



## **On approval of the Rules for the use of checks in the territory of the Republic of Kazakhstan**

### *Unofficial translation*

Resolution of the Board of the National Bank of the Republic of Kazakhstan dated August 31, 2016 No. 204. Registered in the Ministry of Justice of the Republic of Kazakhstan on October 20, 2016 No. 14346.

### *Unofficial translation*

In accordance with the laws of the Republic of Kazakhstan dated March 30, 1995 “ On the National Bank of the Republic of Kazakhstan ” and July 26, 2016 “ On Payments and Payment Systems ”, in order to establish the procedure for applying checks on the territory of the Republic of Kazakhstan, the Board of the National Bank of the Republic of Kazakhstan **DECIDES:**

1. To approve the attached Rules for the application of checks in the territory of the Republic of Kazakhstan.
2. To recognize as invalid the Resolution of the Board of the National Bank of the Republic of Kazakhstan dated March 17, 2016 No. 91 “On the Approval of the Rules for the Application of Checks in the Republics and Kazakhstan” (registered in the Register of State Registration of Normative Legal Acts under No. 13665, published May 25, 2016 in - the legal system “ idilet ” of the republican state enterprise on the right of economic application “ Republican center of legal information of the Ministry of Justice of the Republic of Kazakhstan”).
3. The Department of Payment Systems ( Ashykbekov E.T.) in the manner prescribed by the legislation of the Republic of Kazakhstan, shall ensure:
  - 1) together with the Legal Department ntom ( N. Sarsenova ) the state registration of this resolution in the Ministry of Justice of the Republic of Kazakhstan;
  - 2) sending this resolution to the republican state enterprise on the basis of the right of economic management “Republican Center for Legal Information of the Ministry of Justice of the Republic of Kazakhstan”:  
for official publication in the legal information system " Аділет " within ten calendar days after its state registration in the Ministry of Justice of the Republic of Kazakhstan;  
for inclusion in the State Register of regulatory legal acts of the Republic of Kazakhstan, the Reference Control Bank of regulatory legal acts of the Republic of Kazakhstan within ten calendar days from the date of its state registration with the Ministry of Justice of the Republic of Kazakhstan;
  - 3) posting of this resolution on the official Internet resource of the National Bank of the Republic of Kazakhstan after its official publication.

4. The Directorate for the Protection of the Rights of Consumers of Financial Services and External Communications (A. Terentyev) shall ensure the direction of this resolution for official publication in periodicals within ten calendar days after its state registration with the Ministry of Justice of the Republic of Kazakhstan.

5. Contral the implementation of this decision to assign to the Vice-Chairman of the National Bank of the Republic of Kazakhstan Pirmatov G.O.

6. This resolution shall be enforced after ten calendar days after the day its first official publication.

*The chairman of the  
National Bank*

*D. Akishev*

Minister of  
Republic of

" A G R E E D "  
F i n a n c e  
K a z a k h s t a n  
B . S u l t a n o v

September 21, 2016

Ministry of the  
Republic of  
Minister

" A G R E E D "  
I n t e r i o r  
K a z a k h s t a n  
K . K a s y m o v

September 19, 2016

Approved by the  
Resolution of the Board of the  
National Bank of the  
Republic of Kazakhstan  
dated August 31, 2016 No. 204

**Rules for the  
application of checks in the Republic of Kazakhstan  
Chapter 1. General provisions**

1. These Rules for the use of checks on the territory of the Republic of Kazakhstan ( hereinafter - the Rules) are developed in accordance with the laws of the Republic of Kazakhstan dated March 30, 1995 “ On the National Bank of the Republic of Kazakhstan ”, dated July 26, 2016 “ On payments and payment systems ” ( hereinafter referred to as the Law on Payments and Payment Systems) and determine the procedure for applying checks on the territory of the Republic of Kazakhstan.

The procedure for applying checks on the territory of the Republic of Kazakhstan includes concluding an agreement on the use of checks, issuing a checkbook, making payments and other transactions using checks, as well as taking steps to detect a fake or defective check.

2. The rules do not apply to relations associated with the use of traveller's checks. These relations are regulated by the issuer’s bank of such traveler’s checks and business practices

applicable in banking practice, taking into account the requirements established by the Law of the Republic of Kazakhstan dated August 28, 2009 “On combating the legalization (laundering) of proceeds from crime and the financing of terrorism” .

2-1. The requirements of the Rules applied to banks shall apply to branches of non-resident banks of the Republic of Kazakhstan established in the territory of the Republic of Kazakhstan.

**Footnote. Rules supplemented by paragraph 2-1 in accordance with Resolution No. 139 of the Board of the National Bank of the Republic of Kazakhstan dated 30.11.2020 (shall be enforced from 16.12.2020).**

3. The Rules use the concepts provided for by the Law on Payments and Payment Systems, as well as the following concepts:

1) issuance of a check - a method of making a payment in which payment is made by issuing the same document of the payment document of the same name to the check holder;

2) the bank of the drawer - the bank that issued the checkbook, and to which the order to pay money is addressed;

3) checkbook - booklet forms stitched and sequentially numbered. A checkbook consisting of one check form is allowed;

4) payment of a check - the fulfillment of a monetary obligation of the drawer, expressed by the receipt by the holder of money on the check;

5) the spine of the check is a part of the check on which the details of the check are indicated. For the purposes of the Rules, check roots also mean copies of checks sequentially stapled in check books;

6) check holder bank - a bank to which the check holder presented a check for payment or transfer of the received check for subsequent payment.

4. The check shall contain the following mandatory details:

1) the name "check";

2) the series and number of the check;

3) full name of the drawer or the person representing him;

4) individual identification (business identification) number of the check drawer (check holder);

5) the amount in figures and words, the date, place of issue of the check, signature of the drawer or the person representing him;

6) full name of the check holder;

7) the name of the drawer bank;

8) the bank identification code of the drawer bank;

9) column "pay";

10) column "payment purpose" (except for a check for cash receipt);

11) column "mark of the check holder on acceptance of the check for payment";

12) columns Cms (money sender code), CBe (beneficiary code) and purpose payment code;

13) column "purpose of expenditure" (for checks for cash receipt);

14) for a legal entity that is not a private enterprise, a seal imprint.

**Footnote. Paragraph 4 as amended by Resolution No. 182 of the Board of the National Bank of the Republic of Kazakhstan dated 27.08.2018 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

5. It is allowed for the bank of the issuer to make additional details necessary for processing transactions using the check in the check.

6. A check is used to make non-cash payments and receive cash.

7. The issuance of a check is not the fulfillment of a monetary obligation of the drawer, in fulfillment of which such a check was issued. The fulfillment of this obligation occurs at the time of receipt of money by check.

8. Checks in the territory of the Republic of Kazakhstan shall be issued in the national currency of the Republic of Kazakhstan - tenge. Circulation of checks in foreign currency in the territory of the Republic of Kazakhstan shall be carried out in accordance with the Law of the Republic of Kazakhstan dated July 2, 2018 "On currency regulation and currency control"

**Footnote. Paragraph 8 as amended by Resolution No. 221 of the Board of the National Bank of the Republic of Kazakhstan dated 28.11.2019 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

9. Checks are accepted and paid by the bank of the drawer in accordance with the agreement on the use of checks and the Rules.

10. Acceptance and payment of a check by the banks of the check holder shall be carried out on the basis of an agreement between the bank of the check drawer and the bank of the check holder for the receipt and payment of checks.

**Footnote. Paragraph 10 - as amended by Resolution No. 139 of the Board of the National Bank of the Republic of Kazakhstan dated 30.11. 2020 (effective from 16.12.2020).**

11. The instruction on remuneration contained in the check is considered unwritten.

12. Checks Forms (including when they are not bound into checks s books) are documents of strict accountability, are manufactured taking into account the mandatory particulars provided for by paragraph 4 of the Rules, and the degree of protection (at least five times), the lack of which entails nedey ity of check.

The bank of the drawer independently approves the sample form of the check and check book, provided that the check and check book comply with the Rules.

13. The minimum requirements for the degrees of protection, as well as the procedure for accounting for paid checks by the bank of the encoder, are established by the bank of the drawer.

## Chapter 2. The conclusion of an agreement on the use of checks

14. The rights and obligations of the drawer and the drawer's bank related to the use of the check arise on the basis of the agreement on the use of checks.

15. The agreement on the use of checks contains the following conditions:

1) information on the number of blank forms of checks in the checkbook;

2) requirement of the correct issuance of checks, including:

adherence to the sequence of numbers of blank forms of the checks;

indication of the check amount in numbers and in words (the amount in words starting at the very beginning of the line with a capital letter, the word "tenge" shall be indicated after the amount in words after one space, the word "tiyn" is not indicated in the check, in the free space after writing the amount in numbers and in words two lines shall be drawn through);

in the column after the word "pay", the full name or the name of the person to whom the check is written out shall be indicated;

the number of the document proving the identity of the drawer (for individuals), or the person authorized by the drawer to dispose of the checkbook (for individuals and legal entities), by whom and when it was issued;

affixing the date of issue of the check (date and year in figures, month in words);

affixing the signature of the drawer corresponding to the identity document (for individuals), or of the person authorized by the drawer to dispose of the checkbook (for legal entities) - sample signature in the document with sample signatures;

indication in the check stub of the amount of money for which the check was written out (the amount shall be entered in numbers), the date of issue of the check with the signature of the drawer (for individuals) or the person authorized to dispose of the checkbook (for individuals and legal entities), if the checkbook is issued for a certain amount - the balance of the amount before the transaction and the new balance of the checkbook (the balance shall be entered in figures and in words).

Putting the seal of the drawer - a legal entity unrelated to a private business;

3) the procedure for making mutual payments and money transfers between the bank of the drawer and the checker when conducting transactions with checks;

4) the validity period of the checkbook (if the checkbook is issued for a specified period);

5) the procedure for notifying the bank of the drawer by the drawer of lost or stolen checks, checkbooks, changes in the composition of persons authorized to sign checks (for legal entities);

6) the procedure for notifying the drawer by the drawer bank about refusals to pay checks, as well as about defective and fake checks ;

7) conditions for payment by the drawer of the services of the drawer's bank for conducting transactions with checks;

8) the procedure for the return by the drawer of the bank of the drawer of unused forms of checks;

9) the responsibility of the parties and the procedure for making claims in the relationship between the drawer and the drawer's bank.

**Footnote. Paragraph 15 as amended by Resolution No. 182 of the Board of the National Bank of the Republic of Kazakhstan dated 27.08.2018 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

16. It is allowed to include the terms of the agreement on the use of checks specified in clause 15 of the Rules in other agreements (mixed agreements) concluded between the bank of the drawer and the drawer.

17. Banks, before concluding an agreement on and using checks, provide the client with the opportunity to receive information on the cost of services for conducting transactions with checks and on the terms of the agreement on the use of checks.

### **Chapter 3. Issuing a checkbook**

18. The authorized person of the drawer bank, when issuing checkbooks, performs the following actions:

- 1) certifies the identity of the drawer or the person representing him;
- 2) fill in the back page of the cover of the checkbook, which indicates or affixes:
  - surname , name, patronymic (if any) or the name of the drawer;
  - number of the document certifying the identity of the drawer (for physical persons, individual entrepreneurs, private notaries, lawyers, bailiffs and professional mediators );
  - individual identification ( business identification ) number of the drawer;
  - banker's identification code;
  - check blank numbers ;
  - the validity period of the checkbook and the amount of the checkbook (if installed);
  - date of issue of the checkbook;
  - signatures of authorized persons of the drawer's bank (when issuing a checkbook for the purpose of making non-cash payments);
- 3) affix on each form of the checkbook with a stamp b the identification code of the drawer's bank and its name;
- 4) accepts a document with sample signatures of the drawer (for individuals) or a person authorized by the drawer to dispose of the checkbook (for legal entities).

**Footnote. Paragraph 18 as amended by Resolution No. 182 of the Board of the National Bank of the Republic of Kazakhstan dated 27.08.2018 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

19. It is allowed to issue several checkbooks at the same time in accordance with the agreement on the use of checks.

## **Chapter 4. Making payments and other transactions using checks**

20. Checks issued by drawers - legal entities shall be signed by persons authorized to dispose of the checkbook, and sealed by the drawer.

The requirement to affix the seal of the drawer shall not apply to the drawer - a legal entity related to a private enterprise subject.

**Footnote. Paragraph 20 as amended by Resolution No. 182 of the Board of the National Bank of the Republic of Kazakhstan dated 27.08.2018 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

21. The check holder, accepting the check for payment, in the column "mark of the check holder about the receipt of the check for payment" and its stub shall put down the full name, as well as a signature (for individuals) or a stamp or seal indicating the name of the check holder and the signature of the person authorized by the check holder (for legal entities).

The requirement to affix a stamp or a seal shall not apply to the check holder - a legal entity related to a private business.

**Footnote. Paragraph 21 as amended by Resolution No. 182 of the Board of the National Bank of the Republic of Kazakhstan dated 27.08.2018 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

22. When a check is issued, the details provided for in clause 4 of the Rules are put down in it by the check drawer in accordance with the Rules for the application of codes of economic sectors and the purpose of payments approved by the National Bank of the Republic of Kazakhstan in accordance with subparagraph 15) of paragraph 1 of Article 4 of the Law on Payments and Payment

systems .

23. If there are corrections and cleanings in the check, the check is not valid.

If an error is made when filling out the check form with the checkmarker, the message “spoiled”, the date and signature are put down on the form and its spine diagonally.

24. The check written out by the check drawer for its issuance to the check holder is separated from the spine and the check holder, if it is not a check drawer at the same time, checks that the check is filled out correctly (checked for traces of erasures and corrections, the correctness of filling in the check details, the correctness of the displayed balance in the check spine, numbering of the roots checks), verifies identity of the person who has drawn the check on the identity document, verifies the signature of the person issuing the check, the specimen signature on the back cover page of the check to izhki.

25. The check is accepted by the check holder on the day of its discharge.

A check is presented by the check holder to the bank of the drawer or to the bank of the check holder.



The validity period of a check is ten calendar days, calculated from the day following the day the check is issued.

26. A check holder may refuse to accept a partial payment of a check.

In the case of a partial payment by check, the bank of the check holder or the bank of the drawer shall put a note on such payment on the check and issue a receipt to the holder of the balance for the balance of the check.

27. Checks presented to the bank of the check holder or the bank of the drawer are checked by authorized persons of the bank regarding correctness for filling in the details of the checks and observing the terms of their validity.

28. The bank of the check holder or the bank of the drawer shall reject the check payment on the following grounds:

1) the amount in words does not correspond to the amount in figures;

2) the check has expired;

3) corrections and (or) erasures on the check;

4) noticeable differences in handwriting and ink color on the check;

5) one or more degrees of protection are missing on the check;

6) errors on the check in indicating the details of the check;

7) difference between the signature on the check and the signature in the document with the sample signatures of the drawer (for individuals) or the person authorized by the drawer to dispose of the checkbook (for a legal entity);

8) inconsistency of the seal imprint on the check with the seal imprint in the document with sample signatures of the drawer (for legal entities that are not private businesses);

9) the amount of money is insufficient to pay the check;

10) detection of a counterfeit or defective check;

11) other grounds provided for by the agreement on the use of checks.

**Footnote. Paragraph 28 as amended by Resolution No. 182 of the Board of the National Bank of the Republic of Kazakhstan dated 27.08.2018 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

29. On each check that has not been used due to the expiration of the checkbook, the drawer puts “canceled” and returns the checkbook to the bank of the drawer.

30. Covered checks by the bank of the drawer are issued for a certain amount of money within the amount contributed by the drawer of the check, which the bank records in a separate bank account.

Payment of uncovered checks is carried out within the amount of money that is in the bank account of the drawer or through a bank loan provided in accordance with the concluded agreement on the use of checks with the drawer.

31. If there is a balance on the checkbook amount by the day of its expiration or termination by the drawer of transactions using checks, the drawer transfers the checkbook to the drawer bank.



Upon the return of the checkbook by the drawer, the bank of the drawer returns to it the remaining balance of the checkbook amount.

32. In cases stipulated by the agreement on the use of checks, the balance of the amount on the checkbook with is protected on the corresponding balance sheet of the drawer's bank and taken into account when establishing the amount of the new checkbook.

33. In case of return or full use of the checkbook by the issuing bank, a corresponding mark is made in the checkbook register .

In cases when the full amount of the checkbook turns out to be unused, the client is issued a new checkbook for the remainder of the amount, if this is provided for by the agreement on the use of checks.

## **Chapter 5. Implementation of actions upon detection of a fake or defective check**

34. A check issued in violation of the requirements established by the Rules, as well as with errors and (or) corrections in filling in the mandatory details of the check provided for in clause 4 of the Rules, shall be deemed defective and returned by the bank to the check holder on receipt.

35. A check is considered fake if:

1) the check presented for payment is written out from the checkbook, which was not issued by the bank indicated in this check;

2) the form of the check does not meet the requirements established by the Rules;

3) signature of the drawer or the person authorized by the drawer to dispose of the checkbook is not identical to the sample signature in the document with sample signatures of the drawer (for individuals) or the person authorized by the drawer to dispose of the checkbook (for legal entities), or there are clear signs of forgery;

4) the seal imprint of the drawer does not correspond to the sample of the seal imprint in the document with samples of the drawer signatures (for a legal entity unrelated to a private enterprise subject).

**Footnote. Paragraph 35 as amended by Resolution No. 182 of the Board of the National Bank of the Republic of Kazakhstan dated 27.08.2018 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

36. An authorized person of the bank who has been presented with a check for payment, at the time of detection of a fake check, draws up an act to identify a fake check in duplicate in the form in accordance with the appendix to the Rules.

37. When the issuer presents a fake check, the authorized person of the bank shall notify the law enforcement bodies of the Republic of Kazakhstan.

A fake check with one copy of the act on identifying a fake check is passed to the law enforcement bodies of the Republic of Kazakhstan, the second copy of the act on identifying a fake check remains in the bank in which the fake check is found.

When a fake check is seized by law enforcement authorities of the Republic of Kazakhstan and the check is not confirmed to be fake, the bank takes measures to return the check. After receiving the check, the bank returns the check to the drawer.

If a counterfeit check is detected by a check holder bank other than the drawer’s bank, a copy of the fake check, a copy of the act on identifying a fake check no later than the next business day after detection of the fake check, shall be transmitted by the check holder bank to the drawer’s bank.

If a counterfeit check is detected by the issuing bank, a copy of the counterfeit check, a copy of the act on identifying the counterfeit check no later than the next business day after detection of the counterfeit check is sent to the check holder or check holder.

38. The incapacity or death of a drawer-natural person, as well as the liquidation or reorganization of a drawer-legal entity that occurs after the issuance of the check, does not entail the invalidity of the check.

39. In case of loss of the checkbook, the drawer shall notify the drawer’s bank about this, indicating the numbers of unused check forms in the manner and terms established by the agreement on the use of checks.

Appendix  
to the Rules  
for the use of checks  
in the territory of the  
Republic of Kazakhstan  
Form  
"Approved"

\_\_\_\_\_  
(full name )  
of the authorized person of the  
bank, branch of non-resident bank  
of the Republic of Kazakhstan  
\_\_\_\_\_  
(signature)  
\_\_\_\_\_  
" \_\_\_\_ " \_\_\_\_\_ 20 \_\_\_\_

**Report on detected forged check**

**Footnote. Appendix - as amended by Resolution No. 139 of the Board of the National Bank of the Republic of Kazakhstan dated 30.11.2020 (effective from 16.12.2020).**

**I, the undersigned**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(full name) and position of the authorized person of the bank,

branch of non-resident bank of the Republic of Kazakhstan, who discovered the forged check)

drew up this report, stating that at the inspection of check No. \_\_\_\_\_, issued to

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(full name) of the check holder)

in the amount of \_\_\_\_\_,

a check was discovered \_\_\_\_\_,

in connection with which the said check cannot be accepted for payment.

\_\_\_\_\_

(signature)

The forged check was directed to law enforcement bodies of the Republic of Kazakhstan

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(indicate the name of the state body, to which the forged check was directed)