

On approval of the Rules for identifying, recording, granting and depriving of status, moving and changing, monitoring the state and changing the category of monuments of history and culture

Unofficial translation

Order of the Minister of Culture and Sports of the Republic of Kazakhstan dated April 15, 2020 No. 92. Registered in the Ministry of Justice of the Republic of Kazakhstan on April 16, 2020 No. 20407

Unofficial translation

On approval of the Rules for identifying, recording, granting and depriving of status, moving and changing, monitoring the state and changing the category of monuments of history and culture

In accordance with subparagraph 14) of article 10 of the Law of the Republic of Kazakhstan dated December 26, 2019 "On protection and use of objects of historical and cultural heritage" **I HEREBY ORDER:**

1. To approve the attached Rules for identifying, recording, granting and depriving of status, moving and changing, monitoring the state and changing the category of monuments of history and culture.

2. To recognize as invalid some orders and a structural element of the order of the Ministry of Culture and Sports of the Republic of Kazakhstan in accordance with the appendix to this order.

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

Rules

for identifying, accounting, granting and depriving of status, moving and changing, monitoring the state and changing the category of monuments of history and culture

Chapter 1. General provisions

1. These Rules for identifying, recording, granting and depriving of status, moving and changing, monitoring the status and changing the category of monuments of history and culture (hereinafter - the Rules) are developed in accordance with subparagraph 14) of Article 10 of the Law of the Republic of Kazakhstan dated December 26, 2019 “On protection and use of objects of historical and cultural heritage” and determine the procedure for identifying, recording, granting and depriving of status, moving and changing, monitoring the status and changing the category of monuments of history and culture.

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

1) preservation obligation - a document that fixes the state of the monument of history and culture at the time of registration of this document and the conditions for the maintenance of the monument of history and culture by the owner or user of the monument of history and culture.

2) registration card of an object of historical and cultural heritage (hereinafter - registration card) - a document containing primary information, a brief description and illustrative material of an object of historical and cultural heritage;

3) objects of historical and cultural heritage - immovable objects with associated works of painting, sculpture, applied art, science, technology and other items of material culture that have arisen as a result of historical processes and events that are interesting from the point of view of history, archeology, architecture, urban planning, art, science, technology, aesthetics, ethnology, anthropology, social culture;

4) passport of a monument of history and culture (hereinafter - passport) - a document containing scientific and factual information about a monument of history and culture;

5) State list of monuments of history and culture - a list of objects of historical and cultural heritage recognized as monuments of history and culture, indicating their type, category and coordinates;

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

7) 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;

8) a list of preliminary registration of objects of historical and cultural heritage (hereinafter - the list of preliminary registration) - a list of newly identified objects of historical and cultural heritage subject to study and determination of the appropriate status;

9) a special commission on historical and cultural heritage (hereinafter referred to as the special commission) - an advisory body created under the authorized body in order to develop proposals and recommendations on the issues of historical and cultural heritage.

Chapter 2. Identification and registration of objects of historical and cultural heritage

3. Identification, registration of objects of historical and cultural heritage is an integral part of protection and use of objects of historical and cultural heritage.

4. Work on identification and registration of objects of historical and cultural heritage is provided by local executive bodies of regions, cities of republican significance, the capital (hereinafter referred to as local executive bodies).

5. Identification of objects of historical and cultural heritage is carried out in the course of archaeological work, land development, study of materials of archaeological and historical research.

6. Identified objects of historical and cultural heritage in order to ensure their study are subject to registration and are included by local executive bodies in the list of preliminary registration of objects of historical and cultural heritage.

7. For the object of historical and cultural heritage included in the list of preliminary registration, a registration card is drawn up in accordance with the appendix to these Rules.

8. Identified objects of historical and cultural heritage, before making a final decision on their status, are subject to protection on an equal basis with monuments of history and culture.

Chapter 3. Granting the status to monuments of history and culture and changing the category of monuments of history and culture

9. Granting the status of monuments of history and culture to the objects of historical and cultural heritage included in the list of preliminary registration, as well as monuments of history and culture of local significance - the status of monuments of history and culture of republican significance (hereinafter – granting the status) and changing the category of monuments of history and culture (hereinafter – changing the category) is carried out by the authorized body on the basis of the conclusion of the historical and cultural expertise and the recommendation of a special commission, taking into account the proposals of local executive bodies.

10. Proposals of local executive bodies on granting status or changing the category are submitted to the authorized body with the following documents attached:

1) a letter on granting status or changing the category with an electronic digital signature of the supervising deputy akim of local executive bodies;

2) a copy of the registration card of the object of historical and cultural heritage or the passport of the monument of history and culture;

3) photographs of an object of historical and cultural heritage or a monument of history and culture measuring 15x20 centimeters from different sides (north-south-west-east);

4) the conclusion of the historical and cultural expertise, prepared by individual and legal entities carrying out activities in the field of protection and use of objects of historical and cultural heritage, licensed to carry out scientific and restoration work on monuments of history and culture and (or) archaeological work, and also accreditation of the subject of scientific and (or) scientific and technical activities in accordance with the legislation of the Republic of Kazakhstan on science.

11. The term for consideration of proposals of local executive bodies on granting status or changing the category by the authorized body, including a special commission, is 45 (forty five) calendar days from the date of their receipt for consideration.

12. If the documents specified in paragraph 10 of these Rules are not submitted in full, the authorized body, within five working days from the date of their receipt, returns the submitted documents to the local executive bodies without consideration.

13. In case of submission of the documents specified in paragraph 10 of these Rules, in full, the authorized body submits for consideration to the special commission the proposals of local executive bodies on granting the status or changing the category.

14. A special commission considers proposals of local executive bodies on granting status or changing the category on the basis of the conclusion of the historical and cultural expertise.

15. Based on the results of consideration of the proposals of local executive bodies, the special commission makes a recommendatory decision on granting the status to the object or on refusing to grant status or changing its category or on refusing to change the category.

16. Based on the recommendation of the special commission, the authorized body, taking into account the conclusion of the historical and cultural expertise, makes a decision:

1) on recognition of an object of historical and cultural heritage and (or) a monument of history and culture of local significance as monuments of history and culture of republican significance and their inclusion in the State list of monuments of history and culture of republican significance;

2) on approval by local executive bodies of proposals for recognizing the objects of historical and cultural heritage as monuments of history and culture of local significance.

17. Based on the decision of the authorized body on approval of proposals, local executive bodies recognize objects of historical and cultural heritage as monuments of history and culture of local significance and include them in the State list of monuments of history and culture of local significance.

Chapter 4. Deprivation of the status of monuments of history and culture

18. Deprivation of a monument of history and culture of its status and exclusion from the State list of monuments of history and culture is allowed only in case of complete physical loss of the object and (or) loss of historical and cultural significance.

19. Deprivation of monuments of history and culture of their status (hereinafter - deprivation of status) is carried out by the authorized body on the basis of the conclusion of the historical and cultural expertise and the recommendation of a special commission, taking into account the proposals of local executive bodies.

20. Proposals of local executive bodies on deprivation of status are submitted to the authorized body with the following documents attached:

1) a letter on deprivation of status with an electronic digital signature of the supervising deputy akim of local executive bodies;

2) a copy of the passport of the monument of history and culture;

3) photographs of a monument of history and culture measuring 15x20 centimeters from different sides (north-south-west-east);

4) a conclusion of historical and cultural expertise, prepared by individual and legal entities carrying out activities in the field of protection and use of objects of historical and cultural heritage, licensed to carry out scientific and restoration work on monuments of history and culture and (or) archaeological work, and also accreditation of the subject of scientific and (or) scientific and technical activities in accordance with the legislation of the Republic of Kazakhstan on science.

21. The term for consideration of proposals of local executive bodies on deprivation of status by the authorized body, including a special commission, is 45 (forty five) calendar days from the date of their receipt for consideration.

22. If the documents specified in paragraph 20 of these Rules are not submitted in full, the authorized body, within five working days from the date of their receipt, returns the submitted documents to the local executive bodies without consideration.

23. In case of submission of the documents specified in paragraph 20 of these Rules, in full, the authorized body submits to the special commission the proposals of local executive bodies on deprivation of the status.

24. Special commission considers proposals of local executive bodies on deprivation of status on the basis of the conclusion of the historical and cultural expertise.

25. Based on the results of consideration of proposals of local executive bodies, a special commission makes a recommendatory decision on deprivation of status or on refusal to deprive the status.

26. Based on the recommendation of the special commission, the authorized body, taking into account the conclusion of the historical and cultural expertise, makes a decision:

1) on deprivation of a monument of history and culture of republican significance of its status and exclusion from the State list of monuments of history and culture of republican significance;

2) on approval by local executive bodies of proposals to deprive the status of monuments of history and culture of local significance.

27. Based on the decision of the authorized body on approval of proposals, local executive bodies deprive monuments of history and culture of local significance of their status and exclude them from the State list of monuments of history and culture of local significance.

Chapter 5. Movement and change of monuments of history and culture

28. Movement and change of a monument of history and culture is carried out by local executive bodies in agreement with the authorized body in cases of destruction of more than seventy percent of a monument of history and culture or loss of its historical and cultural significance, or if its movement and change entail an improvement in the conditions for its preservation.

29. Movement and change of a monument of history and culture is a change in the position of a monument of history and culture in space, its appearance, space-planning and design solutions and structures, interior and other physical characteristics reflected in the passport of a monument of history and culture.

30. Moving a monument of history and culture includes actions to transfer a monument of history and culture within one settlement or from one settlement to another.

31. Changing a monument of history and culture includes actions to make detailed adjustments (the location of hands, feet, clothing, attributes of a monument of history and culture such as a book, weapon, tool, etc.) in order to improve the state of the monument of history and culture.

32. Movement and change of the monument of history and culture is carried out in the manner determined by article 29 of the Law of the Republic of Kazakhstan dated December 26, 2019 "On protection and use of objects of historical and cultural heritage".

Chapter 6. Monitoring the state of monuments of history and culture

33. Monitoring of the state of monuments of history and culture of international and republican significance is carried out by the authorized body.

34. Monitoring of the state of monuments of history and culture of local significance is carried out by local executive bodies.

35. Monitoring of the state of monuments of history and culture is carried out in order to ensure their preservation by means of scientific restoration and archaeological work.

36. The tasks of monitoring of the state of monuments of history and culture are:

1) identification of their degree of preservation;

2) study of their technical condition;

3) identification of illegal (unauthorized) construction in the zones of protection of monuments of history and culture;

4) compliance of users (owners) with preservation obligations;

5) development of recommendations for effective use of monuments of history and culture.

37. Monitoring of the state of monuments of history and culture is carried out annually within the funds allocated from the state budget.

38. Based on the results of monitoring the state of monuments of history and culture, scientific restoration work is carried out at monuments of history and culture in the worst condition.

Appendix
to the Rules for identifying, recording,
granting and depriving the status,
moving and changing,
monitoring the state and changing the
category
of monuments of history and culture

Form

Тарихи-мәдени мұра объектісін есепке алу карточкасы
Registration card of object of historical and cultural heritage

А л ғ а ш қ ы		д е р е к т е р	
Primary information			
1.	Объектінің атауы		
Name of object			
2.	Типологиялық тиістілігі		
Typological affiliation			
3.	Объектінің хронологиясы		
Chronology of object			
4.	Техникалық жай-күйіне толық сипаттама		
Detailed characteristics of technical condition			
Жалпы көрінісінің суреті (қосымша)		-	
General view photo (attached)			
Карточканың жасалған күні			
Date of drawing up of the card			
Құрастырушы (тегі инициалдарымен, лауазымы)		Мөрдiң орны	
С о м р і л е д (surname with initials, position)		b y Stamp here	

Appendix to the order of the
Minister of culture and sports of the
Republic of Kazakhstan
dated April 15, 2020 № 92

List of some orders recognized as invalid and structural element of order of the Ministry of Culture and Sports of the Republic of Kazakhstan

1. Order of the Minister of Culture and Sports of the Republic of Kazakhstan dated March 30, 2015 No. 118 "On approval of the Rules for identifying, recording, granting and depriving the status of monuments of history and culture" (registered in the Register of state registration of regulatory legal acts under No. 10992, published on June 5, 2015 in the "Adilet" Information and Legal System).

2. Order of the Minister of Culture and Sports of the Republic of Kazakhstan dated December 22, 2017 No. 346 "On amendments to the order of the Minister of Culture and Sports of the Republic of Kazakhstan dated March 30, 2015 No. 118 "On approval of the Rules for identifying, recording, granting and depriving the status of monuments of history and culture" (registered in the Register of state registration of regulatory legal acts under No. 16214, published on January 19, 2018 in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan).

3. Paragraph 6 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).