

On approval of the Rules for payment of monthly lifetime maintenance to a retired judge

Unofficial translation

Decree of the Government of the Republic of Kazakhstan dated November 28, 2015 No. 961.

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Pursuant to paragraph 2-1 of Article 35 of the Constitutional Law of the Republic of Kazakhstan On the Judicial System and Status of Judges of the Republic of Kazakhstan The Government of the Republic of Kazakhstan **RESOLVES:**

Footnote. Preamble – as amended by the Resolution of the Government of the Republic of Kazakhstan dated 20.03.2024 № 209.

1. To approve the attached Rules for payment of monthly lifetime maintenance to a retired judge.

2. This decree shall enter into force from January 1, 2016 and shall be subject to official publication.

*Prime Minister
of the Republic of Kazakhstan*

K. Massimov

Approved
by decree of the Government
of the Republic of Kazakhstan
dated November 28, 2015 №961

Rules for payment of monthly lifetime maintenance to a retired judge

1. General provisions

1. These Rules for payment of monthly lifetime maintenance to a retired judge (hereinafter - the Rules) have been developed pursuant to paragraph 2-1 of Article 35 of the Constitutional Law of the Republic of Kazakhstan On the Judicial System and Status of Judges of the Republic of Kazakhstan (hereinafter - the Constitutional Law) and establish the procedure for payment of monthly lifetime maintenance to a retired judge.

Footnote. Paragraph 1 – as amended by the Resolution of the Government of the Republic of Kazakhstan dated 20.03.2024 № 209

2. The following terms shall be used in these Rules:

1) State Corporation “Government for Citizens” (hereinafter referred to as the State Corporation) –a legal entity established by decision of the Government of the Republic of Kazakhstan to provide public services as required by the legislation of the Republic of Kazakhstan, organize work on accepting applications for public services and issuing their results to the service recipient on “one stop” basis, ensuring the public services in electronic form;

2) recipient of a monthly lifetime maintenance - a retired judge, including those who retired before January 1, 2016 in accordance with paragraphs 1, 1-1 and 2-1 of Article 35 of the Constitutional Law, who have reached the retirement age established by the legislation of the Republic of Kazakhstan on social protection, and submitted an application to the authorized judicial administration state body, its territorial units in the oblasts, the capital and cities of republican status (hereinafter -the authorized body);

3) monthly lifetime maintenance - cash payments to a retired judge as prescribed by paragraph 2-1 of Article 35 of the Constitutional Law;

4) authorized body - a state body that provides organizational, legal, information, analytical and logistical support for the activities of the Supreme Court of the Republic of Kazakhstan, local and other courts, with territorial units in oblasts, the capital and cities of republican status.

Footnote. Paragraph 2 – as amended by the Resolution of the Government of the Republic of Kazakhstan dated 20.03.2024 № 209.

2. Assignment of monthly lifetime maintenance

3. A retired judge (hereinafter referred to as the applicant), shall submit to the authorized body at the place of the latter position held, an application on assignment (continuation) of monthly lifetime maintenance (hereinafter referred to as the application) in form, according to annex 1 to these Rules, attaching documents, indicated in paragraph 5 of these Rules.

Footnote. Paragraph 3 as amended by the decree of the Government of the Republic of Kazakhstan dated 21.04.2016 № 239.

4. The applicant shall submit an application to the authorized body in case when the right to receive monthly lifetime maintenance, stipulated by the Constitutional Law, occurs.

Submission of an application shall not be limited by timeframe.

5. The following documents shall be attached to the application:

- 1) a copy of the applicant's identity document;
- 2) current bank account information;
- 3) a document confirming the judge's employment, or a notarized copy thereof.

Footnote. Paragraph 5 - as amended by the Decree of the Government of the Republic of Kazakhstan dated 25.07.2024 № 604 (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

6. The application on assignment (continuation) of monthly lifetime maintenance shall be booked by the authorized body in the book for registration and accounting of the data on retirement of a judge, termination of the retirement of a judge, cessation and continuation of the retirement of a judge (hereinafter referred to as the book) on paper and electronic media in form, according to annex 2 to these Rules.

7. The authorized body shall form a file for each applicant seeking the appointment (renewal) of monthly lifelong maintenance, from the following documents:

- 1) applications for the appointment of monthly lifelong maintenance;
- 2) copies of the applicant's identity document;
- 3) information about the current bank account;
- 4) a document confirming the resignation of a judge, provided by the personnel department of the authorized body;
- 5) a document confirming the required length of service of the judge, provided by the personnel department of the authorized body;
- 6) a document on the amount of the official salary for the last position held, provided by the financial service of the authorized body;
- 7) calculation of the accrued lifetime allowance of a judge, provided by the financial service of the authorized body.

Footnote. Paragraph 7 - as amended by the Decree of the Government of the Republic of Kazakhstan dated 25.07.2024 № 604 (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

8. The authorized body, within ten working days from the date of receipt of the applicant's application, shall make a decision on the assignment (cessation, continuation) indicating the amount of monthly lifetime maintenance on the day of application submission or the refusal to appoint of monthly lifetime maintenance in the form according to Annex 3 to these Rules.

Conclusions on the refusal of the assignment (continuation) of monthly lifetime maintenance the applicant shall be made on the grounds stipulated by paragraph 3 of article 35 of the Constitutional Law.

9. A conclusion in writing shall be transmitted within three working days to the head of the authorized body to prepare an order for the appointment of monthly lifetime maintenance or for refusal to appoint it.

In case of refusal to assign monthly lifetime maintenance, the applicant shall be informed thereof in writing within three working days from the date of signing of the order of the authorized body.

10. The authorized body, within three working days from the date of signing the order for the assignment of monthly lifetime maintenance, shall send a notification to the State Corporation on the assignment of the monthly lifetime maintenance to the retiring judge (hereinafter referred to as the notification) to terminate the state basic pension payment and (or) pension payments by age, and (or) pension payments for length of service in the form according to Annex 4 to these Rules.

Footnote. Paragraph 10 as amended by the decree of the Government of the Republic of Kazakhstan dated 21.04.2016 № 239.

11. In cases of change of surname, first name or patronymic, current bank account number , or place of residence by the recipient of monthly lifetime maintenance, within ten working days from the date of the said changes an application with supporting documents shall be submitted to the authorized body for inclusion in the case materials.

Footnote. Paragraph 11 - as amended by the Decree of the Government of the Republic of Kazakhstan dated 25.07.2024 № 604 (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

12. The monthly lifetime maintenance to a retired judge shall exclude simultaneous receipt of the state basic pension payment and (or) pension payments by age, and (or) pension payments for length of service.

13. A retired judge shall receive pension payments at the expense of pension savings formed on his individual pension account in accordance with the procedure determined by the legislation of the Republic of Kazakhstan on social protection.

Footnote. Paragraph 13 as amended by the Resolution of the Government of the Republic of Kazakhstan dated 20.03.2024 № 209

3. Determining the length of service and calculation of the amount of monthly lifetime maintenance

14. The amount of monthly lifetime maintenance of a retired judge shall be calculated according to the latter position held by the judge, according to the labour payment system for judges, valid on the date of application for payment of the specified maintenance.

15. The calculation of the amount of monthly lifetime maintenance of a retired judge shall be made in accordance with paragraph 2-1 of article 35 of the Constitutional Law.

16. The length of service for assignment of monthly lifetime maintenance of a retired judge shall include the period of employment as a judge from the date of appointment until the date of actual termination of powers in accordance with the Constitutional Law.

17. In case of cessation of the length of service as a judge, the total judicial experience shall be calculated in total, regardless of cessation, for the entire period of work as a judge.

18. In case of increase in the amount of remuneration of judges in accordance with the legislation of the Republic of Kazakhstan, the authorized body shall recalculate the monthly lifetime maintenance of a retired judge.

4. Execution of payment of monthly lifetime maintenance

19. Payment of monthly lifetime maintenance to a judge, retired after January 1, 2016 shall be made from the date of submission of the application on assignment of monthly lifetime maintenance to the authorized body.

Payment of monthly lifetime maintenance for persons, who are the beneficiaries of pension payments shall be made by the authorized body from the first day of a month, following the month of termination of state basic pension payment and (or) pension payments by the age, and (or) pension payments for length of service.

Information about termination of the state basic pension payment and (or) pension payments by the age, and (or) pension payments for length of service shall be provided by the State Corporation within five working days upon receipt of the notice.

Footnote. Paragraph 19 as amended by the decree of the Government of the Republic of Kazakhstan dated 21.04.2016 № 239.

20. When assigning and amending the amount of monthly lifetime maintenance, all sums, calculated in tiyns, shall be subject to rounding up to one tenge regardless of the amount of tiyns.

21. Payment of monthly lifetime maintenance shall be carried out by the authorized body based on an order on the appointment of monthly lifetime maintenance to the applicant's current bank account.

Footnote. Paragraph 21 - as amended by the Decree of the Government of the Republic of Kazakhstan dated 25.07.2024 № 604 (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

5. Cessation, termination and continuation of payment of monthly lifetime maintenance

22. Payment of monthly lifetime maintenance shall be suspended in cases of:

1) suspension of a judge's resignation on the grounds provided for in Article 35, paragraph 3 of the Constitutional Law;

2) if the retired judge holds a position paid from the republican or local budget or from the funds of the National Bank of the Republic of Kazakhstan in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

If he ceases to hold a position paid from the republican or local budget or from the funds of the National Bank of the Republic of Kazakhstan, payment of monthly life maintenance of a judge shall be resumed.

Suspension and resumption of payment of monthly lifelong maintenance in the case provided for in subparagraph 2) of this paragraph shall be made on the basis of an order to suspend (resume) payment of monthly lifelong maintenance.

Footnote. Paragraph 22 as amended by the Resolution of the Government of the Republic of Kazakhstan dated 21.04.2016 № 239; as amended by the Resolution of the Government of the Republic of Kazakhstan dated 20.03.2024 № 209.

23. The payment of monthly lifetime support shall be terminated in case of termination of the resignation of the judge on the grounds provided for in paragraph 3 of Article 35 of the Constitutional Law.

In cases of death or the entry into force of a court decision declaring a retired judge dead, the payment of monthly lifetime support is carried out for the month of death inclusive.

Footnote. Paragraph 23 -in the wording of the Resolution of the Government of the Republic of Kazakhstan dated 27.05.2019 № 322 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

24. Decision on termination, cessation and continuation of payment of monthly lifetime maintenance shall be made by the authorized body in accordance with the procedure, stipulated by paragraphs 3–9 of these Rules.

25. In cases of suspension, termination or resumption of the payment of monthly life support, the authorized body shall, within three working days, send a notification to the State Corporation about the suspension, termination or resumption of the payment of monthly life support in the form according to Appendix 4 to these Rules.

Footnote. Paragraph 25 - as amended by the Decree of the Government of the Republic of Kazakhstan dated 25.07.2024 № 604 (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

6. Keeping records of payments of monthly lifetime maintenance to retired judges

26. The authorized body shall keep records of retirement of a judge, termination of the retirement of a judge, cessation and continuation of the retirement of a judge as well as on decisions, made by the authorized body in the book on paper and electronic media.

Annex 1
to the Rules of payment
of monthly lifetime maintenance
to a retired judge

Footnote. Annex 1 as amended by the decree of the Government of the Republic of Kazakhstan dated 21.04.2016 № 239.

To the authorized body
for payment
of monthly lifetime maintenance

from surname, name, patronymic
(if any) residing at:

APPLICATION

Hereby I kindly ask you to assign (continue) to me, as a retired judge, monthly lifetime maintenance.

Judicial experience is _____

Last place of employment as the judge (judge, chairman, chairman of a collegiate body)

_____ of the
court.

Relieved from this position on the basis of: a resolution of the Senate of Parliament of the Republic of Kazakhstan dated “__” № __;

Order of the President of the Republic of Kazakhstan dated “ ___ ” № ___

(to fill in as necessary)

The application is attached with:

1. _____
2. _____
3. _____
4. _____

I shall be legally liable for reliability of documents submitted by me.

I undertake to inform the authorized body within ten business days about all changes, as well as a change in place of residence (including travel outside of the Republic of Kazakhstan), personal data, bank details.

I inform you that pension payments were previously assigned / not assigned from another department.

(underline as necessary)

I hereby give consent for processing of my personal data.

Signature of the applicant “ ___ ” _____ 20__.

Annex 2
to the Rules of payment of
monthly lifetime maintenance
to a retired judge

Book for registration and accounting of the data on retirement of a judge, termination of the retirement of a judge, cessation and continuation of the retirement of a judge

Started “ ___ ” _____ Ended “ ___ ” _____

Item №	Date of submission	Applicant's surname, name, patronymic	Applicant's date of birth	IIN	Place of residence	Date of election or appointment	Date of retirement	Date of termination, cessation and continuation of retirement	Date of making the decision by the authorized body and the amount of monthly payment	Notice
1	2	3	4	5	6	7	8	9	10	11

_____ sheets

(in figures and writing)

are numbered and tied up in the book

Place for stamp. Head _____

(surname, name, patronymic)

Appendix 3
to the Rules for payment
of monthly lifetime
maintenance to a retired judge

Conclusion on assigning (suspension, resumption) or rejecting the assignment of monthly lifetime maintenance

Footnote. Appendix 3 – as amended by the Resolution of the Government of the Republic of Kazakhstan dated 20.03.2024 № 209.

“ ___ ” _____ 20___ № _____

Pursuant to paragraph 2-1 of Article 35 of the Constitutional Law of the Republic of Kazakhstan “On the Judicial System and Status of Judges of the Republic of Kazakhstan”

(Surname, first name, patronymic (if any))

1. Assign monthly lifetime maintenance to the retired judge in the amount of _____
_____ KZT from “ ___ ” _____ 20___

2. Reject the assignment of monthly lifetime maintenance to a retired judge,

(Grounds for rejection)

3. Suspend the payment of monthly lifetime maintenance to a retired judge,

(Grounds for suspension)

In the amount of _____ KZT from “ ___ ” _____ 20___

4. Resume the payment of monthly lifetime maintenance to a retired judge,

(Ground for resumption)

In the amount of _____ KZT from “ ___ ” _____ 20___.

Head of HR department (full name, signature)

Head of financial department (full name, signature)

Appendix 4
to the Rules for the payment of monthly
life support to a retired judge

**Notice
of appointment (termination or renewal)
of monthly life support for a retired judge**

Footnote. Appendix 4 - as amended by the Decree of the Government of the Republic of Kazakhstan dated 25.07.2024 № 604 (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

Surname _____

First name _____

Patronymic (if any) _____

Residence address (actual) _____

Identity document: № _____

When and by whom issued " _____ " _____

IIN _____

By order of the authorized body dated " _____ " _____ 20__ № _____

monthly life support was appointed (terminated or renewed) to a retired judge

From " _____ " _____ 20__.

Bank details and current bank account number of the recipient

Bank BIN _____

Shall be the grounds for termination or appointment of the state basic pension payment and (or) pension payments based on age, and (or) pension payments for length of service.

Place of stamp

Head _____ signature

(Surname, first name, patronymic (if any))