



On security activity

Unofficial translation

The Law of the Republic of Kazakhstan dated 19 October, 2000 No. 85.

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This Law establishes the legal basis of security activity in the territory of the Republic of Kazakhstan, determines the status and powers of the subjects, involved in the protection and security activity.

Chapter 1. General provisions Article 1. The concept of security activity

1. Security activity is the service activities of the legal entities for the protection of life, health and property of individuals, as well as property of legal entities from illegal acts (security services).

2. This Law shall apply to private security companies and specialized security unit of the internal affairs bodies, unless otherwise provided by the laws, acts of the President and the Government of the Republic of Kazakhstan on internal affairs bodies.

3. This Law shall not apply to the protection of other benefits and legal interests of citizens and legal entities, related to public health, intellectual property, state secrets, trade secrets, unless otherwise provided by the legislation.

Footnote. Article 1 as amended by Law of the Republic of Kazakhstan № 372-IV dated 29.12.2010 (shall be enforced upon expiry of one year from the date of enactment of the Law)

Article 1-1. Facilities, subject to the state protection

1. The particularly important state and strategic facilities; objects of industries of strategic importance and belonging to legal entities, in the authorized capital of which the state directly or indirectly owns a majority of shares (share of partnership), shall be subject to the state protection.

Protection of facilities, subject to the state protection is carried out by the state bodies, specialized security units of the internal affairs bodies, the Armed Forces, other troops and military formations of the Republic of Kazakhstan, as well as by the specialized state bodies.

2. Procedure for determining the facilities, subject to the state protection is determined by the Government of the Republic of Kazakhstan.

The lists of facilities, subject to the state protection are approved by the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan in accordance with their powers.

3. First heads of facilities, subject to the state protection must ensure their engineering and technical reinforcement in accordance with the requirements established by the Government of the Republic of Kazakhstan.

4. For the purposes of creating a competitive environment in the provision of security services, the security of facilities, not included in the lists referred to in the second part of this Article may be carried by private security companies on the basis of contracts with individuals and legal entities in accordance with the legislation of the Republic of Kazakhstan

Footnote. Chapter 1 is supplemented by Article 1-1 in accordance with Law of the Republic of Kazakhstan № 372-IV dated 29.12.2010 (shall be enforced upon expiry of one year from the date of enactment of the Law); № 553-IV dated 13.02.2012 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 2. Legislation of the Republic of Kazakhstan in the field of security activity

The legal basis of the security activity consists of the Constitution of the Republic of Kazakhstan, this Law, international treaties, ratified by the Republic of Kazakhstan, and other regulatory legal acts of the Republic of Kazakhstan.

Article 3. The objectives of security activities

The main objectives of security activities are:

- 1) protection of the life and health of individuals from criminal and other illegal encroachments;
- 2) protection of property of individuals and legal entities from illegal encroachments.

Article 4. Principles of security activities

1. Security activities are based on the constitutional principles of legality, respect for and observance of human rights and freedoms of man and citizen, as well as taking into account the vital interests of the individual, society and state.

2. Implementation of security activity shall not violate the rights and freedoms of third parties.

Article 5. Licensing and limitations of the security activities

1. Security activities are subject to licensing in accordance with the procedure, established by the Law of Republic of Kazakhstan on licensing and notification, with the specifications provided in this Law. Legal entities that are not licensed to perform security activities shall be prohibited from providing security services.

Security activities, carried out by specialized security unit of the internal affairs bodies shall not be licensed.

2. Subjects of security activities, in compliance with the requirements of the legislation in the field of protection of state secrets, to exchange experience, improve the skills of their specialists, introduce and use modern technical means and security technologies, shall have the right to attract foreign companies in the field of security activities.

3. The activities of security companies of foreign states are prohibited in the territory of the Republic of Kazakhstan.

4. Foreign legal entities, legal entities with foreign participation, foreigners, as well as stateless persons shall not:

1) carry out all kinds of security activities;

2) establish or become founders (participants) of private security companies;

3) have in trust management a private security company;

4) is excluded by Law of the Republic of Kazakhstan № 372-IV dated 29.12.2010 (shall be enforced upon expiry of one year from the date of enactment of the Law).

Footnote. Article 5, as amended by Laws of the Republic of Kazakhstan № 297 dated 22.02.2002; № 372-IV dated 29.12.2010 (shall be enforced upon expiry of one year after the date of enactment of the Law); № 200-V dated 23.04.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 203-V dated 16.05.2014 (shall be enforced upon expiry of six months after the date of its first official publication); № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.01.2021 № 405-VI (shall come into effect ten calendar days after the day of its first official publication).

Article 6. State guarantees from unfair actions in the implementation of security activities and insurance of workers of security companies in positions of guards

1. State guarantees and ensures the rights and freedoms of citizens and legal entities in carrying out activities by the subjects of security activity.

2. Implementation of security activity to achieve the objectives, obviously contradicting to the principles of public order and morality is not allowed.

3. A person, whose rights and interests are violated by the actions of the person, performing security activity, is entitled to require that person to the relevant explanations and information, as well as has the right to appeal such actions to the courts and other state bodies in the manner prescribed by the legislation.

4. A person, performing security activity violates the rights and legitimate interests of third parties he (she) shall be obliged to compensate the victim for the caused material and moral damages in accordance with the legislation.

5. Insurance of risks, related with harm to life and health of workers of the subjects, engaged in security activity, including with their participation in ensuring public order shall be in accordance with the legislative acts of the Republic of Kazakhstan on compulsory insurance.

Footnote. Article 6, as amended by Laws of the Republic of Kazakhstan № 244 dated 07.05.2007; № 372-IV dated 29.12.2010 (shall be enforced upon expiry of one year from the date of enactment of the Law).

Chapter 2. Subjects of security activities and their classification. Specialized training centres

Footnote. The heading of chapter 2 as amended by the Law of the Republic of Kazakhstan dated 02.01.2021 № 405-VI (shall come into effect ten calendar days after the day of its first official publication).

Article 7. Subjects, engaged in security activity

The subjects, engaged in security activities include:

- 1) specialized security unit of the internal affairs bodies of the Republic of Kazakhstan;
- 2) private security companies;
- 3) -5) are excluded by Law of the Republic of Kazakhstan № 372-IV dated 29.12.2010 (shall be enforced upon expiry of one year from the date of enactment of the Law).

Footnote. Article 7 as amended by Law of the Republic of Kazakhstan № 372-IV dated 29.12.2010 (shall be enforced upon expiry of one year from the date of enactment of the Law)

Article 8. Interaction of subjects, engaged in security activities, with state bodies

1. Subjects, engaged in security activities shall assist state bodies in performing the tasks, assigned to these state bodies by the legislation.

2. Subjects carrying out security activities shall be required to comply with all legal requirements of state bodies officials, including the requirement for temporary surrender of weapons, while law enforcement, special state agencies and military formations conduct operational search, counterintelligence, investigative or security measures provided for by the legislation of the Republic of Kazakhstan.

3. Subjects, engaged in security activities shall at the request of officials of the state bodies, engaged in combating terrorism, suspend the security activity in the area of introduction of the legal regime for antiterrorist operation.

4. Subjects, engaged in security activities, provide upon request of the internal affairs bodies the information on compliance of the activities with the requirements, established by the legislation of the Republic of Kazakhstan in the field of security activity.

Footnote. Article 8 as amended by Laws of the Republic of Kazakhstan № 63-V dated 08.01.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 200-V dated 23.04.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 36-VI dated 28.12.2016 (shall be enforced upon expiry of two months after the day its first official publication).

Article 9. Features of implementation of the security activity by the specialized security units of the internal affairs bodies

1. Specialized security units of the internal affairs bodies are state institutions and ensure the protection of exclusively the facilities, specified in paragraph 1 of Article 1-1 of the Law.

2. Specialized security units of the internal affairs bodies provide security services on a contractual basis to individuals, included in the List determined by the Government of the Republic of Kazakhstan.

3. Prices for services, rendered by specialized security units of the internal affairs bodies, shall be approved by the authorized body.

Footnote. Article 9 is in the wording of Law of the Republic of Kazakhstan № 556-IV dated 15.02.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan № 257 dated 28.11.2014 (shall be enforced from 01.01.2015).

Article 10 Legal status of private security company and requirements for employee of private security company occupying a security guard position

Footnote. The heading of Article 10 as amended by the Law of the Republic of Kazakhstan dated 02.01.2021 № 405-VI (shall come into effect ten calendar days after the day of its first official publication).

1. Private Security Company is a commercial organization that provides security services as its entrepreneurial activity. Private Security Company may not engage in other entrepreneurial activities, except for installation, adjustment and maintenance of security alarm systems, subject to compliance with the notification procedure.

2. Private security company shall carry out security activities based on a charter and a license to carry out security activities by legal entities.

3. Worker of the private security company, who is in the position of a guard, is not required a license to carry out security activities.

4. Citizens of the Republic of Kazakhstan of at least 19 years and passed special training for guards (special training course for guards) may be adopted as guards in the private security companies.

5. Is excluded by the Law of the Republic of Kazakhstan dated 23.04.2014 № 200-V (shall be enforced upon expiry of ten calendar days after its first official publication).

6. The post of security guard of a private security organization cannot be occupied by a person:

1) with mental, behavioural disorders (diseases), including those associated with the use of psychoactive substances, registered with organizations providing medical care in the field of mental health;

2) who has a criminal record for committing a crime;

3) released from criminal liability based on paragraphs 3), 4), 9), 10) and 12) of the first part of Article 35 or Article 36 of the Criminal Procedure Code of the Republic of Kazakhstan before the expiration of the lower limit of punishment in the form of deprivation of liberty, provided for by the relevant part articles of the Special Part of the Criminal Code of the Republic of Kazakhstan;

3-1) in respect of whom, within one year before being accepted to the position of a security guard or during the period of being in this position for committing a criminal offence, a court has passed a guilty verdict, as well as within one year before being accepted to the position of a security guard or during the period of being in this position released from criminal liability for committing a criminal offence based on paragraphs 3), 4), 9), 10) and 12) of the first part of Article 35 or Article 36 of the Criminal Procedure Code of the Republic of Kazakhstan;

4) brought to administrative responsibility earlier within a year before being hired as a security guard or during the period of being in this position for committing administrative offences provided for in Articles 149, 434, 436, 438, 439, 440, 443, 450, 453, 462, 463 464, 469, 470, 476, 477, 478, 479, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 494, 506, 653, 654, 658, 659, 665, 667, 669, 670, 673, 675 of the Code of the Republic of Kazakhstan on Administrative Offenses;

5) dismissed less than three years ago for negative reasons from the state, military service, from law enforcement agencies, courts and justice bodies;

6) who previously held a similar position, with whom the employment contract was terminated on the grounds provided for in subparagraphs 9), 10), 11), 12), 15), 16) and 17) of paragraph 1 of Article 52 of the Labor Code of the Republic of Kazakhstan, less than three years back.

7. Mandatory requirement for the head of a private security company is to comply with the requirements to the workers of the private security company, holding the position of guard

8. Private Security Company shall ensure a guard in the performance of his (her) duties with a standard document, certifying his (her) identity and belonging to a private security company. The form and document sample of a guard of a private security company are established by the authorized body.

Footnote. Article 10 as amended by Laws of the Republic of Kazakhstan № 297 dated 22.02.2002; № 53-IV dated 04.07.2008 (see Art. 2 for the enactment procedure); № 372-IV dated 29.12.2010 (shall be enforced upon expiry of one year from the date of enactment of the Law); № 36-V dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 60-V dated 24.12.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 200-V dated 23.04.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after its first official

publication); dated 04.07.2014 № 233-V (shall be enforced from 01.01.2015); № 28-VI dated 22.12.2016 (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 12.07.2018 № 180-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 07.07.2020 № 361-VI (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 02.01.2021 № 405-VI (shall come into effect ten calendar days after the day of its first official publication).

Article 10-1. Requirements for specialized training centers and their branches

1. Training and advanced training of employees holding positions of a manager and a security guard in a private security company shall be carried out in specialized training centres that shall be legal entities, determined by the authorized body.

1-1. The requirements for specialized training centres and their branches shall include:

- 1) premises for training, appropriate to sanitary standards;
- 2) a shooting range for firearms training under the right of ownership or lease agreement;
- 3) special and technical means, provided by educational programs and curriculum;
- 4) teachers with relevant theoretical and practical knowledge and teaching skills in their area of professional competence, and involved in the training of specialists that have professional experience in the field of security activity.

The model educational programs and model curriculum for training and advanced training of workers, served as head and guard of a private security company, are approved by the authorized body.

2. Founders (participants), head of specialized educational centre and their branches shall not be:

- 1) The persons, referred to in paragraph 6 of Article 10 of this Law;
- 2) foreign legal entities, legal entities with foreign participation, foreigners, as well as stateless persons.

3. Activities of specialized training centers shall be terminated:

- 1) in the case of liquidation, reorganization;
- 2) by a court decision.

Footnote. The Code is supplemented by Article 10-1 in accordance with Law of the Republic of Kazakhstan № 200-V dated 23.04.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.01.2021 № 405-VI (shall come into effect ten calendar days after the day of its first official publication); № 71-VIII of 06.04.2024 (shall enter into force sixty calendar days after the date of its first official publication).

Article 11. Legal status of a private security guard

Footnote. Article 11 is excluded by Law of the Republic of Kazakhstan № 372-IV dated 29.12.2010 (shall be enforced upon expiry of one year from the date of enactment of the Law)

Article 12. Legal status of a security unit

Footnote. Article 12 is excluded by Law of the Republic of Kazakhstan № 372-IV dated 29.12.2010 (shall be enforced upon expiry of one year from the date of enactment of the Law)

Article 13. Legal status of departmental security units of state bodies

Footnote. Article 13 is excluded by Law of the Republic of Kazakhstan № 372-IV dated 29.12.2010 (shall be enforced upon expiry of one year from the date of enactment of the Law)

Article 13-1. Rights and obligations of an employee occupying the position of a guard in the private security company

1. The rights and obligations of an employee occupying the position of a security guard in a private security company shall be determined in accordance with the Labor Code of the Republic of Kazakhstan, an employment contract and this Law.

2. An employee occupying the position of a security guard in a private security company shall have the right to:

1) assist the internal affairs bodies of the Republic of Kazakhstan in the implementation of measures to ensure public order, including when holding spectacular cultural and mass and sports events;

2) prevent and suppress criminal and administrative offences;

3) to use physical force and other means to prevent offences and detain offenders, if it is not possible to achieve these goals in other ways. Therewith, the measures necessary for this should not be exceeded;

4) in cases provided for by laws, detain and deliver to law enforcement agencies of the Republic of Kazakhstan persons who have committed a criminal or administrative offence. If necessary, when there is reason to believe that the detainee has a weapon, as well as other dangerous and (or), objects prohibited for circulation, in accordance with the legislation of the Republic of Kazakhstan, inspect the clothes of the detainee and seize these items for transfer to law enforcement agencies of the Republic of Kazakhstan or other public authority;

5) assist in the provision of medical and other assistance to individuals affected by unlawful encroachments, traffic accidents, natural disasters and other emergencies;

6) require individuals to comply with public order.

3. An employee occupying the position of a security guard in a private security company is obliged to:

- 1) observe the constitutional rights and freedoms of citizens;
- 2) immediately inform the internal affairs bodies of the Republic of Kazakhstan about the facts of impending or committed offences that have become known to him;
- 3) immediately inform the internal affairs bodies of the Republic of Kazakhstan about the triggering of a burglar alarm from protected facilities on the territory of which there are weapons, ammunition and explosives;
- 4) in cases provided for by law, present, at the request of individuals, a certificate confirming his belonging to the subject of security activities;
- 5) assist with the entities of crime prevention;
- 6) to explain to individuals detained for committing a criminal or administrative offence the grounds for the coercive measures applied to them.

Footnote. Chapter 2 is supplemented by Article 13-1 in accordance with Law of the Republic of Kazakhstan № 372-IV dated 29.12.2010 (shall be enforced upon expiry of one year from the date of enactment of the Law); as amended by Law of the Republic of Kazakhstan № 227-V dated 03.07.2014 (shall be enforced from 01.01.2015); № 28-VI dated 22.12.2016 (shall be enforced upon expiry of ten calendar days after the day its first official publication); as amended by the Law of the Republic of Kazakhstan dated 02.01.2021 № 405-VI (shall come into effect ten calendar days after the day of its first official publication).

Chapter 3. Types and legal registration of security activities Article 14. Types of security services

Security activity, subject to licensing is carried out by security activity subjects in the form of providing the following services:

- 1) Protection of life and health of individuals;
- 2) Protection of the object and (or) property of individuals and legal entities, including during its transportation;
- 3) advise and make recommendations on ways of security and legal protection against illegal encroachments.

Workers that hold position of a guard in the private security company are involved on a voluntary basis for the protection of public order.

Footnote. Article 14 is in the wording of Law of the Republic of Kazakhstan № 372-IV dated 29.12.2010 (shall be enforced upon expiry of one year from the date of enactment of the Law); as amended by Law of the Republic of Kazakhstan № 28-VI dated 22.12.2016 (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 15. Procedure for security activities

1. Provision of security services is provided under the contract (contract on the provision of security services). The order of conclusion, execution, termination of the contract on the provision of security services, the responsibilities of the parties under the contract are determined in accordance with the civil legislation with the specifications, prescribed in this Law.

2. Is excluded by Law of the Republic of Kazakhstan № 372-IV dated 29.12.2010 (shall be enforced upon expiry of one year from the date of enactment of the Law).

3. Features of procedure for security activity of the specialized security units of the internal affairs bodies are established by the legislation of the Republic of Kazakhstan.

4. Employees occupying the position of a security guard in private security organizations shall carry out security activities in uniform, indicating their belonging to the subject of security activities.

Samples of uniforms and the procedure for wearing them shall be approved by the authorized body.

The provision of services to protect the life and health of individuals from criminal and other unlawful encroachments may be carried out without uniform, indicating belonging to the subject of security activities.

Footnote. Article 15, as amended by Laws of the Republic of Kazakhstan № 53-IV dated 04.07.2008 (see Art. 2 for the enactment procedure); № 372-IV dated 29.12.2010 (shall be enforced upon expiry of one year from the date of enactment of the Law); № 452-IV dated 05.07.2011 (shall be enforced from 13.10.2011); № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.01.2021 № 405-VI (shall come into effect ten calendar days after the day of its first official publication).

Article 15-1. The order of activities for installation, adjustment and maintenance of security alarm

1. Activities for installation, adjustment and maintenance of security alarm are subject to the notification procedure.

2. Notification procedure is carried out in accordance with the Law of the Republic of Kazakhstan “About permissions and notifications”.

3. Entities, operating on the installation, adjustment and maintenance of security alarm shall comply with the requirements of Article 15-2 of this Law.

4. Authorized body responsible for state control over the activities for installation, adjustment and maintenance of security alarm maintains the register of entities, filed a notice to engage in this activity.

Footnote. Chapter 3 is supplemented by Article 15-1 in accordance with Law of the Republic of Kazakhstan № 36-V dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 203-V dated 16.05.2014 (shall be enforced upon expiry of six months after the date of its first official publication).

Article 15-2. Requirements for entities, engaged in activities for installation, adjustment and maintenance of security alarm

1. Requirements for legal entities, engaged in activities for installation, adjustment and maintenance of security alarm, include the presence of:

- 1) a specialist of legal entity with higher or secondary technical education corresponding to the industry works;
- 2) premises with equipment (or contract for their rent) for the implementation of adjustment, maintenance of security alarm and maintenance checks of the installed equipment

2. Requirements for individuals engaged in activities for installation, adjustment and maintenance of security alarm, include the presence of:

- 1) higher or secondary technical education corresponding to the industry works;
- 2) premises with equipment (or contract for their rent) for the implementation of adjustment, maintenance of security alarm and maintenance checks of the installed equipment

3. Heads, workers, legal entities, individuals, engaged in activities for installation, adjustment and maintenance of security alarm must be citizens of the Republic of Kazakhstan, that are not registered in health care organizations about mental illness and without outstanding or unextinguished in accordance with the law conviction or exempted from criminal liability for non-rehabilitating grounds before the expiration of the lower limit of the sentence of imprisonment prescribed by the relevant part of the article of the Special part of the Criminal Code of the Republic of Kazakhstan.

Footnote. Chapter 3 is supplemented by Article 15-2 in accordance with Law of the Republic of Kazakhstan № 36-V dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan № 233-V dated 04.07.2014 (shall be enforced from 01.01.2015).

Article 16. Contract on the provision of security services

1. Under an agreement on the provision of security services, the contractor shall undertake to provide the customer with security services determined by agreement of the parties in the manner, amount and for a fee specified in this agreement.

2. Subjects of security activities shall be entitled to act as a contractor under a contract for the provision of security services (subject to the requirements of this Law):

- 1) specialized security units of the internal affairs bodies;
- 2) private security companies;
- 3) is excluded by Law of the Republic of Kazakhstan № 372-IV dated 29.12.2010 (shall be enforced upon expiry of one year from the date of enactment of the Law).

3. Individuals and legal entities shall be entitled to act as a customer under an agreement on the provision of security services.

4. Contract on the provision of security services shall include:

1) information on the contracting parties, indicating the number and date of issue of the contractor's license for the provision of security services;

2) types of security services provided, indicating the obligations of the performer;

3) details of the contract;

4) the time and date of the contract;

5) responsibilities of the parties.

5. Contract on the provision of security services must be made in writing. Failure to comply with the written form of the contract on the provision of security services entails its invalidity.

Footnote. Article 16 as amended by Law of the Republic of Kazakhstan № 372-IV dated 29.12.2010 (shall be enforced upon expiry of one year from the date of enactment of the Law) ; dated 02.01.2021 № 405-VI (shall come into effect ten calendar days after the day of its first official publication).

Article 17. The basis of activity of security units

Footnote. Article 17 is excluded by Law of the Republic of Kazakhstan № 372-IV dated 29.12.2010 (shall be enforced upon expiry of one year from the date of enactment of the Law)

Article 17-1. Restrictions, related to the implementation of security activities

1. Legal entities and citizens of the Republic of Kazakhstan shall not be entitled to be both founders, participants and (or) owners of more than one company, involved in security activity.

2. The number of employees of a private security organization may not exceed the number of employees required to perform their tasks. The number of employees shall be established by the authorized body.

Exceeding the standard number entails the suspension of the license. The authorized body (licensor) in the case of a non-reducing the number of workers of private security company in compliance with the requirements of standard number within forty days from the date of suspension of the license, submits an application to the court to deprive the licensee's license.

3. Private security organization cannot be a subsidiary of an organization, engaged in activities other than security. For the founder (participant) of a private security company this type of activity should be the primary.

Founders (participants) of private security organizations cannot be:

1) Founders or officials of the organizations for which a creating company will provide security services;

2) Is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015);

3) citizens that have a criminal record for committing a crime, as well as legal entities, the founders (participants) of which are the specified persons;

4) legal entities in respect of which a creating company, and their affiliated entities will provide security services;

5) public associations.

The prohibitions established by part one and subparagraphs 1) and 4) of part two of this paragraph shall not apply to cases of establishment of private security organizations by national companies for which the right to establish security organizations is granted in the manner determined by the authorized body.

Security companies, established by national companies do not have the right to provide security services to third parties.

4. Heads of private security companies and its workers, hold position of a guard are prohibited to:

1) implement the procedural and other activities, assigned in accordance with the legislation of the Republic of Kazakhstan to the exclusive competence of the law enforcement and other government agencies;

2) assign the powers of law enforcement officers;

3) impede the lawful activities of law enforcement officers;

4) commit acts, injurious to the honor and dignity or unlawfully restricting the rights and freedoms of man and citizen.

5. In addition to the general grounds provided by the Code of Administrative Offences of the Republic of Kazakhstan, the license to carry out security activities is suspended in cases:

1) Non-compliance of the sole founder with the requirements established by this Law;

2) impossibility to establish the location of the sole founder and (or) the legal entity;

3) announcement of the sole founder to be wanted.

In case of elimination of the reasons that served as a basis for suspension of the license, its validity shall be renewed within the terms established by the Law of the Republic of Kazakhstan "On Permits and Notifications".

Deprivation (revocation) of the license to carry out security activities shall be carried out in court.

In addition to the general grounds provided by the Law of the Republic of Kazakhstan "On Permits and Notifications", termination of the license to carry out security activities without prior suspension is carried out in cases:

1) recognition of the sole founder as incapable or limited capable, dead or missing by a court decision that has entered into legal force;

- 2) termination of the sole founder's citizenship of the Republic of Kazakhstan;
- 3) the entry into force of a court decision on the application of compulsory medical measures to the sole founder;
- 4) the entry into force of the court's guilty verdict against the sole founder.

Footnote. Article 17-1 is in the wording of Law of the Republic of Kazakhstan № 372-IV dated 29.12.2010 (shall be enforced upon expiry of one year from the date of enactment of the Law); as amended by Law of the Republic of Kazakhstan № 200-V dated 23.04.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); dated 24.05.2018 № 156-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 05.07.2024 № 115-VIII (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

Chapter 4. Use of weapon and impact munition by subjects of security activities

Footnote. Title of Chapter 4 as amended by Law of the Republic of Kazakhstan № 372-IV dated 29.12.2010 (shall be enforced upon expiry of one year from the date of enactment of the Law).

Article 18. Conditions for equipping private security companies with weapons and impact munition

Footnote. The title as amended by the Law of the Republic of Kazakhstan dated 24.11.2021 № 75-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. Private security companies shall have the right in accordance with the procedure established by the laws of the Republic of Kazakhstan to equip their workers, holding the position of a guard, while performing their official duties.

2. Private security companies shall have the right to purchase a service smoothbore long-barreled and short-barreled weapons, as well as tubeless firearms, gas gun with the possibility of shooting with traumatic and electrical weapons in accordance with the legislation of the Republic of Kazakhstan, impact munition from legal entities - suppliers after receiving a relevant license. Types, models and number of weapons, as well as a list of impact munition for the use by workers of private security companies shall be approved by the authorized body.

Private security companies shall be prohibited from acquisition and use of service grooved long-barreled and short-barreled weapon, except for security companies, established by national companies and operating in the field of mainline rail networks, major pipelines, petroleum refinery and nuclear power.

3. The acquired weapon is subject to registration in the relevant internal affairs body within a week from the date of its acquisition. When registering a weapon, a permit is issued

to store, keep and bear this weapon for a period of five years on the basis of documents confirming the legality of the acquisition of the weapon.

The permission form and procedure for extending the period of its validity are determined by the Government of the Republic of Kazakhstan.

4. Guard of the private security company in accordance with the legislation must obtain a license to carry, store and use of weapons and impact munition.

5. Tracker dogs can be used for property protection and patrolling.

6. Heads of security companies shall in accordance with the legislation transfer weapons to regular staff, holding the position of a guard for the period of performance of their duties. Weapons shall be given after the passage of the appropriate training by workers.

Footnote. Article 18, as amended by Laws of the Republic of Kazakhstan № 297 dated 22.02.2002; № 372-IV dated 29.12.2010 (shall be enforced upon expiry of one year from the date of enactment of the Law); № 200-V dated 23.04.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 203-V dated 16.05.2014 (shall be enforced upon expiry of six months after the date of its first official publication); dated 25.11.2019 № 272-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 24.11.2021 № 75-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 19. Conditions, reasons and order for the use of weapons and impact munition by subjects of security activities

1. During the implementation of security activities the use of impact munition and service weapons is allowed only in cases and in accordance with this Law and other legislative acts of the Republic of Kazakhstan.

2. Guards of the private security companies have the right to use weapons and impact munition within the limits, established by the legislation, to:

1) repeal attacks on the protected object or its employees;

2) repel an attack on the protected person;

3) arrest of violators, including, if they resist, to deliver them to the bodies of internal affairs, if there are reasonable grounds to believe that they can escape or cause harm to others or themselves;

4) protection against animal attacks;

5) trigger alarms or call for help;

6) in cases of necessary defense and emergency.

It is prohibited to use the impact munition and weapons, for purposes not covered by this Law and other legislative acts.

The person that allows the use of impact munition or weapons for other purposes, as well as with an abuse of authority, the limits of necessary defense, shall be liable under the legislative acts of the Republic of Kazakhstan.

Use of impact munition or weapons in excess of authority, the limits of necessary defense entails cancellation of documents of a guard of the private security company.

3. Use of impact munition and service weapons must be preceded by a clearly expressed warning about this a person, against which they can be applied.

4. It is prohibited to use service weapon and impact munition against women, persons with obvious signs of disability, minors when their age is known or obvious, except in cases of an armed or group attack (violence).

5. In all cases of the use of service weapons, the measures to ensure the safety of the surrounding citizens, emergency medical assistance to the victims, to inform the bodies of internal affairs and the prosecutor within twenty-four hours, must be taken.

6. Guards of the private security companies shall be periodically inspected for suitability to perform their duties under the conditions, related with the use of impact munition and service weapons.

7. Subjects of security activities shall be fully liable for the harm caused by them in the performance of their duties in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 19, as amended by Laws of the Republic of Kazakhstan № 346 dated 09.08.2002; № 188-IV dated 17.07.2009 (see Art. 2 for the enactment procedure); № 372-IV dated 29.12.2010 (shall be enforced upon expiry of one year from the date of enactment of the Law); № 203-V dated 16.05.2014 (shall be enforced upon expiry of six months after the date of its first official publication).

Chapter 5. Final Provisions Article 20. National Audit

1. State control over security activity, activity of specialized training centers, as well as installation, adjustment and maintenance of security alarm systems on the territory of the Republic of Kazakhstan is carried out in the form of inspection and preventive control with visiting the subject (object) of control by the authorized body and its territorial structural subdivisions in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

2. Preventive control without visiting the subject (object) of control is carried out in accordance with the Entrepreneurial Code of the Republic of Kazakhstan and this Law.

3. Preventive control without visiting the subject (object) of control shall be carried out by the authorized body and its territorial structural subdivisions without visiting the subjects (objects) of security activity, specialized training centers and subjects engaged in installation, adjustment and maintenance of security alarm systems by comparing information about their activities received from different sources of information.

4. The purposes of preventive control without visiting the subject (object) of control are timely suppression and prevention of violations, provision of subjects of security activity, specialized training centers and subjects engaged in installation, adjustment and maintenance of security alarm systems, the right of independent elimination of violations identified by the authorized body or its territorial structural subdivisions according to the results of preventive

control without visiting the subject (object) of audit and reducing the administrative burden on them.

5. The preventive control without visiting the subject (object) of the control is carried out by mutual comparison of the data available in the authorized body, department of the authorized body and its territorial structural divisions:

1) current and requested information in accordance with paragraph 4 of Article 8 of this Law;

2) information from authorized organizations and state bodies by means of request;

3) information obtained from various sources of information.

6. In case of detection of violations based on the results of preventive control without visiting the subject (object) of control, the subject of security activity, specialized training center, the subject engaged in installation, adjustment and maintenance of security alarm systems, the recommendation shall be sent within five working days from the date of detection of violations.

7. The recommendation shall be handed over to the subject of security activity, the specialized training center, the subject engaged in installation, adjustment and maintenance of security alarm systems, personally and against signature or in any other way confirming the facts of its sending and receiving.

A recommendation sent by one of the following methods shall be deemed to have been handed over in the following cases:

1) intentionally - from the date of marking in the recommendation on receipt;

2) by mail - from the date of notification of receipt of the mail by registered mail;

3) by electronic means - from the date of sending by the authorized body or its territorial structural subdivisions to the e-mail address of the subject of security activity, specialized training center, subject engaged in installation, adjustment and maintenance of security alarm systems, specified in the letter at the request of the authorized body or its territorial structural subdivisions.

8. The recommendation on elimination of violations revealed by the results of preventive control without visiting the subject (object) of control shall be implemented within ten working days from the day following the day of its delivery.

9. The subject of security activity, specialized training center, the subject engaged in installation, adjustment and maintenance of security alarm systems, in case of disagreement with the violations specified in the recommendation, has the right to send to the authorized body and its territorial structural subdivision, which sent the recommendation, objection within five working days from the day following the day of delivery of the recommendation.

10. Non-implementation of the recommendation on elimination of violations revealed by the results of preventive control without visiting the subject (object) of control, entails the appointment of preventive control with a visit to the subject (object) of control by including in the half-yearly list of preventive control with a visit to the subject (object) of control.

11. Preventive control without visiting the subjects of security activity, specialized training centers, subjects engaged in installation, adjustment and maintenance of security alarm systems is carried out at least once a year.

Footnote. Article 20 of the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiration of ten calendar days after the day of its first official publication).

Article 21. Recording of subjects of security activity, specialized training centers

Authorized body and territorial structural units are performed a single record of all subjects of security activities, specialized training centers, as well as data on suspension of validity or revocation of the license.

Footnote. Article 21 is in the wording of Law of the Republic of Kazakhstan № 200-V dated 23.04.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 22. Supervision of compliance with the law in the field of security activities

The highest supervision over compliance with the law in the field of security activities in the territory of the Republic of Kazakhstan, within the limits and forms established by law, shall be carried out by the Prosecutor's Office of the Republic of Kazakhstan and its territorial bodies.

Footnote. Article 22 in the new wording of Law of the Republic of Kazakhstan № 91-VI dated 11.07.2017 (shall be enforced upon expiry of ten calendar days after the day its first official publication); as amended by the Law of the Republic of Kazakhstan dated 02.01.2021 № 405-VI (shall come into effect ten calendar days after the day of its first official publication).

Article 23. Responsibility of subjects involved in security activities, the activities of specialized training centers, and installation, adjustment and maintenance of security alarm systems

Establishment or operation of security organizations, specialized training centers, organizations performing installation, adjustment and maintenance of security alarm systems not provided for in this Law and performance of these activities without obtaining appropriate permits or in breach with procedure established by this Law, shall entail responsibility in accordance with the laws of the Republic of Kazakhstan.

Footnote. Article 23 in the new wording of Law of the Republic of Kazakhstan № 28-VI dated 22.12.2016 (shall be enforced upon expiry of ten calendar days after the day its first official publication).

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