

On Introduction of Amendments and Supplements to the Constitutional Law of the Republic of Kazakhstan "On the Constitutional Council of the Republic of Kazakhstan"

Unofficial translation

The Constitutional Law of the Republic of Kazakhstan dated June 17, 2008 N 41-IV

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Article 1. To introduce the following amendments and supplements to the Constitutional Law of the Republic of Kazakhstan dated December 29, 1995 "On the Constitutional Council of the Republic of Kazakhstan" (Statement of the Supreme Council of the Republic of Kazakhstan 1995, N 24, article 173; Statement of the Parliament of the Republic of Kazakhstan 1995, N 24):

1) item 2 of Article 3 shall be amended as follows:

"2. Two members of the Constitutional Council are appointed by the President of the Republic of Kazakhstan, two members of the Constitutional Council are appointed by the Chairman of the parliamentary chambers, respectively, by the Senate and the Mazhilis of the Parliament. Half of the membership of the Constitutional Council shall be renewed every three years";

2) In Article 15:

Sub-item 2) of paragraph 1: the word 'official' is replaced by "the President of the Republic of Kazakhstan, the Senate of the Parliament, the Mazhilis of the Parliament";

Sub-item 10) paragraph 2 shall be deleted;

3) In Article 17:

item 2 to be amended as follows:

"2. The Constitutional Council in accordance with the sub-items 2), 2-1), 3) of paragraph 1 of Article 72 of the Constitution checks the compliance of the following documents with the Constitution:

1) Laws adopted by the Parliament prior to signing by the President;

2) Resolutions adopted by the Parliament and its chambers;

3) International treaties prior to their ratification;

in sub-item 2) of item 4 the word 'sub-item 11) of item 1' to be replaced by the word 'sub-item 6)';

4) item 2 of Article 22: add sub-item 5-1) as follows:

"5-1) The name and date of the resolutions of the Parliament and its Chambers in case the appeal gives rise to the question of compliance of the resolutions of the Parliament and its Chambers with the Constitution of the Republic of Kazakhstan";

5) sub-item 1 of Article 35 to be amended as follows:

"1. The Constitutional Council shall make further decisions in the following cases:

1) if a question arises concerning the interpretation of the Constitutional Council's decisions. In this case an additional decision is made at the request of members of constitutional proceeding, or government agencies and officials who are obliged to fulfill the final decision of the Constitutional Council;

2) It is necessary to correct inaccuracies and editorial errors which are made in the decisions of the Constitutional Council. In this case, an additional decision is made by the Constitutional Council on its own initiative";

6) Article 36 shall be amended as follows:

"Article 36. Revision of the decision of the Constitutional Council.

1. The decision of the Constitutional Council may be revised upon the initiative of the President of the Republic of Kazakhstan or upon its own initiative in the following circumstances:

1) there was a change in the provisions of the Constitution on which the decision was based;

2) new circumstances came to light significant to the matter at issue.

2. In order to protect the rights and freedoms of man and citizen, national security, the sovereignty, and integrity of State, the decision of the Constitutional Council may be reviewed by the Council upon the initiative of the President of the Republic of Kazakhstan.

3. Upon review of a decision, the Constitutional Council shall adopt a resolution which cancels the decision.

4. In case of revision of the final decision the Chairman of the Constitutional Council determines by way of an order the date and procedure for the new session on the issue.

7) in sub-item 1) of item 2 of Article 38 the words 'ten days' are replaced by the word 'monthly';

8) item 2 of Article 39:

after the word 'recognized' add the words 'unconstitutional, including' the words 'and therefore unconstitutional' shall be deleted; the words 'and not subject to the application' are replaced by the words 'not to be applied and are cancelled';

9) Article 40 shall read as follows:

"Article 40. Execution of decisions of the Constitutional Council

1. The Constitutional Council may determine the order and timeframe for execution of its decisions.

If the decision of the Constitutional Council requires an increase in government spending or reduction in state revenues, the Constitutional Council shall determine the date of execution of its decisions on agreement with the Government of the Republic of Kazakhstan.

2. Measures taken to implement the decisions of the Constitutional Council shall be communicated to it by the State authority and officials within the period prescribed by the

