



On approval of Standard regulation on the land commission

Unofficial translation

Order of the Deputy Prime Minister of the Republic of Kazakhstan - Minister of Agriculture of the Republic of Kazakhstan of August 27, 2018 № 359. Registered in the Ministry of Justice of the Republic of Kazakhstan on September 21, 2018 № 17400.

Unofficial translation

In accordance with subparagraph 2-3) of paragraph 1 of Article 14 of the Land Code of the Republic of Kazakhstan **I HEREBY ORDER:**

Footnote. The preamble – as amended by the order of the Minister of Agriculture of the Republic of Kazakhstan dated 06.12.2021 No. 360 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

1. Approve the Standard regulation on the land commission in accordance with the appendix to this order.
2. The Land Management Committee of the Ministry of Agriculture of the Republic of Kazakhstan, in accordance with the procedure established by the legislation, shall:
 - 1) provide the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;
 - 2) within ten calendar days from the date of state registration of this order, direct its copy in the Kazakh and Russian languages to the Republican State Enterprise with the Right of Economic Management “Republican Center of Legal Information” for official publication and inclusion in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;
 - 3) within ten calendar days after the state registration of this order, direct its copy for official publication in periodicals;
 - 4) place this order on the Internet resource of the Ministry of Agriculture of the Republic of Kazakhstan;
 - 5) within ten working days after the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan, submit the data on execution of the actions provided for in subparagraphs 2), 3) and 4) of this paragraph to the Legal Department of the Ministry of Agriculture of the Republic of Kazakhstan.
3. Control over the execution of this order shall be entrusted to the Supervising Vice Minister of Agriculture of the Republic of Kazakhstan.
4. This order shall be enforced upon expiry of ten calendar days after the date of its first official publication.

Approved
by order No. 359
of the Deputy Prime Minister
of the Republic of Kazakhstan
- Minister of Agriculture of the
Republic of Kazakhstan
of August 27, 2018

Standard regulation on the land commission Chapter 1. General provisions

1. This Standard regulation on the land commission (hereinafter referred to as the Standard regulation) has been developed in accordance with subparagraph 2-3) of paragraph 1 of Article 14 of the Land Code of the Republic of Kazakhstan (hereinafter referred to as the Code).

Footnote. Paragraph 1 – as amended by the order of the Minister of Agriculture of the Republic of Kazakhstan dated 06.12.2021 No. 360 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

2. The Land Commission (hereinafter referred to as the Commission) is a permanent collegial body in the territory of oblasts, cities of republican significance, the capital, districts, cities of oblast subordination within their competence. The Commission shall organize its work on the principles of openness, publicity, collegiality and impartiality.

3. The Commission shall be guided in its activity by the Constitution of the Republic of Kazakhstan, the laws of the Republic of Kazakhstan and the regulatory legal acts of the Republic of Kazakhstan that govern land relations.

Chapter 2. Functions and Rights of the Commission

4. The functions of the Commission shall be to review applications and prepare conclusions on granting rights to land plots (on determining the winner of a tender for granting temporary land use (lease) for a fee to conduct peasant or farming enterprise, agricultural production), on changing the designated use of land plots and on the transfer of water reserve lands to other categories of lands.

5. On the matters within its competence, the Commission shall be entitled to request and receive from state bodies the data on the presence or absence of a land plot, on encumbrance on a land plot, on the presence or absence in legal entities of the share of foreign nationals in the charter capital, on utilization of water protection zones and belts.

Chapter 3. Organization of the Commission's activity

6. The Commission shall carry out its activity on a permanent basis.

7. The composition of the Commission shall be determined in accordance with Article 43 of the Code.

8. The chairperson of the Commission shall be the deputy akim of the oblast, city of republican significance, the capital, district, city of oblast subordination, who oversees land issues.

9. The chairperson shall organize the work of the Commission and ensure prompt and proper performance of the tasks and functions assigned to the Commission by this Standard regulation.

10. The Chairperson of the Commission shall:

- 1) convene meetings;
- 2) perform general management of the Commission's activity;
- 3) plan the work of the Commission;
- 4) preside at meetings of the Commission.

11. Members of the Commission shall:

- 1) familiarize with the submitted materials;
- 2) review the issues subject to consideration at the meeting of the Commission and take part in the adoption of relevant resolution;
- 3) shall not delegate their authority to participate in meetings to other persons.

12. The secretary of the Commission shall:

- 1) form the agenda of the meeting of the Commission;
- 2) notify members of the Commission of the date and venue of the meeting of the Commission;
- 3) prepare materials for the meeting, draw up the minutes of the meeting of the commission and the conclusion of the meeting of the commission;
- 4) shall not be a member of the Commission.

13. The working body of the Commission shall be the relevant authorized body of the oblast, city of republican significance, the capital, district, city of oblast subordination in the field of land relations (hereinafter referred to as the Working Body).

The duties of the secretary of the Commission shall be assigned to an expert of the Working body.

14. The agenda of the meeting, the date, time and place of the meeting shall be determined by the chairperson of the Commission.

15. Formation of the agenda of the scheduled meeting of the Commission, convocation of members of the Commission, preparation of draft conclusions of the Commission and other required activities shall be provided by the Working Body.

16. The meeting of the Commission shall be deemed duly constituted with at least two thirds of the total number of its members attending. At the same time, representatives of public councils, non-governmental organizations in the field of agriculture and other sectoral non-governmental organizations, the National Chamber of Entrepreneurs of the Republic of

Kazakhstan, also local governments shall constitute at least fifty percent of the total number of the land commission members. Members of the land commission shall attend its meeting with no right of replacement.

A member of the Commission shall declare self-withdrawal when considering an issue included in the agenda of the meeting of the Commission, if he/she is a husband (wife), close relative (parent, child, adoptive parent (adopter), adopted (adopted), full and half brother and sister, grandfather, grandmother, grandson) or relative (adopted (adopted), full and half brother and sister, parent and child of the husband (wife)) of the person in respect of whom the decision is made.

Self-withdrawal must be declared in writing before the beginning of the meeting of the Commission.

Footnote. Paragraph 16 – as amended by the order of the Minister of Agriculture of the Republic of Kazakhstan dated 06.12.2021 No. 360 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

17. Resolution of the Commission shall be adopted by open vote. The voting results shall be determined by the majority of votes of the land commission members from the total number of those present at the meeting and the resolution shall be deemed adopted upon the majority of the land commission members voting for it.

18. The meeting of the Commission shall be audio and video recorded. The recording of the land commission meeting on audio and video recording devices shall be carried out by the local executive body of the oblast, the city of republican significance, the capital, district, city of oblast subordination.

19. The conclusion of the Commission shall be drawn up in triplicate in the form of the protocol decision within two working days from the moment of direction by the Working body of the proposal to the Commission on the possibility of using the requested land plot for the stated designation in accordance with the territorial zoning or granting the preliminary choice of a land plot (when requesting a land plot for the construction of objects, with the exception of the construction of objects within the boundaries of a settlement).

The working body shall post the protocol decisions of the Commission on its Internet resource on a monthly basis.

Footnote. Paragraph 19 – as amended by the order of the Minister of Agriculture of the Republic of Kazakhstan dated 06.12.2021 No. 360 (for the procedure of enactment see p.4).

20. One copy of the conclusion of the Commission within one working day from the moment of signing shall be handed over (sent) to the applicant (his representative) in one of the following ways:

on purpose;

in the form of registered mail with acknowledgment of receipt;

an electronic document signed by means of an electronic digital signature;

to the applicant's email address.

Footnote. Paragraph 20 as reworded by the order of the Minister of Agriculture of the Republic of Kazakhstan dated 06.12.2021 No. 360 (shall be enforced from 01.01.2022).

Chapter 4. Final Provisions

21. The protocol decision of the Commission may be appealed to the court within seven working days from the date of its receipt by the applicant in accordance with the procedure prescribed by the Administrative Procedural Code of the Republic of Kazakhstan.

Footnote. Paragraph 21 as reworded by the order of the Minister of Agriculture of the Republic of Kazakhstan dated 06.12.2021 No. 360 (shall be enforced from 01.01.2022).

22. The logistical support of the Commission's work shall be assigned to the relevant Akim's office.