



## **On approval of the Rules for granting of use of monuments of history and culture and access to them**

### *Unofficial translation*

Order of the Minister of Culture and Sports of the Republic of Kazakhstan dated April 15, 2020 No. 91. Registered in the Ministry of Justice of the Republic of Kazakhstan on April 16, 2020 No. 20406.

### *Unofficial translation*

Under sub-paragraph 15) of Article 10 of the Law of the Republic of Kazakhstan “On the Protection and Use of Historical and Cultural Heritage Sites”, **I HEREBY ORDER:**

**Footnote. The preamble - as reworded by order of the Minister of Culture and Sports of the Republic of Kazakhstan No. 125 of 12.05.2022 (shall come into effect upon expiration of ten calendar days after the day of its first official publication).**

1. To approve the attached Rules for granting of use of monuments of history and culture and access to them.

2. To declare invalid:

1) order of the Minister of Culture and Sports of the Republic of Kazakhstan dated November 30, 2015 No. 369 "On approval of the Rules for granting of use of monuments of history and culture" (registered in the Register of state registration of regulatory legal acts under No. 12491, published on January 14, 2016 in Information and Legal system "Adilet");

2) paragraph 10 of the List of some orders in the field of culture, which are amended, approved by order of the acting Minister of Culture and Sports of the Republic of Kazakhstan dated September 13, 2018 No. 256 "On amendments to some orders in the field of culture" (registered in the Register of state registration of regulatory legal acts under No. 17507, published on October 12, 2018 in the Reference Control Bank of regulatory legal acts of the Republic of Kazakhstan).

3. The Department of Culture and Art of the Ministry of Culture and Sports of the Republic of Kazakhstan, in the manner prescribed by law, to ensure:

1) state registration of this order in the Ministry of Justice of the Republic of Kazakhstan;

2) within two working days after the entry into force of this order, its placement on the Internet resource of the Ministry of Culture and Sports of the Republic of Kazakhstan;

3) within two working days after the execution of the measures provided for by this paragraph, submission of information on execution of the measures to the Department of Legal Service of the Ministry of Culture and Sports of the Republic of Kazakhstan.

4. The supervising Vice-Minister of Culture and Sports of the Republic of Kazakhstan is authorized to control execution of this order.

5. This order comes into effect upon the expiration of ten calendar days after the day of its first official publication.

*Minister of culture and sports of the  
Republic of Kazakhstan*

*A. Raimkulova*

Approved  
by the order of the  
Minister of culture and sports of the  
Republic of Kazakhstan  
dated April 15, 2020 № 91

## **Rules**

### **for granting of use of monuments of history and culture and access to them**

#### **Chapter 1. General provisions**

1. These Rules of Granting for Use of Historical and Cultural Monuments and Access to Them (hereinafter - Rules) have been elaborated under sub-paragraph 15) of Article 10 of the Law of the Republic of Kazakhstan “On Protection and Use of Historical and Cultural Heritage Sites” (hereinafter - the Law) and establish the order of granting for use of historical and cultural monuments and access to them.

**Footnote. Paragraph 1 - as reworded by order of the Minister of Culture and Sports of the Republic of Kazakhstan No. 125 of 12.05.2022 (shall become effective ten calendar days after the date of its first official publication).**

2. The following basic concepts are used in these Rules:

1) monuments of history and culture - objects of historical and cultural heritage included in the State List of monuments of history and culture;

2) user of a monument of history and culture – an individual or legal entity who, in accordance with the Law, is granted the right to use a monument of history and culture on the basis of an agreement with its owner;

3) the authorized body for protection and use of objects of historical and cultural heritage (hereinafter referred to as the authorized body) - the central executive body that carries out management and inter-sectoral coordination in the field of protection and use of objects of historical and cultural heritage.

#### **Chapter 2. Procedure for granting of use of monuments of history and culture**

3. The granting of use of monuments of history and culture to individual and legal entities is carried out for scientific, educational, tourist, informational and educational purposes.

4. On behalf of the Republic of Kazakhstan, the owner's powers for monuments of history and culture of international and republican significance are exercised by the authorized body, and for monuments of history and culture of local significance - by local executive bodies of regions, cities of republican significance, the capital (hereinafter - local executive bodies).

5. Monuments of history and culture of local significance, which are communal property, are granted for use by decision of local executive bodies.

Monuments of history and culture of local significance, which are republican property, are granted for use by decision of the authorized body for state property management in agreement with the authorized body.

Monuments of history and culture of international and republican significance, which are communal property, are granted for use by decision of local executive bodies in agreement with the authorized body.

Monuments of history and culture of international and republican significance, which are republican property, are granted for use by decision of the authorized body for state property management in agreement with the authorized body.

6. The order of granting for use of historical and cultural monuments, being on the balance sheet of the government legal entities, shall be implemented under the Rules for the Transfer of State Property for Property Lease (Rent), approved by order of the Minister of National Economy of the Republic of Kazakhstan No. 212 of March 17, 2015. (recorded in the Register of State Registration of Regulatory Legal Acts under No. 10467), or the Rules for Transfer of State Property into Trust Management and the Model Agreement on Trust Management of State Property approved by Order of the Minister of National Economy of the Republic of Kazakhstan No. 17 of January 16, 2015 (recorded in the Register of State Registration of Regulatory Legal Acts under No. 10111).

**Footnote. Paragraph 6 - as reworded by order of the Minister of Culture and Sports of the Republic of Kazakhstan No. 125 of 12.05.2022 (shall be put into effect ten calendar days after the date of its first official publication).**

7. Monuments of history and culture that are on the balance sheet and property of non-state legal entities and individuals are granted for use in accordance with the civil legislation of the Republic of Kazakhstan.

8. An agreement on granting for use of monuments of history and culture of international and republican significance, which are republican property, is concluded between the authorized body for state property and an individual or legal entity in agreement with the authorized body.

An agreement on granting for use of monuments of history and culture of international and republican significance, which are communal property, is concluded between the local executive body and an individual or legal entity in agreement with the authorized body.

An agreement on granting for use of monuments of history and culture of local significance, which are republican property, is concluded between the authorized body for state property and an individual or legal entity in agreement with the authorized body.

An agreement on granting for use of monuments of history and culture of local importance, which are communal property, is concluded between the local executive body and an individual or legal entity.

9. The owner has the right to own, use and dispose monuments of history and culture as objects of property, with the exception of the right to destroy them independently.

10. Owners of monuments of history and culture are obliged to notify local executive bodies about the proposed or completed changes in property rights.

11. The owner has the right to make a profit (receive income) as a result of the use and operation of monuments of history and culture, limited by a protective obligation.

12. Conditions for maintenance of monuments of history and culture by the owners and users of monuments of history and culture are recorded in the protection obligation issued by local executive bodies

### **Chapter 3. Procedure for access to monuments of history and culture**

13. Owners and users of monuments of history and culture carry out activities for their preservation and are obliged to comply with the conditions for maintaining a monument of history and culture by:

- 1) taking measures to ensure the preservation of monuments of history and culture;
- 2) ensuring access to a monument of history and culture for scientific, educational, tourist, informational and educational purposes in the manner and within the limits established by agreements with local executive bodies.

14. The owner of a monument of history and culture has the right to demand non-disclosure of its content or deny access for research and public inspection for a period of up to fifty years, if the property belongs to him by inheritance rights and by its origin or content is associated with the person of the testator or the ancestors of the owner.

15. Monuments of history and culture when visiting should not be exposed to the threat of destruction or damage. Access to monuments of history and culture excludes self-photographing with a flash; tapping on the wall and their structures, chipping off parts of a monument of history and culture, walking on top of dilapidated walls and buildings is not allowed.