

On approval of the Rules for withdrawal and transfer to the budget of amounts of mandatory pension contributions additionally established for judges, in case of dismissal of a judge from office for negative reasons

Invalidated Unofficial translation

Decree of the Government of the Republic of Kazakhstan № 838 dated August 26, 2013. Abolished by the Decree of the Government of the Republic of Kazakhstan dated June 30, 2023 No. 528

Unofficial translation

Footnote. Abolished by the Decree of the Government of the Republic of Kazakhstan dated June 30, 2023 No. 528 (effective from 07/01/2023).

In accordance with Subparagraph 4) of Article 6 of the Law of the Republic of Kazakhstan dated June 21, 2013 “On pension provision in the Republic of Kazakhstan” , the Government of the Republic of Kazakhstan **hereby DECREES AS FOLLOWS:**

1. Approve the attached Rules for withdrawal and transfer to the budget of amounts of mandatory pension contributions additionally established for judges, in case of dismissal of a judge from office for negative.

2. Declare to be no longer in force the Decree of the Government of the Republic of Kazakhstan No. 479 dated May 14, 2013 “On Approval of the Rules for withdrawal and transfer to the budget of amounts of mandatory pension contributions additionally established for judges, in case of dismissal of a judge from office for negative reasons”.

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

The Prime Minister of the Republic of Kazakhstan

S. Akhmetov

Approved by
the Decree of the Government of
the Republic of Kazakhstan
No. 838 dated August 26, 2013

Rules for withdrawal and transfer to the budget of amounts of mandatory pension contributions additionally established for judges, in case of dismissal of a judge from office for negative reasons

Footnote. Rules is in the wording of the Decree of the Government of the Republic of Kazakhstan dated 14.04.2016 No. 215.

1. These Rules for withdrawal and transfer to the budget of amounts of mandatory pension contributions additionally established for judges, in case of dismissal of a judge from office for negative reasons, (hereinafter referred to as - the Rules) shall be developed in accordance with Subparagraph 4) of Article 6 of the Law of the Republic of Kazakhstan dated June 21, 2013 "On Pension Provision in the Republic of Kazakhstan" and determine the procedure for withdrawing and transferring to the budget of amounts of mandatory pension contributions additionally established for judges in case of dismissal of a judge from office for negative reasons.

2. Upon dismissal of a judge for negative reasons, the authorized agency for organizational and logistical support of the activities of the Supreme Court of the Republic of Kazakhstan, local and other courts or territorial units in regions, capital and cities of republican significance (hereinafter referred to as - the agent) within five business days after the signing of the Decree of the President of the Republic of Kazakhstan or adoption of a Decree of the Senate of the Parliament of the Republic of Kazakhstan on dismissal of a judge from office on negative grounds shall be submitted to the State Corporation "Government for Citizens" (hereinafter referred to as - the State Corporation) with a request to withdraw the amounts of mandatory pension contributions, additionally transferred before January 1, 2016 from the monthly income of a judge at the expense of the republican budget (hereinafter referred to as - the application) according to Appendix 1 to this to the Rules.

The application shall be accompanied by the list of judges dismissed from their offices on negative grounds (hereinafter referred to as - the list), in accordance with Appendix 2 to these Rules.

The list contains the following information for each individual:

- 1) individual identification number;
- 2) surname, name, patronymic (if any);
- 3) date of birth;
- 4) sex;
- 5) number of identity document, information about the state issuing authority, date of issue;
- 6) amount of mandatory pension contributions, additionally transferred from monthly income of a judge at the expense of the republican budget, subject to withdrawal to the budget (hereinafter referred to as - amount of mandatory pension contributions). In the event of a change of surname, name, patronymic (if any), the previous surname, name, patronymic (if any) shall be indicated).

3. The application shall include:

- 1) name and details of an agent (business identification number (hereinafter referred to as - BIN), taxpayer registration number - for payments until January 1, 2013 ;

- 2) bank identification code (hereinafter - BIC);
- 3) individual identification code (hereinafter - IIC);
- 4) details of payment documents (number, date and amount).

The application shall be signed:

1) in relation to the Chairman of the Supreme Court of the Republic of Kazakhstan, the chairmen of judicial boards and judges of the Supreme Court of the Republic of Kazakhstan - by the Head of the Department for the Support of the Courts under the Supreme Court of the Republic of Kazakhstan (Administration of the Supreme Court of the Republic of Kazakhstan);

2) in relation to the chairmen, chairmen of judicial boards and judges of local and other courts - by the heads of territorial units (court clerks) in the regions, capital and city of republican significance, as well as the chief accountant and certified by official seal. If the office of the chief accountant is not provided, a corresponding mark shall be made in application for withdrawal.

4. Based on the received documents for withdrawal of amounts of mandatory pension contributions, the State Corporation within five business days forms an electronic application for withdrawal of the indicated amounts from the Unified Accumulative Pension Fund with the assignment of a number and date to it.

The electronic application shall include:

- 1) details of the depositor specified in part three of Paragraph 2 of these Rules;
- 2) number and date of application;
- 3) amount of mandatory pension contributions.

Electronic application through a financial automated information transport system shall be sent to the Unified Accumulative Pension Fund.

5. Within five business days from the date of receipt by the State Corporation of an electronic application for withdrawal of mandatory pension contributions, the Unified Accumulative Pension Fund shall transfer the amount of mandatory pension contributions with the number and date of application of the State Corporation.

The Unified Accumulative Pension Fund shall transfer the amounts of mandatory pension contributions by payment order with the list attached to bank account of the State Corporation.

6. The State Corporation within three working days from the date of receipt of mandatory pension contributions from the Unified Accumulative Pension Fund, transfers them to the agent according to the details specified in application.

7. Agent shall transfer the amounts of mandatory pension contributions additionally established for judges until January 1, 2016, in case of dismissal of a judge from office for negative reasons, to the budget in the manner established by the budget legislation of the Republic of Kazakhstan.

Appendix 1
to the Rules for withdrawal and transfer
to the budget of amounts of mandatory
pension
contributions additionally established for
judges,
in case of dismissal of a judge from office
for negative reasons

Application

**of an agent for withdrawal of mandatory pension contributions, additionally, transferred
from a judge's monthly income from the funds of the republican budget, when dismissing a
judge on negative grounds**

to the State Corporation
"Government for Citizens"

1. Details of the payer of mandatory pension contributions (agent)

BIN (for payments after 01.01.2013) _____

TRN (for payments before 01.01.2013) _____

BIC _____ IIC _____

2. Details of the judge

(surname, name, patronymic (if any), date of birth)

IIN _____

amount of mandatory pension contributions _____

Amount to be withdrawn _____

(If necessary, write off credited amounts of mandatory
pension contributions for several payment orders,
the amounts to be debited shall be indicated separately for each payment order)

Please transfer the withdrawn amounts at the following details _____

(full data of the Intuition, all bank details)

Head of the Department for provision of courts' activity

under the Supreme Court of the Republic of Kazakhstan

(apparatus of the Supreme Court of the Republic of Kazakhstan)

/ Head of the Administrative Office of regional and equivalent court

(Full name (if any), signature)

Chief Accountant

(Full name (if any), signature)

Place of seal, Date

Appendix 2
to the Rules for withdrawal and transfer
to the budget of amounts of mandatory
pension
contributions additionally established for
judges,
in case of dismissal of a judge from office
for negative reasons

List of judges dismissed for negative reasons

No.	Name and details of the agent *	Information on judges dismissed from office for negative reasons						
		Number of identity document, information about issuing authority, date of issue	Surname, name, patronymic (if any)	Date of birth, sex	Contributor's IIN	Grounds for dismissal (No., date of Decree of the President of the Republic of Kazakhstan or Decree of the Senate of the Parliament of the Republic of Kazakhstan)	No., date of payment order	The amount of mandatory pension contributions, additionally transferred from the funds of the republican budget, subject to withdrawal to the budget

* TRN (for payments before 01.01.2013)

BIN (for payments after 01.01.2013)

Head of the Department for provision of courts' activity

under the Supreme Court of the Republic of Kazakhstan

(apparatus of the Supreme Court of the Republic of Kazakhstan)

/ Head of the Administrative Office of regional and equivalent court

(Full name (if any), signature)

Place of seal, Date

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Justice of the Republic of Kazakhstan