



On approval of the Rules for transfer for trust management of civil servants' property

Invalidated Unofficial translation

Decree of the Government of the Republic of Kazakhstan dated December 30, 2015 No . 1126. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 06/16/2023 No. 479

Unofficial translation

Footnote. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 06/16/2023 No. 479 (effective from the date of its first official publication).

Takes effect from January 1, 2016.

In accordance with article 13 of the Law of the Republic of Kazakhstan dated November 23, 2015 “On the civil service of the Republic of Kazakhstan”, the Government of the Republic of Kazakhstan **HEREBY DECREES:**

1. To approve the attached Rules for transfer for trust management of civil servants' property.
2. To recognize invalid certain decisions of the Government of the Republic of Kazakhstan according to the annex to these Rules.
3. This decree shall take effect from January 2016 and shall be subject to official publication.

*Prime Minister
of the Republic of Kazakhstan*

K. Massimov

Approved
by the decree of the Government
of the Republic of Kazakhstan
dated December 30, 2015 no. 1126

Rules

for transfer for trust management of civil servants' property

These Rules for transfer of civil servants' property into trust management (hereinafter -the Rules) have been developed in accordance with the Constitution of the Republic of Kazakhstan dated August 30, 1995, the Civil Code of the Republic of Kazakhstan (Special Part) dated July 1, 1999, the Law of the Republic of Kazakhstan dated November 23, 2015 On the Civil Service of the Republic of Kazakhstan and other regulatory legal acts of the Republic of Kazakhstan and govern the procedure for transferring the civil servants' property into trust management.

Footnote. The preamble as amended by Resolution No. 18 of the Government of the Republic of Kazakhstan dated 29.01.2020 (shall be enforced from the date of its first official publication).

1. General provisions

1. Terms, used in these Rules:

1) trust management – activities of a trust manager for managing on its own behalf the property of a civil servant transferred to his possession, use and disposal, carried out in the interests of a civil servant or other person (beneficiary) indicated by him within the powers established by a contract for trust property management;

2) trust manager – any person, at discretion of a civil servant, carrying out trust management of a civil servant on the basis of a corresponding contract.

2. A civil servant at his own discretion subject to the requirements of the legislation shall determine the scope of authority, delegated to a trust manager.

3. A civil servant shall have the right to receive income from the property, transferred for the trust management.

2. Procedure of the transfer for trust management of civil servants' property

4. Trust management of civil servants' property shall arise (be established) based on:

1) a transaction;

2) an administrative act.

5. Within thirty calendar days from the date of taking office, a civil servant shall, for the time of his civil service, transfer into trust management the held shares, equities (equity) in the authorized capital of commercial organizations and other property, the use of which entails the receipt of income, except for the money legally belonging to this person, and also the property transferred into property lease.

Footnote. Paragraph 5 as amended by Resolution No. 18 of the Government of the Republic of Kazakhstan dated 29.01.2020 (shall be enforced from the date of its first official publication).

6. A civil servant shall provide a notarized copy of a contract for trust property management within ten days from the date of notarization to the personnel management service (personnel department) of the state body at the place of employment.

7. In the event of termination of the contract for the trust management of the property by one of the parties, the civil servant shall notify within thirty calendar days the human resources service (HR department) at the employment place, and the property subject to the transfer into trust management, within thirty calendar days after

the termination of the contract shall be re-transferred into trust management with provision to the human resources service (HR department) at the employment place of a notarized copy of the contract in the procedure established by these Rules.

Footnote. Paragraph 7 as amended by Resolution No. 18 of the Government of the Republic of Kazakhstan dated 29.01.2020 (shall be enforced from the date of its first official publication).

8. A contract for trust property management along with common grounds the termination of liabilities shall be terminated by:

1) the death of the citizen - trust manager, recognizing him incapable or partially incapable, missing; liquidation of a legal entity - the trust manager;

2) the refusal of the trust management or the civil servant in connection with impossibility for the trust manager personally to carry out management of the trust property;

3) the refusal of the civil servant from execution of the contract, subject to payment to the trust manager of losses and remuneration, if it has been provided for by the contract;

4) the refusal of the trust management in the event of failure to inform him on transfer for the management of property encumbered with pledge with payment of remuneration to him, if it has been provided for by the contract.

9. Any subsequent information about termination of the contract for trust property management or its renewal shall be provided by the civil servant within ten days from the occurrence of the indicated events to the personnel management service (personnel department) of the state body at the place of employment.

When renewing the contract for trust property management, its notarized copy shall be submitted to the personnel management service (personnel department) of the state body at the place of employment in accordance with the procedure, established by these Rules.

Annex
to the decree of the Government
of the Republic of Kazakhstan
dated December 30, 2015 no. 1126

List of invalid certain decisions of the Government of the Republic of Kazakhstan

1. Decree of the Government of the Republic of Kazakhstan dated January 20, 2000 no. 99 “On approval of the Rules for transfer for trust management of civil servants’ property” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2000, no. 3, art.38).

2. Decree of the Government of the Republic of Kazakhstan dated June 27, 2000 no. 958 On amendments to the decree of the Government of the Republic of

Kazakhstan” dated January 20, 2000 no. 99” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2000, no. 27, art.321).

3. Paragraph 2 of amendments and additions which are made to certain decisions of the Government of the Republic of Kazakhstan, approved by the decree of the Government of the Republic of Kazakhstan dated March 25, 2008 no. 283 “On amendments and additions to certain decisions of the Government of the Republic of Kazakhstan” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2008, no. 16, art.149).

4. Decree of the Government of the Republic of Kazakhstan dated May 12, 2011 no. 508 “On amendments and additions to the decree of the Government of the Republic of Kazakhstan dated January 20, 2000 no. 99” (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2011, no. 38, art.460).