of ten calendar days after its first official publication).

1. These Rules for compensation for damage caused to health and property of an employee or serviceman of national security agencies, as well as damage caused to health and property of family members and close relatives of an employee or serviceman of national security agencies in connection with performance of their official duties (hereinafter referred to as the Rules) shall be developed in accordance with Article 18 of the Law of the Republic of Kazakhstan "On National security agencies of the Republic of Kazakhstan" and determine the procedure and conditions for compensation for damage caused to health and property of an employee or serviceman of national security agencies (hereinafter referred to as an employee), as well as damage caused to health and property of family members and close relatives of an employee in connection with performance of his/her official duties.

2. Compensation for damage caused to health and property of an employee, as well as damage to health and property of family members and close relatives of an employee in connection with performance of his/her official duties shall be carried out at the expense of the funds provided for maintenance of the national security agency where an employee is serving in.

3. Amounts paid in the form of compensation for damage in accordance with these Rules shall be reimbursed at the expense of budgetary funds with subsequent recovery of this amount from the person who caused the damage, in accordance with the legislation of the Republic of Kazakhstan.

4. The basis for compensation for damage caused to health and property of an employee, as well as damage to health and property of family members and close relatives of an employee in connection with performance of his/her official duties shall be a report of the employee, an application of a family member or a close relative of the employee.

Footnote. Paragraph 4 as amended by the resolution of the Government of the Republic of Kazakhstan dated 20.12.2023 No. 1154 (shall be enforced upon expiry of ten calendar days after its first official publication).

5. To compensate for damage, an employee shall submit to the immediate superior a report on compensation for damage addressed to the deputy first head of the national security agency in charge of financial and(or) economic activity.

In this case, an application from a family member or close relative of the employee for compensation for damage shall be sent to the national security agency.

Attached to the report (application) is a copy of the court decision on compensation for damage caused to the health and property of the employee, as well as damage caused to the health and property of a family member or close relative of the employee in connection with the performance of his official duties, or an extract from it, certified by the seal of the court (a copy of the judicial act or an extract from it in the form of an electronic document certified

by the electronic digital signature of the judge) and (or) a specialist (expert) opinion on the damage caused.

Footnote. Paragraph 5 as amended by the resolution of the Government of the Republic of Kazakhstan dated 20.12.2023 No. 1154 (shall be enforced upon expiry of ten calendar days after its first official publication).

6. The amount of damage to be compensated shall be determined in court.

7. Within 10 (ten) working days from the date the employee, family member or close relative of the employee shall submit the documents specified in paragraphs 4 and 5 of these Rules, an order of the authorized head of the national security agency on compensation for damage is approved, indicating the amount of damage to be compensated (hereinafter - order) , which is prepared by the personnel department at the employee's place of duty.

Footnote. Paragraph 7 as amended by the resolution of the Government of the Republic of Kazakhstan dated 20.12.2023 No. 1154 (shall be enforced upon expiry of ten calendar days after its first official publication).

8. The personnel department shall forward the extract from the order on compensation for damage within 5 (five) working days from the date of its publication to the financial unit of a national security agency to ensure payments.

Footnote. Paragraph 8 as amended by the resolution of the Government of the Republic of Kazakhstan dated 20.12.2023 No. 1154 (shall be enforced upon expiry of ten calendar days after its first official publication).

9. Compensation for damage shall be carried out on the basis of an order by transferring to the recipient's current account:

1) if there are funds in individual financing plans for obligations and payments - within 10 (ten) working days from the date of receipt of the order by the financial unit of the national security agency;

2) in the absence of funds in individual financing plans for obligations and payments - after making appropriate changes to individual financing plans for obligations and payments.

In order to prevent double compensation for damages (at the expense of the state and the perpetrator), the personnel department, within 10 (ten) working days after the transfer of funds to the employee, family member or close relative of the employee, sends information about compensation for damages at the expense of the state to the judge who made the decision, and the legal department takes measures to recover the transferred amount from the person whose unlawful actions caused damage to the employee, family member or close relative of the employee.

Footnote. Paragraph 9 as amended by the resolution of the Government of the Republic of Kazakhstan dated 20.12.2023 No. 1154 (shall be enforced upon expiry of ten calendar days after its first official publication).

10. In cases where compensation has been made at the expense of the perpetrator who caused it, the national security agency, where an employee performs the service in, shall not made the specified payment.

11. Actions aimed at illegal receipt of payments entail liability in accordance with the legislation of the Republic of Kazakhstan.

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