

On approval of the Rules for the use of any type of transport (except for vehicles of representative offices of foreign states and international organizations with diplomatic immunity) for the prosecution of persons suspected of committing a criminal offense, arrival at the scene of the incident, during the period of emergency or martial law, in conditions of armed conflict, during the liquidation of emergency situations, as well as for the delivery of persons in need of emergency medical care to medical organizations, if delay can create a real threat to the life or health of people, with compensation for material damage to the owners if it is caused

Unofficial translation

Resolution of the Government of the Republic of Kazakhstan dated December 3, 2014 No. 1270

Unofficial translation

In accordance with subparagraph 17) of paragraph 2 of Article 6 of the Law of the Republic of Kazakhstan dated April 23, 2014 "On the bodies of internal affairs of the Republic of Kazakhstan", the Government of the Republic of Kazakhstan HEREBY RESOLVES:

1. To approve the attached Rules for the use of any type of transport (except for vehicles of representative offices of foreign states and international organizations with diplomatic immunity) for the prosecution of persons suspected of committing a criminal offense, arrival at the scene of the incident, during the period of emergency or martial law, in conditions of armed conflict, during the liquidation of emergency situations, as well as for the delivery of persons in need of emergency medical care to medical organizations, if delay can create a real threat to the life or health of people, with compensation for material damage to the owners if it is caused.

2. This Resolution shall enter into force upon expiry of ten calendar days after the day of its first official publication.

*Prime-Minister
of the Republic of Kazakhstan*

K. Massimov

Approved
by the Resolution
of the Government
of the Republic of Kazakhstan
dated December 3, 2014 No. 1270

Rules

for the use of any type of transport (except for vehicles of representative offices of foreign states and international organizations with diplomatic immunity) for the prosecution of persons suspected

of committing a criminal offense, arrival at the scene of the incident, during the period of emergency or martial law, in conditions of armed conflict, during the liquidation of emergency situations, as well as for the delivery of persons in need of emergency medical care to medical organizations, if delay can create a real threat to the life or health of people, with compensation for material damage to the owners if it is caused

1. General provisions

1. These Rules for the use of any type of transport (except for vehicles of representative offices of foreign states and international organizations with diplomatic immunity) for the prosecution of persons suspected of committing a criminal offense, arrival at the scene of the incident, during the period of emergency or martial law, in conditions of armed conflict, during the liquidation of emergency situations, as well as for the delivery of persons in need of emergency medical care to medical organizations, if delay can create a real threat to the life or health of people, with compensation for material damage to the owners if it is caused (hereinafter-the Rules) have been developed in accordance with the Law of the Republic of Kazakhstan dated April 23, 2014 "On the bodies of internal affairs of the Republic of Kazakhstan" (hereinafter-the Law) and shall determine the procedure for the use of transport by the bodies of internal affairs (except for vehicles of representative offices of foreign states and international organizations with diplomatic immunity) for the prosecution of persons suspected of committing a criminal offense, arrival at the scene of the incident, during the period of emergency or martial law, in conditions of armed conflict, during the liquidation of emergency situations, as well as for the delivery of persons in need of emergency medical care to medical organizations, if delay can create a real threat to the life or health of people, with compensation for material damage to the owners if it is caused.

2. The procedure for the use of transport for the prosecution of persons suspected of committing a criminal offense, arrival at the scene of the incident, during the period of emergency or martial law , in conditions of armed conflict, during the liquidation of emergency situations, as well as for the delivery of persons in need of emergency medical care to medical organizations, if delay can create a real threat to the life or health of people, with compensation for material damage to the owners if it is caused

2. Vehicles belonging to state bodies, organizations and citizens shall be used by employees of the internal affairs bodies (hereinafter-the police officer) in the following cases:

1) for the prosecution of persons suspected of committing a criminal offense, arrival at the scene of the incident, during the period of emergency or martial law, in conditions of armed conflict, during the liquidation of emergency situations

2) for the delivery of persons in need of emergency medical care to medical organizations, if delay can create a real threat to the life or health of people.

3. It is not allowed to use vehicles of representative offices of foreign states and international organizations with diplomatic immunity.

4. An employee of the Department of Internal Affairs for the use of a vehicle must:

- 1) introduce him(her)self to the owner of the vehicle, naming the position, division, special rank and surname, by familiarizing yourself with the service certificate;
- 2) explain the reason for stopping the vehicle.

5. When using the vehicle, an employee of the Department of Internal Affairs on arrival shall draw up a report on the use of the vehicle with a description of the accessory (the data of technical passport of the vehicle are indicated) and the state of the vehicle and things in it, in which it indicates that the owner has been issued a certificate or a note in the waybill with application of the act of inspection of the vehicle in the form approved by the authorized body, and transfer it to the duty officer of the internal affairs body.

6. The duty officer of the internal affairs body, in accordance with the established procedure shall register a message about the use of the vehicle by an internal affairs officer in the register of applications, messages and other information about crimes, incidents (hereinafter - RAMI), after which he reports to the head of the internal affairs body.

7. The owner of the vehicle shall be issued a certificate on the use of the vehicle by an internal affairs officer in the form approved by the authorized body.

3. The procedure for compensation for material damage to the owners in the event if it is caused

8. To compensate for damage, the owner, within seven working days from the date of causing material damage, according to the act of inspection of the vehicle, in the form approved by the authorized body shall submit an application for compensation for material damage caused in the form approved by the authorized body to the internal affairs bodies at the place of use of the vehicle.

9. The application for compensation for the material damage caused shall be accompanied by:

- 1) for individuals - a copy of an identity document of the owner of the vehicle, and for legal entities - copies of a certificate or certificate of state (accounting) registration (re-registration) of a legal entity (branch and representative office);
- 2) a copy of the vehicle registration certificate;
- 3) a certificate on the use of the vehicle by an internal affairs officer in the form approved by the authorized body;
- 4) an act of inspection of the vehicle in the form approved by the authorized body.

10. The internal affairs bodies, within seven working days from the date of registration of the application for compensation for material damage shall organize an assessment of the amount of damage caused to the vehicle from an independent expert accredited by the authorized state body for the regulation and supervision of the financial market and financial organizations (hereinafter- an independent expert) chosen by the owner.

At the same time, the costs associated with organizing the assessment of the amount of damage caused to the vehicle shall be borne by the internal affairs bodies.

11. The head of the internal affairs body shall issue an order for compensation for material damage after the conclusion by an independent expert within three working days.

12. Compensation for damage shall be carried out by transferring of funds to the current or savings account indicated in the application for compensation for material damage caused by the owner within three banking days from the date of issue of the order.

13. The owners of vehicles shall be reimbursed for the expenses for the use of transport, as well as the damage caused in the cases provided for by these Rules, in accordance with the budgetary legislation.