



## On approval of the Rules of office work

### *Unofficial translation*

Order of the Minister of Justice of the Republic of Kazakhstan dated May 12, 2021 No. 386. Registered with the Ministry of Justice of the Republic of Kazakhstan on May 14, 2021 No. 22749

### *Unofficial translation*

In accordance with subclause 11) of Article 167 of the Law of the Republic of Kazakhstan dated April 2, 2010 “On Enforcement Proceedings and the Status of Enforcement Agents”, I **HEREBY ORDER:**

1. To approve the Rules of office work according to Appendix 1 to this order.
2. To recognize as invalid certain orders of the Minister of Justice of the Republic of Kazakhstan, according to Appendix 2 to this order.
3. Department of Enforcement of Judicial Acts of the Ministry of Justice of the Republic of Kazakhstan shall ensure:
  - 1) state registration of this order;
  - 2) placement of this order on the Internet resource of the Ministry of Justice of the Republic of Kazakhstan.
4. Control over execution of this order shall be entrusted to the supervising Vice Minister of Justice of the Republic of Kazakhstan.
5. This order shall be enforced upon expiry of ten calendar days after the date of its first official publication.

*Minister of Justice  
of the Republic of Kazakhstan*

*M. Beketayev*

Appendix 1  
of the Minister of Justice  
of the Republic of Kazakhstan  
dated May 12, 2021 No. 386

## Rules of office work

### General provisions

1. Rules of office work (hereinafter referred to as the Rules) have been developed in accordance with subclause 11) of Article 167 of the Law of the Republic of Kazakhstan dated April 2, 2010 “On Enforcement Proceedings and the Status of Enforcement Agents” ( hereinafter referred to as the Law) and shall determine the procedure for maintaining office work by a private enforcement agent.

2. A private enforcement agent shall ensure organization, appropriate office management, storage, record keeping, as well as transfer of cases to the regional chamber of enforcement agents (upon termination of activity).

3. Office work in an office of a private enforcement agent shall be carried out on paper, as well as using an automated information system of the bodies of enforcement proceedings ( hereinafter referred to as the AIS of BEP).

4. Using by a private enforcement agent of information from state electronic information resources through AIS of BEP for personal purposes shall not be allowed.

5. Upon suspension, termination of validity or deprivation of a license of a private enforcement agent, his withdrawal from membership in the Republican Chamber of private enforcement agents (hereinafter referred to as the Republican Chamber) access of a private enforcement agent to AIS of BEP shall be blocked. In this case, details and data of the corresponding order of the head of the authorized body (date, order number, term and grounds for suspension or termination) shall be indicated in AIS of BEP. Access to electronic archival enforcement proceedings of a private enforcement agent, held in the electronic base of AIS of BEP, shall be transferred to another private enforcement agent in accordance with the Rules for distribution of enforcement documents between ИСПОЛНИТЕЛЬНЫХ ДОКУМЕНТОВ МЕЖДУ private enforcement agents approved by the order of the Minister of Justice of the Republic of Kazakhstan dated December 29, 2015 No. 652 (Registered in the Register of State Registration of Regulatory Legal Acts under No.97449).

6. Upon suspension of a license of a private enforcement agent, the enforcement proceedings, which are under his control, shall be sent to the regional chamber of private enforcement agents for the transfer to another private enforcement agent, whereof the parties of enforcement proceeding shall be informed within ten calendar days.

7. Upon termination or deprivation of a license of a private enforcement agent or his excluding from the membership in the Republican Chamber, archival documents and enforcement proceedings shall be submitted to the regional chamber of private enforcement agents for the transfer to another private enforcement agent (pending enforcement proceedings) or for storage (archival documents and completed enforcement proceedings).

8. An act of acceptance and transfer of documents is drawn up on the transfer of documents and enforcement proceedings (on paper).

## **Chapter 2. Procedure for office work**

9. Documents of an organizational and administrative nature originated from private enforcement agents shall indicate the surname, name, patronymic (if any) of a private enforcement agent, postal address and territory of activity of a private enforcement agent, on which the private enforcement agent carries out enforcement activities on writs of execution.

The title of the document (minutes, resolution, act, presentation, request) is printed in capital letters and reflects the content of the document. The name of the document type to the heading is printed in capital letters.

10. When writing the address in the document, the following details shall be observed:

1) the document is addressed to the organization (organizations), its structural unit or individual;

2) The postal address of the correspondent is indicated in full after the name of the organization (organizations) to which the document is sent. When sending a document to an individual, the postal address is indicated first, and thereafter the recipient's surname and initials.

11. Dating documents shall be made in two ways:

in words and figures - the day of the month and the year are written in Arabic numerals, the month - in words, for example: September 15, 2008;

in figures, the day of the month and the month with two pairs of Arabic numerals separated by a dot, the year with four Arabic numerals, for example: 15.09.2008.

If the document is not drawn up on a letterhead, the date shall be placed below the signature on the left side of the document.

12. All copies of official documents shall be signed.

The composition of the signature of the document includes: the name of the position of the person who signed the document, the personal signature and its clarification.

13. Appendices to the document shall be enlisted after the text of the document indicating the number of sheets in each appendix and the number of their copies.

If the document has attachments mentioned in the text, then only the number of sheets and the number of copies shall be indicated in the attachment.

14. When responding to a request, a reference is also made to the number and date of the document - request.

15. Created documents shall be executed in accordance with the Rules for documentation, document management and use of electronic document flow systems in governmental and non-governmental the organizations, approved by the Decree of the Government of the Republic of Kazakhstan dated October 31, 2018 No. 703.

16. Documents (including applications) received by the office of a private enforcement agent or a private enforcement agent and sent documents shall be subject to registration.

17. To record documents and control their movement, the following shall be kept:

Register of incoming documents in the form according to Appendix 1 to these Rules;

Register of outgoing documents in the form according to Appendix 2 to these Rules.

18. When receiving incoming documents, first of all, documents delivered to the wrong destination are selected, and the integrity of the attachment is also checked. Erroneously delivered documents shall be forwarded (returned) to the owner, without registration in the register.

If the absence of documents or attachments to them is found, a message shall be made to the sender (in writing or orally).

19. Documents received by a private enforcement agent shall be subject to registration in the Register of incoming correspondence.

20. Registration of documents received during working hours shall be on the day of receipt, received after hours - on the next working day.

21. On the incoming document, in the lower right field of the first sheet, a stamp is affixed, indicating the date and number of its registration, which corresponds to the serial number in the register of incoming correspondence.

22. Submitted documents shall be registered in register of outgoing correspondence.

23. A stamp is affixed to the document in the upper left field of the first sheet, indicating the date and number of its registration, which corresponds to the serial number in the register of outgoing correspondence.

24. A sample of a registration stamp shall be according to Appendix 3 to these Rules.

25. Correspondence shall be sent to addressees by mail, in person or through AIS of BEP or using technical means of communication.

26. Writs of execution received for execution by a private enforcement agent on paper are registered as an incoming document in the register of incoming documents and entered in the AIS of BEP. The cover letter shall be stamped according to the form in accordance with Appendix 4 to these Rules, as well as the date and number.

27. After introduction (registration) of a writ of execution to AIS of BEP, the private enforcement agent shall make a decision on initiation of enforcement proceedings or on refusal to initiate enforcement proceedings in accordance with articles 37 and 38 of the Law.

28. Per each writ of execution accepted for enforcement, a private enforcement agent shall draw up an enforcement proceeding (enforcement case), which includes all documents generated in the process of execution. AIS of BEP shall automatically assign the enforcement proceedings number.

29. A private enforcement agent, when executing an enforcement proceeding shall include therein a cover of the case printed on a sheet of A4 paper with partially completed details ( number and date of initiation of enforcement proceedings, name of the enforcement district, initials and surname of a private enforcement agent, subject of enforcement, debtor, recoveror ), an internal inventory of the case and materials (documents) on enforcement proceedings.

30. When consolidating a recovery of several enforcement proceedings against one debtor, including in relation to several debtors under a solidary recovery, a private enforcement agent shall consolidate them into one enforcement proceeding, in which the register of recoverors compiled by him and enforcement proceedings are placed.

31. Written appeals of the parties to enforcement proceedings received by a private enforcement agent, including complaints, statements about the progress of enforcement proceedings, about the withdrawal of an enforcement document, about providing bank details,

about changing the place of residence of the debtor (collector) when conducting office work on paper, shall be taken into account by a private enforcement agent in register of incoming correspondence.

32. Private enforcement agents shall attach appeals of the parties to the enforcement proceedings, which are of a procedural nature, to the relevant enforcement proceedings with copies of the responses to them.

Appeals of a general nature (complaints, requests from authorized bodies and statements) with answers attached are stored in the appropriate orders in accordance with the approved nomenclature of cases.

33. Record keeping of created and received documents, grouping documents into cases, determining the duration of their keeping by a private enforcement agent shall be regulated by the nomenclature of cases.

34. The nomenclature of cases of private enforcement agents shall be approved by the Republican Chamber. Regional chambers and private bailiffs may, as necessary, introduce additional nomenclature orders. The nomenclature of cases enters into force on January 1 of the corresponding year.

35. The nomenclature of cases provides for reserve numbers, so that, if necessary, during the year to start additional orders that have not been previously provided

36. At the end of the year, a final entry is made in the nomenclature of cases on the number of established orders.

A copy of the nomenclature of cases (copy), as an accounting document for cases of temporary storage, remains in the archive of the enforcement agent.

37. Documents of one year shall be grouped in orders. Inside an order they are systematized in chronological sequence, wherein the response document is located after the request document.

38. When forming orders, the following requirements shall be met:

1) put in orders executed, correctly executed documents in accordance with the nomenclature of cases;

2) put together all documents related to the resolution of one category of cases;

3) group documents of one year into orders, with the exception of transferred cases;

4) separately form documents of permanent and temporary storage in orders;

5) Documents subject to return (extra copies, drafts) shall not be filed into orders;

39. Depending on the terms of storage, full or partial registration of cases shall be carried out. Cases of permanent, temporary (over 10 years) storage shall be subject to full registration. Full registration of the case includes: registration of details of the cover of the case, numbering of sheets in the case, drawing up an authentication sheet of the case, compiling, if necessary, an internal inventory of the documents of the case.

40. the covers of orders shall be executed as follows:

1) orders of permanent and temporary (over 10 years) storage are enclosed in a hard cover and sewn with strong threads of at least three punctures, the inscriptions on the covers are made in ink, at the end, a certification endorsement in the form shall be put on a separate sheet;

2) orders of temporary (up to and including ten years) storage shall be subject to partial registration – it is allowed to keep in folders, sheets are not numbered, certification endorsement are not drawn up.

41. For orders of permanent and temporary storage competed in the record management of a private enforcement agent at the end of a calendar year, inventories of orders shall be drawn up - a systematized list of headings of orders, revealing the composition and content of orders.

The inventory of orders shall be compiled in two copies, one of which is transferred along with the cases to the archive, and the second remains as a control copy of a private enforcement agent.

42. When documents are withdrawn from orders, copies of the withdrawn documents and an act (protocol) on the withdrawal of the originals are enclosed. When returning documents previously withdrawn from his orders, they are again placed in the order, from where, in turn, their copies are withdrawn.

43. Record keeping documents of a private enforcement agent shall be stored at the place of their formation for the entire period of activity of a private enforcement agent, within the established storage period.

44. The premise for storing documentation and materials of enforcement proceedings shall meet the requirements established by the Order of the Minister of Justice of the Republic of Kazakhstan dated November 15, 2017 No. 1433 On approval of requirements for location and equipping of an office of a private enforcement agent” (Registered in the Registry of State Registration of Regulatory Legal Acts under No.116534).

45. A private enforcement agent shall ensure safety of documentation and materials of enforcement proceedings for a specified period of their storage.

46. If the grounds provided for in clauses 7 and 8 of these Rules arise, the regional chamber of private enforcement agents shall send and (or deliver) notify a private enforcement agent of the need to transfer documents.

47. Cases (orders, registers, enforcement proceedings), the storage period of which has expired, shall be allocated for destruction, after approval of the inventory of cases for permanent storage and the act of allocating documents and cases for destruction for the corresponding period.

48. A private enforcement agent shall select cases for destruction and draw up for them an act on the allocation of documents and cases for destruction (hereinafter referred to as the Act

) in the form in accordance with Appendix 4 to these Rules. For cases of ceased activities of private enforcement agents, which are stored in the archives of the regional chamber, the Act shall be drawn up by the responsible employee of the regional chamber.

49. The act shall be signed by the drafter and submitted to the regional chamber of private enforcement agents for approval by the expert review commission (hereinafter referred to as the ERC).

50. ERC shall be created under a regional chamber of at least three people. The composition of ERC shall include a deputy head of the regional chamber of private enforcement agents and two active private enforcement agents.

51. Cases under the Act, approved by ERC, shall be transferred for destruction by the order of the head of the regional chamber.

52. The destruction of cases shall be carried out on a commission basis with the participation of the drafter of the Act, the chairman of the ERC and a representative of the relevant territorial justice authority.

53. A private enforcement agent shall have a personal seal (hereinafter referred to as the seal) indicating his surname, name, patronymic (if any), as well as the name of the regional chamber, the executive district, license number.

The seal shall be made in accordance with the requirements specified in the Order of the Minister of Justice of the Republic of Kazakhstan dated August 25, 2011 No. 296 "On approval of samples of a certificate, personal seal of a private enforcement agent" (Registered in the Register of State Registration of Regulatory Legal Acts under No.60319). In addition, a private enforcement agent shall have stamps and personal letterheads.

54. Writing of surname, name and patronymic of a private enforcement agent in the text of a seal shall be made according to the identity document.

55. The purchase for the production of seals of private enforcement agents shall be carried out in a centralized manner, by order of the regional chamber of private enforcement agents.

The issuance of seals shall be made against signature in a specially created magazine, numbered, stitched and sealed with the seal of the regional chamber.

A register is a document of strict reporting and permanent storage.

56. The seal of a private enforcement agent shall be used by him to affix his signature to a text (certifying inscription), to a resolution or instruction. It shall not be allowed to put a seal on documents that are not related to the activities of private enforcement.

57. In case of loss or theft of the seal, the private enforcement agent shall immediately inform the territorial body of the authorized body and the relevant regional chamber.

58. In case of termination of a license or withdrawal from membership in the Republican Chamber of a private enforcement agents, the territorial body of justice and the regional chamber shall take measures on withdrawing and commission destruction of the seal of a private enforcement agent by deformation, which does not allow it to be used for its intended purpose, about which an appropriate act is drawn up.

59. In case of suspension of a license of a private enforcement agent, the seal shall be submitted for temporary storage with the territorial body of the authorized body.

60. When using personal seals, only blue and violet pigments are used, the use of black or multi-color pigments shall not be allowed.

61. Information about the loss of validity and invalidity of the destroyed seals shall be published by the regional chamber in the republican or local print media in the Kazakh and Russian languages.

Appendix 1  
to the Rules of office work  
Form

### Register of incoming correspondence

Item No.	Date and number of the incoming document	From whom, where did the document come from	Short description	Mark on enforcement	Number of the case (order) in which the document is held	Note
1	2	3	4	5	6	7

Appendix 2  
to the Rules of office work  
Form

### Register of outgoing correspondence

Item No.	Date and number of the outgoing document	To whom, where the document is addressed	Short description	Note
1	2	3	4	5

Appendix 3  
to the Rules of office work  
Form

### Registration stamp

20 millimeters

Private enforcement agent surname, initials
Date
Index

45 millimeters

Appendix 4  
to the Rules of office work  
Form

### Act on allocation for destruction of documents and cases

Date \_\_\_\_\_



(place of drawing up)

Composed by:

private enforcement agent (surname, name, patronymic (if any) (hereinafter - surname, name, patronymic)

license number) (or) officer of the regional chamber \_\_\_\_\_

(of a region, city) \_\_\_\_\_ (position, surname, name, patronymic);

The drafter of the act, guided by the list \_\_\_\_\_ (name of the list) selected for destruction as having no scientific and historical value and having lost practical meaning the following documents and cases

\_\_\_\_\_  
surname, name, patronymic of a private enforcement agent, in the activities of which the documents were deposited,  
not subject to further storage)

Item No.	Years of documents and cases	Headings of documents and cases, index of cases according to nomenclature, inventory	Explanations	Amount of documents and cases (volumes)	Numbers of articles according to the list
1	2	3	4	5	6

Total of cases \_\_\_\_\_

(in figures and writing)

Drafter of the act: \_\_\_\_\_ (surname, name, patronymic) \_\_\_\_\_ (position ) \_\_\_\_\_ (signature)

Approved for destruction by the Expert Review Commission composed of:

Chairman of the Commission \_\_\_\_\_ (surname, name, patronymic) \_\_\_\_\_ signature

Member of the Commission: \_\_\_\_\_ (surname, name, patronymic) \_\_\_\_\_ signature

Member of the Commission: \_\_\_\_\_ (surname, name, patronymic) \_\_\_\_\_ signature

Order of the head of the regional chamber of private enforcement agents

\_\_\_\_\_ (of a region, city) \_\_\_\_\_ (surname, name, patronymic of the head) No. \_\_\_\_\_ dated “\_\_” \_\_\_\_\_ 20\_\_.

Documents were shredded and destroyed by burning in the presence of:

Chairman of the Expert Review Commission \_\_\_\_\_ (surname, name, patronymic, signature);

Of a private enforcement agent (drafter of the act) \_\_\_\_\_ (surname, name, patronymic, signature);

Representative of the territorial body of justice \_\_\_\_\_ (surname, name, patronymic, должность, signature)

Others present: \_\_\_\_\_ (surname, name, patronymic signature).

Date of destruction “\_\_” \_\_\_\_\_ 20\_\_.

Appendix 2

### **List of certain orders of the Minister of Justice of the Republic of Kazakhstan, which are recognized as invalid**

1. Order of the Acting Minister of Justice of the Republic of Kazakhstan dated March 7, 2014 No. 97 “On approval of the Rules of office work” (Registered in the Register of State Registration of Regulatory Legal Acts under No.9268, published on April 11, 2014 in “Adilet” information legal system).

2. Clause 4 of the List of certain orders of the Minister of Justice of the Republic of Kazakhstan to which amendments and additions are made, Order of the Minister of Justice of the Republic of Kazakhstan dated May 27, 2016 No. 357 (Registered in the Register of State Registration of Regulatory Legal Acts under No 13784, published on June 23, 2016 in the information legal system of regulatory legal acts of the Republic of Kazakhstan “Adilet”).