



## **On Enforcement Proceedings and the Status of Enforcement Agents**

### *Unofficial translation*

The Law of the Republic of Kazakhstan, dated 2 April, 2010 № 261-IV.

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### **SECTION 1. GENERAL PROVISIONS Chapter 1. BASIC PROVISIONS Article 1. Basic definitions, used in this Law.**

The following definitions shall be used in this Law:

1) enforcement proceedings – shall be the measures aimed at compulsory execution of enforcement documents with recovery of enforcement sanction, penalty, costs for enforcement proceedings from the debtor, payment of activities of a private bailiff;

1-1) state automated information system of enforcement proceedings – shall be the information system intended for electronic registration of enforcement proceedings, automation of legal actions of the bailiff, as well as for obtaining data on the progress of enforcement proceedings by the parties to enforcement proceedings;

2) unified register of debtors - the unified electronic data base, containing information about the debtors on enforcement proceedings;

3) unified electronic trading facility - information system, a set of databases, technical, software, telecommunications and other facilities, providing the opportunity for the input, storage and processing of information, necessary for conducting the electronic auction, providing a single public access point to the participants of the electronic auction;

3-1) the Republican Chamber of Private Bailiffs (hereinafter - the Republican Chamber) – shall be a non-profit, professional organization that coordinates the activities of private bailiffs and their compliance with the legislation of the Republic of Kazakhstan on enforcement proceedings and status of bailiffs;

3-2) the regional chamber of private bailiffs – shall be a branch of the Republican Chamber in the region;

4) a private enforcement agent - a citizen of the Republic of Kazakhstan, engaged of a private practice on enforcement of court orders without establishing of legal entity under the license for the right to engage in activity on enforcement of court orders (hereinafter – license of private enforcement agent), issued by authorized body;

5) a state bailiff shall be an official who is in the civil service and performs the functions assigned to him by the law to take measures aimed at compulsory execution of enforcement documents;

5-1) simplified proceedings – automated execution of enforcement documents carried out by a territorial body through the state automated information system of enforcement proceedings;

5-2) a resolution in simplified proceedings - a procedural document of a territorial body, which records a procedural decision taken within the framework of simplified proceedings, certified using an electronic digital signature of the head of the territorial body or his deputy;

6) a bailiff – shall be a state bailiff and a private bailiff performing the functions assigned to them by the law to take measures aimed at compulsory execution of enforcement documents, and having equal rights and obligations for exemptions provided for by this Law;

7) regulation of an enforcement agent – the procedural document, in which the procedural decision, adopted by an enforcement agent is specified in the process of execution proceeding ;

8) full compulsory enforcement –enforcement of court orders in full in the period of its standing in the procedure of enforcement agent, with exception of a term, vested in obligor by enforcement agent for willful enforcement;

9) authorized body - a government body, carrying out an implementation of public policy and government regulation of activities in the scope of enforcement of court orders;

9-1) socially significant category of cases – shall be the enforcement documents on recovery of alimony, wages, pensions, allowances, compensation for harm caused to life and health;

10) electronic auction shall be a method of electronic bidding in the form of an auction in which the seized property is sold using a unified electronic trading platform on the basis of equal access to them for all potential buyers.

**Footnote. Article 1 is in the wording of Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); with amendments introduced by Law of the Republic of Kazakhstan № 269-V dated December 29, 2014 (comes into force from 01.01.2015); № 376-V dated 29.10.2015 ( comes into force from 01.01.2016); № 391-V dated 12.11.2015 (comes into force six months after the day of its first official publication); dated 09.06.2021 № 49-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 19.06.2024 № 97-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).**

## **Article 2. Tasks of enforcement proceedings**

The tasks of enforcement proceedings are the mandatory and timely adoption of measures aimed at the enforcement of enforcement documents issued on the basis of court decisions, rulings in civil and administrative cases, orders and resolutions in cases of administrative offenses, sentences and resolutions in criminal cases in terms of property penalties, as well as resolutions of other bodies in accordance with this Law.

**Footnote. Article 2 as amended by the Law of the Republic of Kazakhstan dated 29.06.2020 № 351-VI (shall be enforced from 01.07.2021).**

### **Article 3. Basic principles of enforcement proceedings**

Enforcement proceedings shall be carried out on the following principles:

- 1) legality;
- 2) timeliness and transparency of commission of enforcement procedures and application of compulsory enforcement measures;
- 3) the respect of honour and dignity of a human being;
- 4) the integrity of the minimum property, required for the existence of the debtor and his family;
- 5) correlation of amount of debtor's claims and compulsory enforcement measures;
- 6) a proportional distribution of collected amounts between recoverers of one queue at their insufficiency to complete discharge of all the claims of the queue;
- 7) a compensation from obligor's expenses on compulsory enforcement of court order;
- 8) freedom of appealing court proceedings and orders of enforcement agent.

### **Article 4. Legislation of the Republic of Kazakhstan on enforcement proceedings**

**Footnote. Title of Article 4 is in the wording of Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).**

1. The legislation of the Republic of Kazakhstan on enforcement proceedings shall be based on the Constitution of the Republic of Kazakhstan and consist of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. The rules of international treaty shall be applied if an international treaty, ratified by the Republic of Kazakhstan, establishes different rules than those, which contains in this Law.

3. The provisions of this Law applied to second-tier banks, insurance (reinsurance) companies shall apply to branches of banks-non-residents of the Republic of Kazakhstan, branches of insurance organizations -non-residents of the Republic of Kazakhstan, opened in the territory of the Republic of Kazakhstan.

**Footnote. Article 4 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.01.2021 № 399-VI (shall be enforced from 16.12.2020).**

### **Article 5. Enforcement of decisions of international, foreign courts and tribunals**

1. The order of enforcement of judgments of international and foreign courts and tribunals in the Republic of Kazakhstan shall be determined by relevant international treaties, ratified by the Republic of Kazakhstan, and by this Law.

2. A writ obligatory, issued on the basis of a foreign judgment by a court of the Republic of Kazakhstan, may be presented to compulsory enforcement during three years from the moment of entry of decision to a legal force.

**Article 6. The order of application of the legislation of the Republic of Kazakhstan on enforcement proceedings**

**Footnote. Title of Article 6 is in the wording of Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).**

1. Enforcement proceedings shall be carried out in accordance with regulations during a commission of enforcement procedures.

2. Enforcement proceedings on debt recovery of tax and other obligatory payments to a budget, penalties for late payment of fines and other sanctions for violation of the tax legislation of the Republic of Kazakhstan shall be carried out in the order, prescribed by this Law and in accordance with the tax and customs legislation of the Republic of Kazakhstan.

3. Executive proceeding to collect the amounts of capitalization of the relevant regular payments from the state to pay compensation for harm caused to life and health of workers, in the event of the lack or insufficiency of the property of the liquidated legal entity recognized responsible for the damage in the established procedure, shall be carried out in accordance with this Law in compliance with rules established by the authorized body.

3-1. Execution of judicial acts at the expense of the state budget for compensation for harm caused as a result of unlawful conviction, unlawful prosecution, unlawful use of detention as a preventive measure, house arrest, undertaking not to leave, unlawful imposition of an administrative penalty in the form of arrest or correctional labor, illegal placement in an organization providing medical care in the field of mental health, or another medical organization, carrying out covert investigative actions, subsequently recognized as illegal in a court of law, is carried out in the manner established by the central authorized body for budget execution.

4. Enforcement of court acts and other bodies against foreigners, stateless persons and foreign organizations shall be carried out in accordance with this Law.

5. Enforcement proceedings on court orders of other states in the territory of the Republic of Kazakhstan shall be carried out in accordance with the laws of the Republic of Kazakhstan, unless otherwise follows from international treaties, ratified by the Republic of Kazakhstan.

**Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 239-V dated September 29, 2014 (comes into force ten calendar days after the day of its first official publication); № 180-VI as of 12.07.2018 (shall go into effect upon expiry of ten calendar days after the day of its first official publication); dated 07.07.2020 № 361-VI (shall be enforced ten calendar days after the day of its first official publication).**

## **Article 7. Persons, performing enforcement proceedings**

1. The use of enforcement measures for execution of enforcement documents listed in Article 9 of this Law shall be assigned to bailiffs.

2. In cases provided for by the laws of the Republic of Kazakhstan, the use of enforcement measures for execution of enforcement documents shall be carried out with assistance from employees of internal affairs bodies, assistants to private bailiffs and other state bodies.

3. No one shall have the right to interfere in the activities of enforcement agents, except those persons, expressly authorized to do so by Law. Unlawful interference in enforcement agents' activity shall entail responsibility, established by the Laws of the Republic of Kazakhstan.

**Footnote. Article 7 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 376-V dated 29.10.2015 (comes into force from 01.01.2016).**

## **Article 8. Language of enforcement proceedings**

A language of enforcement proceedings and clerical correspondence, associated with its conduct shall be established, taking into account a language of court decision or other document, subject to the enforcement.

## **Article 9. A list of court orders**

1. Court orders are:

1) writ obligatory, issued on the basis of judicial acts;

1-1) writ of execution issued on the basis of court decisions of the Astana International Financial Center;

2) court orders, issued in accordance with the civil procedure legislation of the Republic of Kazakhstan;

3) a writ obligatory, issued on the basis of judicial acts on compulsory enforcement in the territory of the Republic of Kazakhstan of international and foreign courts or tribunals;

4) executive lists issued on the basis of a court ruling on compulsory execution of arbitral awards;

4-1) court rulings on securing a claim or revoking the securing of a claim, as well as rulings of courts on preliminary interim measures or cancellation of preliminary interim measures;

4-2) orders of the court of the Astana International Financial Center on securing a claim or canceling the securing of a claim;

5) decisions of courts, rendered with regard to case on administrative violation in the cases, stipulated by the Code of the Republic of Kazakhstan on administrative offenses;

6) a resolution of a body (official), authorized to consider cases on administrative offenses in the cases, stipulated by the Code of the Republic of Kazakhstan on administrative offenses;

6-1) an order on the payment of wages by the employer;

7) shall be excluded by Law of the Republic of Kazakhstan № 91-VI dated 11.07.2017 (comes into force ten calendar days after the day of its first official publication);

8) provisions of enforcement agent on recovery of executive sanction.

9) regulation of an enforcement agent on compensation of expenses, incurred upon commission of enforcement procedures;

10) regulation of a private enforcement agent on confirmation of the sums of payment of his (her) activity;

11) recommendations on the need to pay a fine issued by a body (official) authorized to impose administrative penalties;

11-1) enforcement inscription;

12) court order to seize property, issued in a criminal case;

13) a tax order on collection of debt of an individual.

2. In case of loss of a court order on the basis for a penalty shall be a duplicate, issued in the provided order by the legislation of the Republic of Kazakhstan by a body that issued a court order.

3. A court order on which enforcement proceedings were initiated is within materials of enforcement proceedings. An enforcement agent shall deliver a decision on enforcement proceedings, initiating with a copy of a specified court order.

Footnote. Article 9 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 376-V dated 29.10.2015 (comes into force from 01.01.2016); № 378-V dated 31.10.2015 (comes into force from 01.01.2016); № 489-V dated 08.04.2016 (comes into force ten calendar days after the day of its first official publication); № 91-VI dated 11.07.2017 (comes into force ten calendar days after the day of its first official publication); № 122-VI dated 25.12.2017, (comes into force from 01.01.2018); dated June 26, 2020 № 349 -VI (shall be enforced ten calendar days after the day of its first official publication); dated 12.07.2023 № 23-VIII (shall be enforced ten calendar days after the date of its first official publication).

## **Article 10. Decision of enforcement agent**

1. Decisions on enforcement proceedings, taken by a bailiff from the day the enforcement document is submitted for execution, shall be documented by rulings, except for the cases provided for by paragraph 2 of Article 47 of this Law.

The rulings certified by the electronic digital signature of a bailiff, shall be equivalent to the rulings on a paper carrier.

2. A decision of enforcement agent must include:

- 1) a name of territorial department of state enforcement agents or territory of a private state enforcement agents activity and their address;
- 2) the date of a decision delivery;
- 3) position, name and initials of a person, who has taken a decision;
- 4) a name and number of enforcement proceedings on which a decision was taken.

A decision of refusal to initiate enforcement proceedings shall include a name and number of court order;

- 5) an issue on which a decision shall be taken;
- 6) grounds of a taken decision with reference to Laws and other regulatory legal acts;
- 7) an operative part of a decision, reflecting a decision, taken on a subject matter of issue;
- 8) a procedure for appealing decision.

3. An enforcement agent shall have the right on its own initiative or at the request of persons, involved in enforcement proceedings, to correct clerical errors or apparent arithmetical errors, admitted in a decision. These corrections shall be proposed by decision on amending in earlier taken decision.

4. A repeal of decree of a state enforcement agent shall be produced by a corresponding decision of head of a territorial department.

The cancellation of the decision of a private enforcement agent is carried out by the private enforcement agent who issued it, or by another private enforcement agent, in the production of which the enforcement document was transferred, including on the basis of a judicial act or a protest of the prosecutor.

5. The decision of the bailiff comes into force from the date of its issuance, is subject to mandatory execution and can be appealed to the court within ten working days in the manner prescribed by the legislation of the Republic of Kazakhstan on administrative proceedings.

6. Typical forms of enforcement agents' decisions shall be approved by authorized body.

**Footnote. Article 10 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 376-V dated 29.10.2015 (comes into force from 01.01.2016); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication); dated 29.06.2020 № 351-VI (shall be enforced from 01.07.2021).**

## **Chapter 1-1. Simplified production**

**Footnote. The law is supplemented with Chapter 1-1 in accordance with the Law of the Republic of Kazakhstan dated 19.06.2024 № 97-VIII (shall come into effect upon expiry of sixty calendar days after the day of its first official publication).**

### **Article 10-1. Features of simplified proceedings**

1. Within the framework of simplified proceedings, enforcement documents provided for in subparagraphs 5), 6), 11), and 13) of paragraph 1 of Article 9 of this Law shall be accepted for the collection of an amount from an individual up to twenty monthly calculation indices.

2. In the event of failure to execute within the framework of simplified proceedings within the period stipulated by this Law, the writ of execution shall be executed in accordance with paragraph 1 of Article 138 of this Law.

3. Within the framework of simplified proceedings, the debtor shall have the right to refuse to execute the requirement of the writ of execution in a simplified manner.

In case of refusal, the writ of execution shall be transferred to the bailiff for execution.

4. The decision made in simplified proceedings shall be equivalent to the decision of a bailiff.

5. The procedure for implementing simplified proceedings shall be determined by the authorized body.

#### **Article 10-2. Acceptance of an enforcement document for simplified proceedings**

1. Based on an enforcement document received in electronic form, the territorial body shall immediately initiate simplified proceedings through the state automated information system for enforcement proceedings in compliance with the requirements of paragraph 1-1 of Article 11 of this Law, about which a ruling shall be issued and the debtor shall be duly notified.

2. The body that issued the enforcement document shall be responsible for the compliance of the enforcement document with the requirements established by the legislation of the Republic of Kazakhstan.

#### **Article 10-3. Measures of compulsory execution in simplified proceedings**

Within the framework of simplified proceedings, measures shall be taken to ensure the execution of writs of execution, as provided for in subparagraphs 1-1) and 3) of paragraph 2 of Article 32 and Article 36 of this Law.

Collection of the debtor's monetary amounts located in banks or organizations carrying out certain types of banking operations shall be carried out based on a collection order of the territorial body generated in the state automated information system of enforcement proceedings.

#### **Article 10-4. Time limits for the execution of enforcement documents in simplified proceedings**

The execution of an enforcement document in simplified proceedings must be completed no later than thirty calendar days from the date of initiation of simplified proceedings.

Failure by the debtor to comply with the requirements of the writ of execution within the framework of simplified proceedings shall constitute grounds for transferring the writ of execution to a private bailiff in the manner determined by the authorized body.

#### **Article 10-5. Grounds and consequences of termination of simplified proceedings**

1. Simplified proceedings shall be terminated in the case of



1) the requirement of the writ of execution has been fulfilled in full;  
2) the decision of the relevant body based on which the writ of execution was issued has been cancelled.

2. In cases of termination of simplified proceedings, the territorial body shall immediately issue a ruling in the state automated information system of enforcement proceedings.

3. A terminated simplified proceeding cannot be re-initiated in a simplified manner.

4. Simultaneously with the termination of simplified proceedings, measures to ensure the execution of the writ of execution in simplified proceedings shall be automatically cancelled.

5. In the event of termination of simplified proceedings, unfulfilled collection orders in the automated information system of enforcement proceedings are automatically revoked.

#### **Article 10-6. Grounds and consequences of transferring an enforcement document from simplified proceedings to a private bailiff**

1. An enforcement document from a simplified procedure shall be transferred to a private bailiff in the case of:

1) the period specified in Article 10-4 of this Law has expired;

2) the debtor refused to comply with the requirements of the writ of execution in simplified proceedings.

2. Transferred simplified proceedings cannot be re-initiated in a simplified manner.

3. In the event of the transfer of an enforcement document from simplified proceedings to a private bailiff, the measures taken to ensure the execution of the enforcement document in simplified proceedings shall not be subject to cancellation.

4. In the event of a transfer of simplified proceedings, the collection orders issued in the state automated information system of enforcement proceedings shall be automatically revoked.

#### **Article 10-7. Appealing a decision in simplified proceedings**

A decision in simplified proceedings may be appealed by the claimant or the debtor in accordance with the procedure established by the Administrative Procedural Code of the Republic of Kazakhstan.

### **Chapter 2. TERMS IN ENFORCEMENT PROCEEDINGS Article 11. Time of presentation of court orders to enforcement**

1. Court orders may be submitted to a compulsory enforcement in the following terms:

1) orders of court and writ obligatory, issued on the ground of court acts – during three years;

1-1) writ of execution issued on the basis of decisions of the court of the Astana International Financial Center - within three years;

2) enforcement lists issued on the basis of a court ruling on compulsory execution of arbitral awards, decisions of international and foreign arbitrations, - within three years;

3) court rulings, issued in the case on an administrative offense, - within one year, unless otherwise established by the law;

4) resolution of the body (official) authorized to review cases on administrative violations, - within one year;

4-1) orders of the court of the Astana International Financial Center on securing the claim - within one year from the date of the court's order;

5) shall be excluded by Law of the Republic of Kazakhstan № 91-VI dated 11.07.2017 (comes into force ten calendar days after the day of its first official publication);

6) recommendations on the need to pay a fine issued by a body (official) authorized to impose administrative penalties, - within one year;

6-1) enforcement inscriptions – within three years;

7) a decision of a state bailiff to collect the enforcement sanction - within three years;

8) decisions of a bailiff on reimbursement of expenses incurred in execution of enforcement actions - within three years;

9) decisions of a private bailiff to approve the amounts of payment for his activities - within three years;

10) court ruling on seizure of property, issued in a criminal case - within one year;

11) enforcement lists on collection of a fine for a criminal offense and (or) a crime may be brought to execution after the entry into force of the sentence:

within one year when convicted for a criminal offense;

within three years when convicted for a crime of minor gravity;

within six years when convicted for a crime of medium gravity;

within ten years when convicted for a serious crime;

within fifteen years when convicted for a particularly serious crime.

12) instructions for the payment of wages by the employer - within three years;

13) tax orders to collect the debt of an individual - within three years.

1-1. Court orders may be presented to compulsory execution no sooner than five business days after becoming effective in law, with the exception of documents, provided by subparagraph 4 of paragraph 1 of this Law.

2. Specified terms shall be dated:

1) when executing the enforcement lists, issued on the basis of judicial acts regarding property claims - from the day following the entry of a judicial act into legal force or the end of the deadline set in deferral or installment of execution of the judicial act, and in cases where a judicial act is subject to immediate execution, - not later than the next working day after the decision is made;

2) when executing the enforcement lists issued on the basis of a court ruling on compulsory execution of arbitral awards, decisions of international and foreign arbitrations, - from the day following the entry into force of the decision;

3) on enforcement of decrees of courts, rendered in the case of administrative offenses - from the day of rendering of a decision;

4) on enforcement of a decision of body (an official), authorized to consider cases on administrative offenses - from the day, following after rendering of a decision on compulsory enforcement;

5) for all other court orders - from the day, following after their issuance.

3. Court orders, issued on the basis of decisions on collection of periodic payments (cases on recovery of alimony, on compensation for damage, caused by maim or other injury to health or other) shall be maintained at all time during which payments are awarded. In these cases, terms shall be dated for each payment separately.

**Footnote: Article 11 as amended by Laws of the Republic of Kazakhstan №125-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 236-V dated 05.07.2014 (comes into force from 01.01.2015); № 376-V dated 29.10.2015 (comes into force from 01.01.2016); № 378-V dated 31.10.2015 (comes into force from 01.01.2016); № 489-V dated 08.04.2016 (comes into force ten calendar days after the day of its first official publication); № 91-VI dated 11.07.2017 (comes into force ten calendar days after the day of its first official publication); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

## **Article 12. Suspension of term at the presentation of court order**

1. A term for presentation of a court order shall be discontinued:

1) by presentation of a court order for enforcement;

2) by a partial execution of enforcement document by the debtor, about which a note is made in the enforcement document by the bailiff;

3) on the period of detection of a debtor.

2. After the break, the period begins again, while the time elapsed before the break is counted in the new period.

3. A new term after a break shall be dated from the day when a court order by which has not been made a recovery fully or partially, was returned to a recoverer.

**Footnote. Article 12 with an amendment introduced by Law of the Republic of Kazakhstan № 12-VI dated July 26, 2016 (comes into force thirty calendar days after the day of its first official publication); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

## **Article 13. Restoring the timeframe for presentation of a court order for enforcement**

1. A recoverer, who missed a deadline for presentation of a court order for enforcement shall have the right to seize a court that rendered a court act, or to a court of the place of enforcement with a statement about restoring the timeframe.

2. The term may be restored if a court holds reasons, justifiable for break of a term for presentation to enforcement of a writ obligatory, order of court.

### **Chapter 3. PARTICIPANTS OF ENFORCEMENT PROCEEDINGS Article 14. A membership of enforcement proceedings**

Participants of enforcement proceedings shall be:

- 1) parties of enforcement proceedings (a recoverer and a debtor);
- 2) representatives of parties of enforcement proceedings;
- 3) a bailiff;

4) other persons contributing to fulfillment of the requirements contained in the enforcement document (including employees of internal affairs bodies and other state bodies, a bailiff, an assistant to a private bailiff, an interpreter, witnesses, a specialist, a person to whom the bailiff transferred the seized property for guard or storage).

**Footnote. Article 14 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 376-V dated 29.10.2015 (comes into force from 01.01.2016).**

### **Article 15. Parties of enforcement proceedings**

1. Parties of enforcement proceedings are recoverer and debtor.

2. A recoverer is an individual or legal person, for or on behalf of whom was issued a court order.

3. A debtor is an individual or legal person, obliged to fulfill the requirements, provided by a court order.

4. In enforcement proceedings several recoverers or debtors (partners) may participate. Each of them shall participate in enforcement proceedings on a stand-alone basis. A partner may appoint to represent his interests in enforcement proceedings to another partner with his consent, except the cases when according to a court order a debtor has obligations, which he may implement only himself (personal obligations).

### **Article 16. Rights and obligations of parties of enforcement proceedings**

1. The parties to enforcement proceedings shall have the right to get acquainted with the materials of the enforcement proceedings, including in electronic form, to make extracts from them, to make copies, to submit additional materials, to submit petitions, to participate in performance of enforcement actions, to give oral and written explanations in the course of enforcement actions, to express their arguments and considerations on all issues arising in the course of the enforcement proceedings, to object to the arguments and petitions of other

persons participating in the enforcement proceedings, to file objections, to appeal against actions (inaction) or decisions of the bailiff on the issues of enforcement proceedings, to apply to the court for approval of a settlement agreement.

2. Parties of enforcement proceedings shall be obliged in a good faith to enjoy all rights, granted to them, as well as to meet requirements of this Law.

A debtor shall be obliged to inform enforcement agent on change of a place of work during a period of enforcement proceedings, as well as emergence of new sources of income.

A debtor shall be obliged to come to an enforcement agent upon completion of execution proceeding once every month, as well as in cases of calling. Non-appearance shall entail responsibility in accordance with the Laws of the Republic of Kazakhstan.

**Footnote. Article 16 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 376-V dated 29.10.2015 (comes into force from 01.01.2016).**

#### **Article 17. Legal succession in enforcement proceedings**

1. In the case of disposal of debtor (a death of a citizen, reorganization of a legal entity, transfer of a debt) enforcement agent shall direct a presentation to court that rendered a decision with the proposal on rendering of ruling to replace a debtor on his legal successor. A presentation shall be provided within three business days from the time when enforcement agent came to knowledge of the legal succession of a debtor. For the legal successor all actions, committed before his entry into enforcement proceedings, are mandatory in so far as they were mandatory for a debtor.

2. In all other cases, the legal succession shall be established upon application of a recoverer in accordance with the civil legislation of the Republic of Kazakhstan.

**Footnote. Article 17 is in the wording of Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 18. Participation of representatives of parties in enforcement proceedings**

1. Individuals may participate in enforcement proceedings on a stand-alone basis or through representatives. A personal involvement of an individual in enforcement proceedings shall not deprive him from a right to have a representative. If a court order imposes on debtor duties on him, which he may execute only personally, when performed by a debtor he is not entitled to act through a representative.

2. A participation of organizations in enforcement proceedings shall be carried out through their bodies that act within the powers, granted to them by laws, other regulations and organizational documents, or through representatives of specified bodies.

Persons, representing an organization, shall be obliged to have documents confirming their official capacity and powers.

3. The powers of the representative shall be identified by power of attorney, issued and perfect in accordance with the civil legislation of the Republic of Kazakhstan.

#### **Article 19. Powers of a representative**

1. A representative in enforcement proceedings shall commit on behalf of the represented all actions, associated with enforcement proceedings, within powers, granted by a power of attorney.

2. In a power of Attorney, issued by a represented, must be specifically define powers of a representative to perform the following actions:

- 1) presentation and revocation of a court order;
- 2) transfer of responsibilities to another person (sub-delegation);
- 3) lodging a complaint of actions (inactions) or decisions of enforcement agent;
- 4) receiving of adjudicated property (including money);
- 5) making of a settlement agreement.

#### **Article 20. Persons who may not be representatives**

1. Representatives in enforcement proceedings may not be persons who have not attained the age of 18 or under guardianship or trusteeship.

2. Judges, prosecutors, Law enforcement officers, members of representative bodies, workers of authorized bodies and its territorial departments, an administrative office of the Supreme Court of the Republic of Kazakhstan may not be representatives in enforcement proceedings as authorized corresponding organizations or legal representatives. Person may not be a representative, if on this case he renders or rendered a legal assistance to persons whose interests are inimical to the interests of represented, as well as if he is the spouse or a close relative of enforcement agent.

Note: Under the close relatives in this Law are parents, children, adopted children, adoptive parents, full blood and half-blooded brothers and sisters, grandparents and grandchildren.

**Footnote. Article 20 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 21. Legal representatives**

1. Rights and protected by Law interests of minors, and persons, recognized by a court incapable or impaired, in enforcement proceedings shall protect legal representatives whose powers are confirmed by relevant documents.

Legal representatives have committed on behalf of represented all the action, a right to which is submitted to represented with restrictions, provided by Law.

2. On enforcement proceedings, with participation of a person, recognized by a court as a missing person, as his representative person, who are handed over to the management of property of a missing person, assigned by representatives in accordance with the civil legislation of the Republic of Kazakhstan.

3. On enforcement proceedings, where shall participate the heir of a person, who was dead or declared legally dead, as a representative of the heir if the estate of decedent is still not accepted, is an executor of a testament or estate trustee.

4. Legal representatives may request a participation in enforcement proceedings to another person, having chosen by them as a representative.

#### **Article 22. Participation of translator in enforcement proceedings**

1. In a commission of enforcement procedures participants of enforcement proceedings in the case if they do not speak language, which is enforcement proceedings is carried out, may on their own initiative or at the request of enforcement agent to invite a translator. A translator may be any person of majority age, able, is not interested in the case, may speak language, which knowledge is necessary to carry out enforcement procedures.

2. A translator shall have the right on repayment for his work. A repayment, paid to him, shall be identified with costs of enforcement procedures.

3. In the case of a deliberately wrong translation a translator is responsible in accordance with the Laws of the Republic of Kazakhstan, as he is warned by enforcement agent.

#### **Article 23. Participation of witnesses in enforcement proceedings**

1. Enforcement procedures may be performed in the presence of at least two witnesses.

2. A presence of witnesses is mandatory in the following cases:

1) on the request of recoverer or debtor;

2) on the enforcement of a judgment on lodging in and ejection, actions, related to arrest, seizure and transfer of property of a debtor, opening of his dwelling, premises, warehouses, manufacturing inspection.

A presence of witnesses in other cases is possible on initiative of enforcement agents.

3. As witnesses may be invited any adults, able citizens, not interested in the end of enforcement procedures.

4. Before the beginning of enforcement procedures, involving witnesses, enforcement agent shall clarify the order of participation of witness in enforcement procedures.

5. A witness shall have the right to know, for what kind of enforcement proceedings he was invited, on the basis of what court order they are performed. A witness shall have the

right to make comments about performed actions. Notes of witness shall be entered in protocol of a relevant enforcement procedure.

6. A witness confirms the fact, content and results of enforcement procedures, on production of which he was present.

7. A witness shall have the right on compensation of expenses, incurred by him in connection with performance of witness duties, as well as compensation for short-received wages or pecuniary compensation for loss of time.

8. The amount of money, paid to witnesses, shall be identified to the costs of the commission of the enforcement procedures.

#### **Article 24. The participation of a specialist in enforcement proceedings**

1. For clarification of issues, arising during the commission of the enforcement procedures and requiring special knowledge, as well as for procedure of evaluation, sale, transportation, storage of seized assets enforcement agent may according to the motion of the parties of enforcement proceedings or on their own initiative to appoint the specialist by the relevant decision. If necessary, several specialists may be assigned.

2. As a specialist may be appointed a person, not interested in the case, enjoying special knowledge, necessary to give an opinion or procedure of necessary actions.

3. Specialists shall have the right on repayment for the performance of work, conducted in connection with the commission of the enforcement procedures. This repayment and other costs, related to the involvement of specialists shall be identified to the cost of commission of the enforcement procedures.

#### **Article 25. A prosecutor in enforcement proceedings**

1. On behalf of the State, the Prosecutor's Office shall exercise supreme supervision over the legality of enforcement proceedings and shall initiate steps to uncover and remedy any infringements of the rule of law.

2. Within the frame of powers a prosecutor shall have the right to demand and inspect enforcement proceedings on a period of not more than three business days, including complaints and allegations of parties of enforcement proceedings.

3. An act of public prosecutor's supervision may be submitted against actions (inaction) and a decision of a bailiff, which is subject to compulsory review within the period established by law.

4. The prosecutor has the right to withdraw the enforcement document from the proceedings of the bailiff and transfer it to the appropriate body of justice or to the regional chamber of private bailiffs by territoriality for transfer to another bailiff in accordance with this Law, if the actions (inaction) of the bailiff in enforcement proceedings can:



1) cause harm to the rights and freedoms of a person and citizen, to the interests of legal entities, society and the state protected by law;

2) to impede functioning of state bodies, institutions and enterprises that ensure life activity of the population.

5. The prosecutor shall issue a ruling on the transfer of the enforcement order with binding effect.

6. With a view to fulfilling the functions and objectives entrusted to him/her, by ruling, the prosecutor may annul the acts of bailiffs that are not in conformity with the law.

**Footnote. Article 25 as amended by Law of the Republic of Kazakhstan № 376-V dated October 29, 2015 (comes into force from 01.01.2016); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication); № 157-VII of 05.11.2022 (shall enter into force ten calendar days after the date of its first official publication).**

#### **Article 26. Interaction of enforcement agents with the Law enforcement agencies**

Internal affairs bodies, within the limits of the powers granted to them by law, assist court bailiffs in the course of enforcement proceedings in the event of a threat to the life or health of the bailiff, as well as are involved to ensure law and order at the place of enforcement actions, the implementation of the forced drive of the debtor.

**Footnote. Article 26 is in the wording of Law of the Republic of Kazakhstan № 164-V dated January 15, 2014 (shall be enforced upon expiry of ten calendar days after its first official publication); the Law of the Republic of Kazakhstan № 217-VI dated 21.01.2019 ( shall be enforced upon expiration of ten calendar days after the day of its first official publication).**

#### **Chapter 4. NOTICES AND INVOCATIONS IN ENFORCEMENT PROCEEDINGS Article 27 Notices and calls in enforcement proceedings**

1. Participants in enforcement proceedings are informed about enforcement actions and measures of enforcement by a notice.

In cases where the executive document is subject to immediate execution, as well as when seizing property and taking other security measures, the enforcement agent has the right to perform enforcement actions and take enforcement measures without prior notice to the participants in the enforcement proceedings.

Summons to the bailiff or to the place of performance of enforcement actions are carried out by sending a summons.

The agenda specifies:

1) last name, first name, patronymic (if it is indicated in the identity document) of the bailiff to whom the person is summoned, his address;

2) last name, first name, patronymic (if it is indicated in the identity document) of the summoned individual or the name of the legal entity;

3) an indication of the place and time of appearance;

4) the reason for the summons, the number of the enforcement proceedings on which the person is summoned;

5) an offer to the person to submit the documents available to him, necessary for the execution of the enforcement document;

6) an indication of the rights and obligations provided for in Article 16 of this Law;

7) an indication of the consequences of the non-appearance of the notified or summoned person and of his obligation to report the reasons for the non-appearance;

8) the signature of the person who sent the summons or notice, summons.

The summons must be sent in such a way that the summoned person has sufficient time for a timely appearance to the bailiff or to the place of execution of enforcement actions.

2. A notice or summons shall be sent to the address indicated in the executive document, unless the participant in the enforcement proceedings or his representative indicated a different address, at the place of work of the participant in the enforcement proceedings by registered mail or by other means of communication with notification of their receipt, or handed over to the addressee against receipt.

A notice or summons addressed to a legal entity shall be sent to the address of its location, location of a branch or representative office.

A notice or summons may be sent to the address indicated by the legal entity in writing. A summons or notice shall be deemed delivered to a legal entity at its location, even if the legal entity is not present at the specified address.

In case of temporary absence of the notified or summoned person, the summons or notification shall be handed over to one of the adult close relatives cohabiting with him, his spouse. In this case, the person who accepted the summons or notice indicates on the spine of the summons or notice his last name, first name, patronymic (if it is indicated in the identity document), as well as his relation to the addressee.

In these cases, the summons or notice shall be deemed delivered properly.

3. A notice or summons may be sent via text messages to a subscriber's mobile number or e-mail, the state automated information system of enforcement proceedings, as well as using other means of communication that ensure the recording of a notice or call.

4. A proper notice, summons of a party is a notice, summons sent to the party of enforcement proceedings:

1) at the address indicated in the executive document, at the last known place of residence or location by means of a hybrid shipment or by registered mail with acknowledgment of its delivery;

2) by a cellular subscriber number, personally submitted by him to a bailiff, or to a cellular subscriber device registered with a party to the enforcement proceedings, upon receipt of a report confirming the delivery;

3) through the state automated information system of enforcement proceedings or using other means of communication that ensure the recording of a notice or call, unless it is proved that such a notice or call was not received or arrived later;

4) to the e-mail address indicated by the party to the enforcement proceedings;

5) other non-prohibited methods that ensure the fixation of the notice.

If a party fails to appear on a summons sent by electronic means of communication specified in subparagraphs 2), 3) and 4) of part one of this paragraph, a repeated summons shall be sent using other means of communication and delivery that ensure the recording of the call.

5. A message sent to a cellular subscriber number or email address must contain the following information:

1) last name, first name, patronymic (if it is indicated in the identity document) of the bailiff, his address;

2) last name, first name, patronymic (if it is indicated in the identity document) of the summoned or notified person or the name of the legal entity;

3) a summary of the notice, an indication of the place and time of appearance;

4) the reason for the call, the number of the enforcement proceedings on which the person is called.

The document confirming the sending of the message is attached to the materials of the enforcement proceedings.

The parties to the enforcement proceedings have the right to get acquainted with the enforcement proceedings and the materials attached to it through a personal account in the state automated information system of enforcement proceedings.

6. If the addressee refuses to accept the summons or notice, the person serving them makes an appropriate mark on the summons or notice, which are returned to the bailiff, and also has the right to draw up an act on this, including using audio and (or) video recording .

The refusal of the addressee to accept the summons or notice is not an obstacle to the performance of enforcement actions, and the person is considered to have been duly notified.

**Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

**Article 28. Delivery and serving of summons, notice, notification and procedural documents of a bailiff**

**Footnote. Title of Article 28 as amended by Law of the Republic of Kazakhstan № 376-V dated October 29, 2015 (comes into force from 01.01.2016).**

1. The summons, notice, notification and (or) procedural documents of a bailiff shall be delivered by mail or a person, instructed by the bailiff to deliver them, and shall be handed to the addressee personally against receipt on a receipt returnable to the territorial department or the office of the private bailiff. If the summons, notice, notification and (or) procedural documents of the bailiff are delivered by another type of communication, then the date and time of their delivery to the addressee shall be recorded in the established way. The summons, notice, notification and (or) procedural documents of the bailiff addressed to the organization shall be handed to the employee of the organization who signs the receipt of the summons, notice, notification and (or) procedural documents of the bailiff on the notification of delivery, indicating his surname, initials, position, date and time of receipt.

In the event that the organization (legal entity) is idle and (or) the employees of the administrative body are absent, the summons, notice, notification and (or) procedural documents of the bailiff of the organization (legal entity) shall be handed directly to the first manager or to the person acting as the first head. If they are absent, the summons, notice, notification and (or) procedural documents of the bailiff shall be handed to the chief accountant (accountant). In the absence of a management body of a legal entity, the summons, notice, notification and (or) procedural documents of the bailiff shall be handed to one of the founders of the legal entity.

2. Excluded by the Law of the Republic of Kazakhstan dated 26.06.2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

3. Excluded by the Law of the Republic of Kazakhstan dated 26.06.2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

4. Excluded by the Law of the Republic of Kazakhstan dated 26.06.2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

Footnote. Article 28 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 376-V dated 29.10.2015 (comes into force from 01.01.2016); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

## **Article 29. Changes of address during enforcement proceedings**

Parties of enforcement proceedings shall be obliged to inform enforcement agent for a change of address during enforcement proceedings. In the absence of such information a writ or notice shall be sent to the last known to enforcement agent address and shall be deemed taken and in the case if an addressee does not live at that address.

Footnote. Article 29 is in the wording of Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 30. Consequences of refusal to accept summons, notice, notification and procedural documents of the bailiff or failure to appear for their receipt**

Footnote. Article 30 is excluded by the Law of the Republic of Kazakhstan dated 26.06.2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

**Chapter 5. MEASURES OF COMPULSORY ENFORCEMENT Article 31. Basis for application of compulsory enforcement measures**

A basis for application of compulsory enforcement measures is a court order, adopted by enforcement agent to his procedure, and expiry for willful enforcement as provided in this Law.

Footnote. Article 31 is in the wording of Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 32. Measures to ensure enforcement of court orders**

1. An enforcement agent shall be obliged to take measures to ensure enforcement of court orders.

2. Measures to ensure enforcement of court orders are:

1) seizure of the debtor's property, including money and securities held by the debtor or by other individuals or legal entities (except for banks and organizations engaged in certain types of banking operations, as well as insurance organizations);

1-1) Seizure of the debtor's money and property held by banks, organizations performing certain types of banking operations, as well as insurance organizations;

2) seizure of movable property of the debtor possessed by him or by other individuals or legal entities;

2-1) seizure of immovable property of the debtor possessed by him or by other individuals or legal entities;

3) prohibition to a debtor to perform certain actions, as well as prohibition to adopt decision by a legal entity, and equally the suspension of action of adopted decisions on alienation of movable and immovable property, property and non-property rights, securities and shares in charter capital and property of a legal entity;

4) prohibition to a debtor to enjoy it owns the right of ownership of property, including money, or the indication to use it within the limits, established by enforcement agent;

5) sealing of debtor's property;

6) seizure of documents of title;

7) prohibition to transfer property to other persons, including the money to a debtor or to carry out any other obligations in relation to him.

3. In the necessary several types of enforcement cases may be used.

4. An issue of replacing one type of ensuring shall be considered by enforcement agent at the request of parties of enforcement proceedings or on their own initiative. Consideration of issue about replacing one type of ensuring does not suspend application of other previously established ensuring measures.

5. A suspension, postponement, deferment or installment of enforcement proceedings shall not involve cancellation of the previously established measures to ensure enforcement of court orders.

6. The bailiff shall take measures to ensure the execution of enforcement documents under subparagraphs 1-1), 2-1) and 6) of paragraph 2 of this Article with the sanction received in accordance with the procedure established by the civil procedural legislation of the Republic of Kazakhstan.

Authorization of measures specified in part one of this paragraph shall be carried out by the prosecutor.

The adoption of measures to ensure the execution of enforcement documents under subparagraph 1-1) of paragraph 2 of this article within the framework of simplified proceedings shall be carried out without authorization.

**Footnote.** Article 32 as amended by Laws of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 376-V dated 29.10.2015 (comes into force from 01.01.2016); № 422-V dated 24.11.2015 (comes into force from 01.01.2016); № 168-VI as of 02.07.2018 (shall go into effect upon expiry of ten calendar days after the day of its first official publication); dated 21.01.2019 № 217-VI (for implementation, see art. 2); dated 19.06.2024 № 97-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

### **Article 33 Temporary restriction and suspension of temporary restriction on the exit of an individual, head (acting) of a legal entity that is a debtor, from the Republic of Kazakhstan**

**Footnote.** Title as amended by Law of the Republic of Kazakhstan № 376-V dated October 29, 2015 (comes into force from 01.01.2016); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

1. A bailiff is obliged to issue a decision on a temporary restriction on the exit of an individual, head (acting) of a legal entity that is a debtor, from the Republic of Kazakhstan in cases of non-performance:

1) more than three months of the requirement of the executive document for the collection of periodic payments;

2) requirements of an executive document for an amount equal to or exceeding forty times the monthly calculation index established for the corresponding financial year by the law on the republican budget.

A temporary restriction on exit from the Republic of Kazakhstan is imposed after the expiration of five working days from the date of proper notification of an individual, head (acting) of a legal entity that is a debtor, of the application of a temporary restriction.

The decision of the bailiff on temporary restriction on departure of an individual, a head (acting) of a legal entity that is a debtor, from the Republic of Kazakhstan, shall be subject to the court authorization in the manner established by the civil procedural legislation of the Republic of Kazakhstan.

2. Decisions of the bailiff on temporary restriction on departure from the Republic of Kazakhstan shall be sent for execution to the Border Guard Service of the National Security Committee of the Republic of Kazakhstan through the state automated information system of enforcement proceedings.

3. Temporary restriction on the departure of an individual, head (acting) of a legal entity that is a debtor, from the Republic of Kazakhstan may be suspended if it is necessary to conduct treatment outside the Republic of Kazakhstan.

The decision of the bailiff to suspend temporary restriction on departure of an individual, a head (acting) of a legal entity that is a debtor, from the Republic of Kazakhstan specifying the period of suspension shall be subject to the court authorization in the manner established by the civil procedural legislation of the Republic of Kazakhstan.

4. Removal of the temporary restriction on the exit of an individual, head (acting) of a legal entity that is a debtor, from the Republic of Kazakhstan is carried out within one working day in the following cases:

- 1) termination of enforcement proceedings on the grounds provided for in Article 47 of this Law;
- 2) absence of debt on enforcement proceedings on periodic penalties;
- 3) return of the enforcement document without execution at the request of the court or other authority that issued the document;
- 4) requests of the collector, except for penalties in favor of the state;
- 5) change of the head of a legal entity that is a debtor with the exception of cases when the head is the sole founder (participant) of the legal entity.
- 6) cancellation of the bailiff's decision to initiate enforcement proceedings.

5. Excluded by the Law of the Republic of Kazakhstan dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

Footnote. Article 33 is in the wording of Law of the Republic of Kazakhstan No 164-V dated 15.01.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V dated 29.12.2014 (comes into force from 01.01.2015); as amended by Law of the Republic of Kazakhstan № 376-V dated 29.10.2015 (comes into force from 01.01.2016); № 156-VI as of 24.05.2018 (shall go into effect upon expiry of ten calendar days after the day of its first official publication); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

## **Article 34. Time restraints in the scope of issuance and validity of licenses and permits**

**Footnote. The title of Article 34 is in the wording of Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).**

1. In case of non-fulfillment by a debtor without justifiable reasons of a court order:

1) on collection from individual the amount over five hundred monthly calculation indices ;  
2) on collection from a legal person the amount more than a sum of two thousand five hundred monthly calculation indices;

3) on non-property nature - enforcement agent at the end of a period of enforcement under Article 39 of this Law, and on court orders on recovery of alimony in the case of non-payment of alimony by a debtor within three months, and debt creation more than a hundred monthly calculation indices shall direct to court a presentation on a temporary prohibition to issue license, permits to a debtor, as well as suspension of previously issued licenses and permits to a debtor. A presentation shall be considered by court in the order, established by the civil procedure legislation of the Republic of Kazakhstan. Copies of court rulings, rendered after consideration of enforcement agent shall be directed to a debtor for the enforcement in the relevant authorized bodies.

2. A court ruling, rendered after consideration of a presentation of enforcement agent, directed in accordance with this Article, is mandatory for enforcement by a debtor and all licensors and other government bodies, authorized to issue permits.

3. No later than the day following the day of execution of the requirements of the executive document or the emergence of grounds for cancellation of the temporary restriction in the sphere of issuance and validity of licenses, permits and special rights an enforcement agent shall give a ruling on the removal of this restriction. The copies of the said ruling shall be immediately sent to the debtor, the recoverer and the relevant authorized bodies for execution.

**Footnote. Article 34 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 156-VI as of 24.05.2018 (shall go into effect upon expiry of ten calendar days after the day of its first official publication).**

## **Article 35. Providing information about a property status by debtor**

1. The debtor is obliged, at the request of the bailiff, to provide him with information about his property, as well as to provide information on sources of income.

2. In the provided information a debtor must also indicate grounds of all payable property requirements.



3. A refusal to provide information, specified in this Article, or providing of false facts are malicious nonperformance of court orders.

4. Refusal to submit information specified in this article may be recorded through audio and (or) video fixation.

**Footnote.** Article 35 is in the wording of Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan № 376-V dated 29.10.2015 (comes into force from 01.01.2016).

### **Article 35-1. Drive**

1. In the event of failure to appear on summons without a valid reason in the cases provided for by subparagraph 8) of paragraph 1 of Article 67 of this Law, as well as bringing to administrative responsibility for the failure to execute a writ of execution, the debtor may be subject to a reasoned decision of the bailiff, authorized by the court, to be summoned.

2. The summons is carried out by the bailiff with the participation of an employee of the internal affairs agency by means of compulsory transmission to the place of enforcement actions for a period not exceeding three hours and only on working days from 9 a.m. to 8 p.m.

3. Reasons for the failure of a duly notified debtor to appear include: illness that prevents the debtor from appearing, the death of close relatives, natural disasters and other reasons that prevent the debtor from appearing at the appointed time. About presence of the valid reasons interfering with appearance on a call in the appointed term, the debtor is obliged to notify the executor by which it was caused.

4. The decision on the summons shall be announced to the debtor by the bailiff before its execution, which is certified by his signature on the decision.

If the debtor refuses to sign the order, a note is made in the order.

5. Minors, pregnant women and patients who are unable or unable to leave their place of residence for health reasons are not to be brought, and must be certified by a doctor.

**Footnote.** Chapter 5 is supplemented by Article 35-1 in accordance with the Law of the Republic of Kazakhstan dated 21.01.2019 № 217-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

### **Article 36. Unified register of debtors**

1. An authorized person shall maintain unified register of debtors for the purposes of necessary objectives required for carrying out on compulsory execution of court orders. Information on debtors shall be posted on official web-site of the authorized body.

A Unified register of debtors shall be formed and maintained through an automated information system for enforcement proceedings.

Information for inclusion in the Unified register of debtors, except for information on debtors who do not have debts on enforcement proceedings on periodic penalties for more than three months, as well as on enforcement documents on acceptance and cancellation of measures to secure the claim, shall be sent by bailiffs within three working days after the initiation of enforcement proceedings.

2. Specified information shall include:

1) last name, first name, patronymic (in its existence) of a debtor or the name of debtor's organization;

2) body, that issued a court order, date of issuance and content of unfulfilled obligation of a debtor;

3) last name, first name, patronymic (in its existence) of an enforcement agent, directing the specified information, name and address of territorial department or address of office of a private enforcement agent.

3. The debtor shall be excluded from the Unified register of debtors after termination of enforcement proceedings on the grounds provided for in Article 47 of this Law and in the absence of debt on executive proceedings on periodic penalties, and after termination of enforcement proceedings on the grounds provided for in Article 48 of this Law, under the requirements of the enforcement document.

Upon receipt of information on the fulfillment of the requirements of the enforcement document on the completed enforcement proceedings on the grounds provided for in Article 48 of this Law, the bailiff shall send relevant information to the authorized body to exclude the debtor from the Unified register of debtors within three working days.

**Footnote. Article 36 is in the wording of Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V dated 29.12.2014 (comes into force from 01.01.2015); as amended by Law of the Republic of Kazakhstan № 376-V dated 29.10.2015 (comes into force from 01.01.2016).**

## **SECTION 2. ORDER OF COMMISSION OF ENFORCEMENT PROCEDURES Chapter 6.**

### **GENERAL TERMS OF COMMISSION OF ENFORCEMENT PROCEDURES Article 37.**

#### **Adoption of a court order to proceedings**

1. Enforcement agent shall initiate enforcement proceedings on the basis of a court order at the request of recoverer, unless otherwise was not established by this Law and other legislative acts of the Republic of Kazakhstan.

2. A statement shall be signed by recoverer or his representative. A representative shall attach to statement a power of attorney or other document, proving his credentials. A statement may contain a request for seizure of debtor's property in order to ensure contained court order requirements, as well as establishment of a debtor for limitations, provided by this Law.

3. A state bailiff shall initiate an enforcement proceeding without the request of the collector in cases when the enforcement document was sent to him by a court or another body (official).

A private bailiff shall initiate an enforcement proceeding without the request of the collector in cases where the enforcement document was sent to him in the manner prescribed by subparagraph 2) of paragraph 1 of Article 162 of this Law.

4. The bailiff, after receiving a writ of execution corresponding to the requirements established by the legislation of the Republic of Kazakhstan, initiates enforcement proceedings no later than three working days, about which he makes a decision.

When initiating enforcement proceedings, a private enforcement agent concludes an agreement (agreement) with the recoverer on the conditions for the execution of the enforcement document, explains the rights and obligations of the recoverer provided for by this Law.

According to executive documents on recovery to the state income and socially significant categories of cases, enforcement proceedings are initiated by a private enforcement agent without concluding an agreement (agreement).

The bailiff, simultaneously with the initiation of enforcement proceedings, takes measures to ensure the execution of enforcement documents provided for by this Law, and also, by checking through the state automated information system of enforcement proceedings, reveals the presence of other enforcement proceedings against the debtor, if they are identified, notifies the recoverer and explains the order of priority of satisfaction his requirements under this Act.

5. After the initiation of enforcement proceedings any enforcement of debtor's duties before recoverer should be with a mandatory notification of enforcement agent.

**Footnote. Article 37 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 376-V dated 29.10.2015 (comes into force from 01/01/2016); № 156-VI as of 24.05.2018 (shall go into effect upon expiry of ten calendar days after the day of its first official publication); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

### **Article 38. Grounds, consequences and elimination of refusal reasons to initiate enforcement proceedings**

1. Enforcement agent within three days from the date of a court order receipt shall render a decision on the refusal to initiate enforcement proceedings if:

1) a court order was presented without a recoverer's statement or statement was not signed by a recoverer or his representative, except the cases, when enforcement proceedings shall be subject to initiation without of statement of a recoverer;

2) a court order was presented at the place of commission of enforcement procedures;

3) a time of presentation of a court order was expired and has not been recovered by court to enforcement;

4) a document is not enforcement or does not meet requirements of a court order.

5) a court order was previously presented for enforcement and enforcement proceedings by him was dismissed on the grounds, provided in paragraph 1 of Article 47 of this Law;

6) a court act has not been enforced, act of a body (official), which is a court order or on the basis of which was issued a court order, except court orders, subjected to immediate enforcement;

7) the recoverer has not paid to the current account of a private enforcement agent , intended for keeping the collected amounts in favor of the claimants, the amount necessary for the implementation of enforcement actions;

8) court order is not attached by the copy of court act with notation on entering into legal force, certified by signature of judge and seal of court;

9) the authorized bodies did not provide information and documents provided for by Article 896 of the Code of the Republic of Kazakhstan on administrative offenses.

10) the period established by paragraph 1-1 of Article 11 of this Law has not expired;

11) the execution of the enforcement document does not fall within the competence of a state or private enforcement agent;

12) prior to the presentation of the enforcement document, the liquidation or reorganization of the legal entity that is the recoverer or debtor has been completed, or it has been declared bankrupt;

13) the term for voluntary execution of the decision on the imposition of an administrative penalty, the order on the need to pay a fine has not expired.

2. A copy of decision of enforcement agent on the refusal of initiating of enforcement proceedings with application of all received documents no later than a day, following the date of rendering of decision shall be directed to a recoverer and in court or body (official) for issuing a court order.

In a decision of refundment must be indicated grounds, on which a court order is returned.

3. Elimination of the circumstances provided for by subparagraphs 1), 2), 3), 4), 6), 7), 8), 9), 10), 11) and 13) of paragraph 1 of this article does not prevent the re-sending (presentation ) an enforcement document to a bailiff in the manner prescribed by this Law.

For elimination of circumstances, provided in subparagraph 7) of paragraph 1 of this Article, a private enforcement agent shall establish for recoverer a term of 10 days. In the case if in specified period a recoverer will not pay necessary amount to a current account, a court order shall be deemed as not presented to enforcement and shall be returned to recoverer.

4. A date of filing of a court order received by enforcement agent after elimination its defects or later than established term, shall be deemed the day of his secondary income.

5. A court order that came with unrepaired defects, specified in a decision on its return, shall not subject to enforcement and shall be returned to the body or person who directed it.

Footnote. Article 38 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 236-V dated July 5, 2014 (comes into force from 01.01.2015); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

#### **Article 39. Period for enforcement of court orders**

1. Enforcement of court orders by enforcement agents must be completed no later than two months from the date of initiation of enforcement proceedings, with exception of court orders on periodic recoveries, except the cases, when were established other periods of enforcement by legislative acts.

2. On court orders, related with wracking of buildings, with the manufacturing of process operations, as well as on court orders on pecuniary, which requires the extent with the involving of specialists, performance of expert examination, realization, asset tracing of a debtor, enforcement shall be completed no later than four months.

3. Other periods not provided for by this Law may be agreed in writing between the claimant and the private enforcement agent , and they may not exceed six months .

4. The term of enforcement proceedings does not include the time during which:

1) the execution of enforcement documents was suspended, delayed or spread over time on the grounds provided for by this Law;

2) the debtor is granted the right to independently sell the seized property.

Footnote. Article 39 as amended by the Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication); dated December 31, 2021 № 100 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

#### **Article 40. Deferral, extension, changing the way and procedure of enforcement, indexation of judgment amounts**

In existence of circumstances that make enforcement procedures difficult or impossible, a recoverer or a debtor or enforcement agent shall have the right to put the issue on change of the method and procedure for enforcement before court, trying a case, or before court according to the place of enforcement.

Issue on deferral or extension of enforcement, as well as indexation of judgment amounts shall be decided by court upon application of parties of executive proceeding.

Footnote. Article 40 is in the wording of Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 41. Postponement of enforcement procedures**

Footnote. Article 41 is excluded by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 42. Obligation of enforcement agent to defer enforcement proceedings**

Enforcement proceedings are subject to suspension within one working day in the following cases :

1) the death of the exactor, the entry into force of the court decision on recognizing the exactor as missing or on declaring him dead, if the legal relationship allows succession;

2) initiation by the court of proceedings in a case of rehabilitation or bankruptcy, with the exception of payments to citizens to whom the debtor is liable for causing harm to life or health, without taking into account claims for compensation for moral damage, as well as the forced reorganization of the legal entity that is the debtor, or the adoption of a decision court for compulsory liquidation;

2-1) initiation by a court of insolvency or judicial bankruptcy proceedings, as well as the initiation of out-of-court bankruptcy proceedings under the Law of the Republic of Kazakhstan “On Restoration of Solvency and Bankruptcy of Citizens of the Republic of Kazakhstan”;

3) enforcement of a court verdict on recognition of recoverer or debtor as incapable, partially capable;

4) is excluded by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication);

5) excluded by the Law of the Republic of Kazakhstan dated 06/26/2020 № 349-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication) ;

6) rendering of decision by a court or official, provided by the right of suspension of enforcement of court act by the legislation of the Republic of Kazakhstan, on the basis of which the court order is issued, as well as provision of deferral, extension of enforcement for the certain term;

6-1) forced eviction of citizens belonging to socially vulnerable groups of the population, as well as families with and raising minor children and (or) where persons with disabilities of the first or second group with permanent or temporary registration at the place of residence live, from the only home on the territory of the Republic of Kazakhstan during the heating season in accordance with paragraph 3-1 of Article 29 of the Law of the Republic of Kazakhstan "On Housing Relations";

7) filing a lawsuit in court for exclusion from the inventory of property, which is foreclosed on a writ of execution;

8) adoption by the authorized body for regulation, control and supervision of financial market and financial organizations of a decision to revoke or suspend licenses to operate in the financial market or a decision on temporary shutdown of a financial organization;

9) an initiation by court a case on compulsory liquidation of Bank, insurance (reinsurance) organizations, the Pension Savings Fund;

9-1) adoption by the authorized body for regulation, control and supervision of the financial market and financial organizations of a decision to revoke the license of a branch of a non-resident bank of the Republic of Kazakhstan, a branch of an insurance (reinsurance) company-non-resident of the Republic of Kazakhstan;

10) an adoption by court a decision on restructuring of financial organization;

10-1) an adoption by court a decision on the restructuring of Organization, which is a member of banking conglomerate as a parent organization and not a financial institution;

11) shall be excluded by Law of the Republic of Kazakhstan № 308-V dated April 22, 2015 (comes into force ten calendar days after the day of its first official publication);

11-1) temporary absence of a debtor for the term of more than one month (being of a debtor in medical treatment facility, official business trip, beyond the boundaries of inhabited locality, as well as due to active military service in Armed Forces, other forces and military formations of the Republic of Kazakhstan) under condition that executive proceeding may not be carried out without its participation;

11-2) non-payment by the recoverer to the current account , intended for storing the collected amounts in favor of the recoverers, the amount necessary for the implementation of enforcement actions, by the deadline set by the private enforcement agent;

12) a written application of a recoverer;

13) vindications of enforcement proceedings by a court, prosecutor's office or other Law enforcement bodies, vested with such right.

14) if the prosecutor sanctioned the decision of the bailiff to declare a search for the debtor.

In the case provided for by subparagraph 7) of part one of this article, the enforcement actions shall be only suspended in respect of the property in respect of which the claim for exclusion from the inventory (release from arrest) is brought.

In case, provided by subparagraph 12 of the part 1 of this Article, the enforcement procedures in the part of conducting the invited biddings, as well as fulfillment of collection orders shall not be suspended.

Footnote. Article 42, as amended by Laws of the Republic of Kazakhstan № 368-IV dated 28.12.2010 (shall be enforced upon expiry of ten calendar days after its first official publication); № 414-IV dated 01.03.2011 (shall be enforced from 01.01.2010); № 564-IV dated 17.02.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); No 30-V dated 05.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); No 106-V dated 21.06.2013 (shall be enforced upon expiry

of ten calendar days after its first official publication); № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 270-V dated December 29, 2014 (comes into force ten calendar days after the day of its first official publication); № 308-V dated April 22, 2015 (comes into force ten calendar days after the day of its first official publication); dated 03.07.2019 № 262-VI (shall be enforced from 01.01.2020); dated 27.12.2019 № 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 06/26/2020 № 349-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 02.01.2021 № 399-VI (shall be enforced from 16.12.2020); № 179-VII of 30.12.2022 (shall be promulgated sixty calendar days after the date of its first official publication); dated 19.06.2024 № 97-VIII (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

#### **Article 43. Right of enforcement agent to suspend enforcement proceedings**

Footnote. Article 43 is excluded by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 44. Suspension periods of enforcement proceedings**

Enforcement proceedings shall be deferred in the following cases:

1) provided for in subparagraphs 1), 2), 3) of Article 42 of this Law, - until the determination of the legal successor of the debtor or the claimant, the appointment of a guardian or trustee to the incapacitated or partially capable debtor or the claimant, the adoption in the prescribed manner of a decision on liquidation of a legal entity or a decision declaring the debtor bankrupt, or issuing a ruling on approval of the rehabilitation plan;

1-1) foreseen by sub-paragraph 2-1) of part one of Article 42 hereof - prior to making a decision on application of procedures under the Law of the Republic of Kazakhstan “On Restoration of Solvency and Bankruptcy of Citizens of the Republic of Kazakhstan”;

2) provided for by subparagraph 7) of Article 42 of this Law - until the entry into force of a judicial act;

3) provided by subparagraph 6) of Article 42 of this Law – before completion of proceeding in the manner of supervision or before regulation of the relevant official on cancellation of suspension of execution of court act, on the basis of which the court orders is issued, as well as provision of deferral, extension of execution for the certain term;

3-1) provided for by subparagraph 6-1) of Article 42 of this Law - before the end of the heating season at the location of the only one owned dwelling in the territory of the Republic of Kazakhstan;



4) provided by subparagraph 10) of Article 42 of this Law – before termination of restructurisation of financial organization;

5) provided by subparagraph 10-1) of the part one of Article 42 of this Law – before termination of restructurisation of organization, included to banking conglomerate in the capacity of parental organization and that is not financial organization;

6) provided by subparagraph 11-1) of Article 42 of this Law – before release of a debtor from medical treatment facility, return from business travel to inhabited locality, as well as from active military service in Armed Forces, other forces and military formations of the Republic of Kazakhstan due to completion of active military service;

7) provided for by subparagraph 11-2) of Article 42 of this Law - before the creditor deposits the amount necessary for the implementation of enforcement actions to the current account intended for storing the collected amounts in favor of the creditors;

8) provided for by subparagraph 12) of part one of Article 42 of this Law - from the date of receipt of the application from the recoverer for a period of not more than ten calendar days, and when the parties conclude a mediation agreement for a period of not more than thirty calendar days;

9) provided by subparagraph 13) of Article 42 of this Law – before return of enforcement proceedings by body that reclaimed it.

10) provided by subparagraph 14) of Article 42 of this Law – before establishment of location area of a debtor or detection of his (her) property.

**Footnote.** Article 44 is in the wording of Law of the Republic of Kazakhstan № 164-IV dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Laws of the Republic of Kazakhstan № 269-V dated December 29, 2014 (comes into force from 01.01.2015); № 270-V dated December 29, 2014 (comes into force ten calendar days after the day of its first official publication); № 308-V dated April, 22, 2015 (comes into force ten calendar days after the day of its first official publication); dated 27.12.2019 № 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication); dated 20.12.2021 № 84-VII ( shall be enforced upon the expiration of ten calendar days after the day of its first official publication); № 179-VII of 30.12.2022 (shall be brought into force sixty calendar days after the date of its first official publication).

#### **Article 45. Search for a debtor**

1. If the place of stay of the debtor is unknown, the bailiff is obliged to apply to the prosecutor's office at the place of execution of the writ of execution with a decision to announce the search for the debtor through the internal affairs bodies, the anti-corruption

service, the economic investigation service. When declaring the search for a debtor and the absence of property which can be foreclosed, the enforcement proceedings shall be suspended

When establishing the location of the debtor or identifying his property, enforcement proceedings shall be resumed.

2. The search for the debtor is carried out with the sanction of the prosecutor by the internal affairs bodies, the anti-corruption service, the economic investigation service in the manner prescribed by the legislation of the Republic of Kazakhstan.

3. The expenses for the search of the debtor shall be related to the costs of executing the enforcement actions and shall be recovered by the court from the debtor to the state budget.

The expenses for search of the debtor shall be determined on the basis of the request of the bodies that carried out the search.

**Footnote. Article 45 is in the wording of Law of the Republic of Kazakhstan № 248-V dated 07.11.2014 (comes into force ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 26.06.2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

#### **Article 46. Reopening of enforcement proceedings**

Enforcement proceedings shall be resumed after the elimination of the circumstances that caused its suspension, upon the application of the recoverer or at the initiative of the bailiff.

Enforcement proceedings shall be resumed in the event of the expiry of the suspension periods specified in subparagraph 8) of Article 44 of this Law.

**Footnote. Article 46 as amended by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (comes into force from 01.01.2015).**

#### **Article 47. Grounds and consequences of enforcement proceedings deferral**

1. Enforcement proceedings shall be ceased if:

1) a recoverer refused from collection;

1-1) a court ruling on approval of an agreement on debt restructuring has come into legal force;

2) a recoverer and a debtor settled amicably, and it is confirmed by a court;

2-1) parties of enforcement proceeding concluded agreement on settlement of dispute in the manner of mediation;

3) after the death of the citizen, who is a recoverer or a debtor, the requirements or obligations, established by a decision may not be passed to the legal successor of the dead person;

4) was lost the possibility of the enforcement of court orders, which obliges a debtor to commit certain actions (to refrain from commission of certain actions) was lost;

5) a resolution of the body, on the basis of which was issued a court order is revoked;

5-1) a court decision has become enforceable to terminate the bankruptcy proceedings and terminate the bankrupt's obligations outstanding during the bankruptcy proceedings against a creditor included in the creditor claims register or a court decision to approve a solvency rehabilitation plan;

5-2) the extrajudicial bankruptcy procedure has been completed and the debtor has been declared bankrupt concerning the creditors specified in subparagraph 11) of Article 1 of the Law of the Republic of Kazakhstan "On Restoring Insolvency and Bankruptcy of Citizens of the Republic of Kazakhstan", information about which is reflected in the database of credit bureaus;

6) liquidation of a legal entity that was a claimant or a debtor has been completed - in the absence of a legal successor or an executive document has been sent for execution to the liquidation commission of a legal entity that is a debtor, a court decision has entered into force on declaring the debtor bankrupt or a court ruling on approval of a rehabilitation plan;

7) a collection or other requirement of a court order was enforced in full;

7-1) debts on enforcement proceeding on recovery of alimony after reaching the majority are absent;

8) a recoverer refused to receive items, seized from a debtor in the enforcement of a court order on their transfer to a debtor;

8-1) a debtor doesn't have property, as well as money, securities or incomes, all the measures on detection of his (her) property or incomes found issueless in the course of enforcement of court order on confiscation of property;

9) the court decision to terminate the restructuring on the grounds provided for in subparagraph 2) of the first part of Article 354 of the Civil Procedure Code of the Republic of Kazakhstan has entered into force;

10) the mortgage is terminated in accordance with Article 37 of the Law of the Republic of Kazakhstan "On Mortgage of Real Estate".

2. In cases of termination of enforcement proceedings, the bailiff within 24 hours shall issue a resolution on this matter. The enforcement document or a copy thereof with the appropriate note shall be sent by the bailiff to the court or other authority that issued the document.

Simultaneously with termination of enforcement proceedings, the enforcement measures shall be subject to cancellation. According to the enforcement documents, terminated on the basis of subparagraphs 1), 2), 2-1) and 7) of paragraph 1 of this article, after execution of which the enforcement sanction, execution costs, penalties and the amount of payment for the activities of a private bailiff, the measures of security of the fulfillment shall be subject to cancellation only after their collection.

In cases of the debtor's payment by means of "electronic government" and payment systems integrated with the state automated information system of enforcement proceedings,

the termination of enforcement proceedings shall be formed in electronic form and the enforcement measures shall be automatically lifted.

A terminated enforcement proceeding cannot be started again, except for cases when the actions of a bailiff to execute the enforcement document, the proceedings on which have been terminated, are recognized as illegal.

Footnote. Article 47 as amended by Laws of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 177-V dated 07.03.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 376-V dated 29.10.2015 (comes into force from 01.01.2016); № 399-V dated 13.11.2015 (comes into force ten calendar days after the day of its first official publication); dated 27.12.2019 № 290-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication); dated December 31, 2021 № 100 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); № 179-VII of 30.12.2022 (shall become effective sixty calendar days after the date of its first official publication); dated 19.06.2024 № 97-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

#### **Article 48. The return of court orders to recoverer**

1. Court order, on which the collection was not enforced or is not enforced in full, by decision of enforcement agent shall be returned to a recoverer in the following cases:

- 1) at the request of a recoverer
- 2) if a debtor has no property, including cash, financial credit documents or income, which may be collected, and all assume measures, provided by the Law, by enforcement agent to identify his property or income have been unsuccessful;
- 3) if on a court order of non-property all measures, provided by the Law on the enforcement, were unsuccessful;
- 4) if a recoverer has refused to retain a property of a debtor, not sold during the enforcement of a court order;
- 5) is excluded by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication);
- 6) if the recoverer has refused to deposit into the current account of a private enforcement agent , intended for keeping the collected amounts in favor of the claimants, the advance amounts necessary to cover the costs of enforcement;
- 7) excluded by the Law of the Republic of Kazakhstan dated 06/26/2020 № 349-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication) ;

7-1) in case of retirement of a debtor (death of a citizen, reorganization of legal entity, assignment of a debt) as from the date of enforcement of court order, an enforcement agent shall return the court order without enforcement to a recoverer with explanation of the right to judicial recourse with requirement on establishment of legal successor and change of a debtor, with the exception of cases, provided by this Law;

7-2) if in the process of execution of the executive document it turns out that the debtor has left for a permanent place of residence outside the Republic of Kazakhstan, except for cases when the debtor's property is located in the Republic of Kazakhstan;

8) existence of grounds for the removal of a private enforcement agent, referred to in paragraph 1 of Article 54 of this Law.

2. A return of a court order to a recoverer is not an obstacle for duplicative presentation of this document to the enforcement within the statutory of established by the Law period of limitation.

3. Court orders, on which the collection shall be carried out in profit of state, returned with the compliance of the following order:

1) a court order, issued (passed on ) by the court, shall be returned to the government body that initiated the claim or made the protocol on administrative violation;

2) a decision of body (official), authorized to consider cases on administrative offenses, shall be returned to the appropriate authorized body (official);

3) is excluded by Law № 91-VI of the Republic of Kazakhstan as of 11.07.2017 (goes into effect ten calendar days after its first official publication);

4) court orders for the collection in the profit of state on criminal cases shall be returned to the court;

5) an order to pay a fine issued by a body (official) authorized to impose administrative penalties shall be returned to the appropriate authorized body (official).

4. Is excluded by the Law of the Republic of Kazakhstan dated 27.04.2012 No 15-V (shall be enforced upon expiry of ten calendar days after its first official publication.)

5. Court order, on which the recovery is performed not in full measure, as well as on which the bidding is announced shall be returned to a recoverer upon application, if a recoverer reimburses incurred expenses in fact on enforcement.

6. Enforcement measures are subject to cancellation in the following cases:

1) provided for by subparagraph 1) of paragraph 1 of this article, if the recoverer reimbursed the actually incurred costs of enforcement and paid for the activities of a private enforcement agent;

2) the expiration of the term for presenting the enforcement document for enforcement, provided for in Article 11 of this Law.

Footnote. Article 48, as amended by Laws of the Republic of Kazakhstan № 15-V dated 27.04.2012 (shall be enforced upon expiry of ten calendar days after its first official publication.); № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days

after its first official publication); № 376-V as of 29.10.2015 (goes into effect on 01.01.2016); № 91-VI as of 11.07.2017 (goes into effect ten calendar days after its first official publication ); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

#### **Article 49. Consummation of enforcement proceedings**

Enforcement proceedings shall be considered consummated in the cases of:

- 1) return of a court order on the grounds, specified in Article 48 of this Law;
- 2) termination of enforcement proceedings on the grounds, specified in Article 47 of this Law;
- 3) return of a court order without the enforcement at the request of a court or other body, that issued the document.

#### **Article 50. Examination of issues on deferral or termination of enforcement proceedings, return of a court order to a recoverer or its direction to the bankruptcy manager in a liquidation committee of a debtor- legal entity**

1. The issues on suspension, termination of enforcement proceedings, the return of a court order or its direction to the bankruptcy manager in a liquidation commission of a debtor- legal entity shall be considered by enforcement agent.

2. On the suspension, termination of enforcement proceedings, the return of a court order or the direction of its bankruptcy trustee in the liquidation commission of a debtor- legal entity officer of a court shall issue an order, which is for the state court officers shall be subject to approval by the head of the territorial body.

3. A decision of enforcement agent on deferral, termination of enforcement proceedings, the return of a court order or its direction to the bankruptcy manager in a liquidation commission of a debtor- legal entity may be appealed to a court.

**Footnote.** Article 50 is in the wording of Law of the Republic of Kazakhstan № 177-V dated 07.03.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 51. Clarification of court order, subjected to enforcement**

In case of uncertainty of a court order an enforcement agent, received it for his enforcement, as well as a recoverer or debtor may seize a court or body that issued a court order, for the clarification of a decision or other act on the basis of which a court order was issued.

**Footnote.** Article 51 is in the wording of Law of the Republic of Kazakhstan № 164-V dated.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 52. The place of commission of enforcement procedures**

1. Court order shall be presented at the place of registration of an individual – a debtor or at the place of his (her) permanent place of residence, or at the place of his (her) work with carrying out of enforcement procedures at the place of presentation, as well as at the place of registration or location of his (her) property.

If a debtor is a legal entity, the court order shall be presented at the place of registration or location of its body (incorporator) in fact with carrying out of enforcement procedures at the place of presentation, as well as at the place of registration or location of its property.

At the place of commission of enforcement procedures, an enforcement agent may use audio, photo, video recording, about which the notation shall be made in the service document with the following attachment of received material to enforcement proceeding.

2. The enforcement of court orders, obliging a debtor to commit certain actions shall be carried out by enforcement agent at the place of the commission of such actions.

3. If necessary, the commission of certain enforcement procedures, and (or) the application of specific measures of enforcement in the territory, which is not subject to the powers of the state enforcement agent, he is entitled to instruct to the relevant state enforcement agent to commit enforcement procedures and ( or) to apply enforcement measures. A procuratory shall be made out by a decision of state enforcement agent in accordance with Article 10 of this Law and approved by the head of the territorial body.

4. If during the enforcement of a court orders will be developed that a debtor, a debtor's property are in the territory, which is not subject to the powers of enforcement agent:

1) An enforcement agent shall immediately make a ruling to send the executive document on territoriality to another state enforcement agent at the new place of residence or actual residence of the debtor, new place of his work, new location of the debtor – of a legal entity and shall notify the recoverer thereof.

An executive document and materials of the enforcement proceedings shall be sent via the state automated information system of enforcement proceedings, whereas hard copies of the executive document and all materials of the enforcement proceedings shall be sent no later than three working days from the date of the ruling.

A copy of the executive document shall remain in the enforcement proceedings.

The executive document received in electronic form and the materials of the enforcement proceedings shall be sent only via the state automated information system of enforcement proceedings;

2) within three working days, a private enforcement agent issues a decision to send a writ of execution to the relevant regional chamber of private enforcement officers by territoriality, about which he notifies the recoverer or, in agreement with him, has the right to take enforcement actions with a trip outside his executive district for the sale of real estate the debtor at the place of his registration and (or) other property at the place of his location, as

well as, in agreement with the private enforcement agent of the relevant executive district, instruct him to perform certain enforcement actions.

The instruction shall be issued by a resolution of a private enforcement agent in accordance with Article 10 of this Law.

5. A private bailiff who has sent a writ of execution to the relevant regional chamber of private bailiffs by territoriality in the manner prescribed by this article is obliged to return the unused advance fee to the recoverer.

**Footnote. Article 52 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 156-VI as of 24.05.2018 (shall go into effect upon expiry of ten calendar days after the day of its first official publication); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

### **Article 53. The time of the commitment of enforcement procedures**

1. Enforcement procedures shall be committed during business days - from six to twenty-two hours. The specific time of the commitment of the enforcement procedures in this range shall be determined by enforcement agent. The parties of enforcement proceedings shall have the right to offer a convenient time for them to commit the enforcement procedures.

2. On weekends and holidays, as well as night-time the enforcement procedures shall be permitted only in the cases of urgency or when on the fault of a debtor their commitment is impossible in other days and in the established time by this Law.

### **Article 54. Recusations in enforcement proceedings**

1. Enforcement agent, a translator, a specialist may not participate in enforcement proceedings and shall be subject to the recusation if they are personally, directly or indirectly are interested in the outcome of enforcement proceedings or there are other circumstances, in particular, their relationship with the parties, their representatives, raising doubts as to their impartiality.

2. In the presence of circumstances to remove the persons, referred to in paragraph 1 of this Article, shall recuse himself or herself. A recusation shall be justified and declared in writing prior to the commission of the enforcement procedures. A recusation in the process of enforcement shall be allowed if there was a reason for it and it became known after the commission of the enforcement procedures.

3. Issue on a recusation of state enforcement agent shall be solved by the head of the territorial department, about what a reasoned decision shall be made.

The issue on recusation of the translator or specialist shall be solved by enforcement agent, about what a reasoned decision shall be made, which shall be confirmed by the head of the territorial body.



In the presence of the grounds, referred to in paragraph 1 of this Article, a private enforcement agent shall return a court order to a recoverer, about what a decision shall be made.

4. Decision about the refusal in the recusation of enforcement agent not to challenge may be appealed and challenged in the established order in the court. Filing a complaint or appeal shall not suspend the proceedings of the enforcement procedures.

**Footnote. Article 54 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Chapter 7. LEVY EXECUTION ON A DEBTOR'S PROPERTY**

### **Paragraph 1. Basic rules Article 55. The order of levy execution on a debtor's property**

1. Levy execution on a debtor's property shall include seizure of property and (or) its compulsory realization or the transfer to a recoverer.

2. Collection on court orders shall be drawn, first of all, to the cash amount of a debtor, including banks and organizations, engaged in certain types of banking operations, unless other order was not specified in a court order.

3. Levy execution on the cash amount of a debtor that appear on accounting (cash register ) documents, shall be carried out independently of the consent of a debtor immediately upon the grant or detection regardless of where they were stored.

Cash amount of a debtor, including stored in the safes of cash of a debtor and situated in a separate room of the office or other premises of a debtor, shall be subject to the seizure immediately upon their detection, if it is credibly known that they belong to a debtor.

4. If the debtor does not have sufficient sums of money to pay off the debt, the execution is levied on other property belonging to the debtor. The bailiff, with the written consent of the recoverer or claimants of the same stage and the debtor, having previously assessed the property, in accordance with Article 68 of this Law, has the right to transfer it to the claimant or recoverers of the same stage in kind without sale.

When accepting the debtor's property in kind, the recoverer or claimers of the same order shall reimburse the amount of expenses for performing enforcement actions and the amount of payment for the activities of a private enforcement agent in proportion to the value of the transferred property.

In case of transfer of property in kind, the encumbrances imposed on this property by other bailiffs shall be canceled by the bailiff carrying out the transfer, with the exception of encumbrances imposed by the court in order to secure the claim.

5. The collection on property of a debtor shall be levied in that extent and volume that is necessary for the enforcement of a court orders, taking into account the cost of enforcement and payment of the costs for a private enforcement agent activity. In case of insufficiency of other property of a debtor the collection may be levied on its property, the cost of which shall

exceed the amount of recovery under a court order. In such cases, after the sale of property a debtor shall receive the proceeds of sale less collected amount and cost of the enforcement by a court order, as well as the amounts, paid for a private enforcement agent's activity.

6. Being a debtor in detection shall not prevent the levy execution on his property.

7. In awarding a recoverer the certain items, specified in a court order enforcement agent shall withdraw these items from a debtor and transfer them to a recoverer with drawing up the act of transmission.

8. Foreclosure on the debtor's property, including the share in the common property, except for the foreclosure of money in banks and organizations engaged in certain types of banking operations, insurance organizations, as well as on the wages of the debtor and other types of income of the debtor, by the bailiff is carried out with the approval of the prosecutor.

**Footnote. Article 55 as amended by Laws of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 376-V as of 29.10.2015 (goes into effect on 01.01.2016); № 156-VI as of 24.05.2018 (shall go into effect upon expiry of ten calendar days after the day of its first official publication); dated 21.01.2019 № 217-VI (shall be enforced upon expiration of three months from the date of its first official publication); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

#### **Article 56. Levy execution on property of legal persons and individual entrepreneurs**

1. If a debtor has no sufficient money to pay off debts, any other property belonging to it may be foreclosed on, as well as that of founders (participants) of a legal person, unless the law establishes restrictions with respect to this property and provides for the property liability of the founders (participants) of the legal person.

2. If during the enforcement it is established that a property of a debtor- legal person or individual entrepreneur is not enough to repay the debt, and the civil Law of the Republic of Kazakhstan allows recognition of a debtor as insolvent (bankrupt), enforcement agent must notify a recoverer.

3. The levy execution on a debtor's property, duly recognized as insolvent (bankrupt), shall be carried out in accordance with the laws of the Republic of Kazakhstan for bankruptcy

4. In case of reorganization of a legal person, foreclosure on its property shall be suspended until the designation of a debtor's successor in accordance with the procedure established by the civil legislation of the Republic of Kazakhstan.

**Footnote. Article 56 as amended by Law of the Republic of Kazakhstan № 177-V dated 07.03.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V as of 29.12.2014 (goes into effect on 01.01.2015).**

#### **Article 57. The levy execution on mortgaged property**

1. A mortgaged property may be levied in case of insufficiency of other property of a debtor for the full satisfaction of all due to it claims, not secured by mortgage, with the compliance of established by the civil legislation of the Republic of Kazakhstan encumbrance's rights.

2. On insufficiency of a debtor's property, not in pledge for satisfaction of due claims of a recoverer, not having the right on a property of a debtor, collection on mortgaged property, except a property that is collateral for the secured bonds, and real estate held as collateral for residential mortgage loan obligation, may be levied for the benefit of non- mortgagees claimants whose claims take precedence over the requirement of the mortgagee, on the basis of a court decision. A court decision on the levy execution on mortgaged property shall be made at the request of enforcement agent in the judicial sitting with the notice of incumbrancer, recoverer and debtor of the time and place of a judicial sitting. The realization of property shall be carried out in this case according to the rules of the mortgaged property. In this case, requirements shall be satisfied from the costs of sold property in order of priority, established by Articles 110-112 of this Law.

The pledgee has the right to declare that he retains the pledged property. In this case, within the limits of the liquid value (not exceeding seventy percent of the assessed value) of the pledged property, he is obliged to satisfy the claims of claimants who have an advantage over the claims of the pledgee, in the amount of the value exceeding the value of the property necessary for the pledgee to fully satisfy all his claims on the pledge.

3. Excluded by the Law of the Republic of Kazakhstan dated June 29, 2020 № 352-VI ( shall be enforced ten calendar days after the day of its first official publication).

Footnote. Article 57 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.06.2020 № 352-VI (shall be enforced ten calendar days after the day of its first official publication).

#### **Article 58. The levy execution on sums of money and other property of a debtor, held by others persons**

1. On the levy execution on the sums of money and other property of a debtor, held by other persons, an enforcement agent shall arrest and take measures to the compulsory collection.

It shall be prohibited to seize the debtor's money held in a bank account opened for receiving allowances and social welfare payments transferred from the state budget and (or) the State Social Insurance Fund, housing payments, money held in housing construction savings banks in the form of housing construction savings accumulated through the use of housing payments, money deposited under the terms of a notary deposit, financial instruments that are contributions to guarantee or reserve funds of a clearing organization (of the central

counterparty), margin contributions, full and (or) partial enforcement of obligations under transactions concluded in the stock exchange trading system using open trading and (or) with the participation of the central counterparty as well as with money held in bank accounts intended for crediting compensation for investment costs.

Restrictions regarding the seize of money held in bank accounts opened for receiving compensation for investment costs shall not apply to the requirements relating to the first, second and third sequence in accordance with the sequence stipulated by paragraph 2 of Article 742 of the Civil Code of the Republic of Kazakhstan.

2. Collection of the debtor's monetary amounts held in banks or organizations carrying out certain types of banking operations shall be carried out by issuing a collection order by the territorial body through the state automated information system of enforcement proceedings or by a bailiff. When sending a collection order on paper, copies of the enforcement documents certified by the seal of the private bailiff or territorial department are attached to the collection order. The private bailiff, the head of the territorial department - senior bailiff shall be responsible for the authenticity of the copy of the enforcement document.

No penalty shall be imposed on a person:

1) money in bank accounts, and (or) electronic money held in electronic money wallets intended for crediting benefits and social payments paid from the state budget and (or) the State Social Insurance Fund;

2) money held in bank accounts intended for crediting housing payments, lump-sum pension payments from the unified accumulative pension fund to improve housing conditions, and (or) pay for treatment, target assets, payments of targeted savings from the unified accumulative pension fund to improve housing conditions and (or) pay for education;

2-1) money in the bank account in a housing construction savings bank with the status of national development institute, intended for the transfer of payments and subsidies for the purpose of paying for rented housing in the private housing stock;

3) money held in bank accounts in housing construction savings banks in the form of housing construction savings, accumulated through the use of housing payments, in the form of payments of targeted savings from the unified accumulative pension fund to improve housing conditions and (or) pay for education;

4) money deposited on the terms of notary's deposit;

5) money on bank accounts under the agreement on educational savings deposit concluded in accordance with the Law of the Republic of Kazakhstan "On the state educational savings system";

6) assets of the social health insurance fund and targeted contribution funds allocated for the guaranteed volume of free medical care located in bank accounts;

6-1) for funds kept in bank accounts designated to record the investment portfolio manager's customers' funds for the outstanding obligations of the investment portfolio manager;

6-2) for funds held in bank accounts designed to record the money of the nominee's customers for the outstanding obligations of the nominee;

7) money on bank accounts intended for crediting compensation of investment costs in accordance with the legislation of the Republic of Kazakhstan in the field of public-private partnership and concessions.

The provision of this subparagraph does not apply to the withdrawal of money on the requirements relating to the first, second and third queues in accordance with the order provided by paragraph 2 of Article 742 of the Civil Code of the Republic of Kazakhstan;

8) financial instruments, which are contributions to guarantee or reserve funds of a clearing organization (central counterparty), margin contributions, full and (or) partial security of fulfillment of obligations under the deals concluded in the trading system of the stock exchange by open trade method and (or) with participation of the central counterparty;

9) money in bank accounts in the second-tier banks in the form of savings for the overhaul of the common property of the condominium object, with the exception of penalties based on court decisions on the cases of default on obligations under contracts concluded for the overhaul of common property of the condominium object.

10) money on the current account of a private enforcement agent, intended for the storage of recovered amounts in favor of recoverers.

11) money held on the bank account of a single operator in the field of public procurement, intended to be deposited by potential suppliers or suppliers of money as security measures in the framework of participation in public procurement in accordance with the Law of the Republic of Kazakhstan "On Public Procurement";

12) funds available in the current account of the financial manager for depositing money in bankruptcy proceedings under the Law of the Republic of Kazakhstan "On Restoration of Solvency and Bankruptcy of Citizens of the Republic of Kazakhstan".

13) money in bank accounts intended for the transfer of financial assistance provided in accordance with subparagraph 1) of paragraph 4 of Article 112 of the Social Code of the Republic of Kazakhstan.

3. If there is no or insufficient money in a bank account with respect to which a collection order is issued, money is recovered from another (other) bank account (s) of the debtor in tenge or in foreign currency using the market exchange rate set as of the day of the payment in accordance with the procedure established the National Bank of the Republic of Kazakhstan jointly with the authorized state body regulating activities in the field of accounting and financial reporting. The keeping and execution of the collection order in the cases provided for in this paragraph shall be made as and when money arrives in bank accounts of the debtor until it is fully executed or the bank closes the bank account due to the client's liquidation or absence of money in the client's bank account for more than one year in accordance with the procedure specified in the regulatory legal act of the National Bank of the Republic of Kazakhstan.

4. In case of partial execution of an enforcement document, an enforcement agent shall put a note on the amount paid in the enforcement document.

5. When suspending or terminating or revoking the license of a private enforcement agent who issued a collection order, the private enforcement agent to whom the enforcement proceedings were transferred sends to the bank or organization engaged in certain types of banking operations an order to revoke a payment document, a resolution on acceptance for its production of a writ of execution and at the same time issues a new collection order.

Footnote. Article 58 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 12-VI as of 26.07.2016 (goes into effect thirty calendar days after its first official publication); № 114-VI as of 12.12.2017 (goes into effect on 01.01.2018); № 168-VI as of 02.07.2018 (shall go into effect upon expiry of ten calendar days after the day of its first official publication); № 171-VI as of 04.07.2018 (shall go into effect upon expiry of ten calendar days after the day of its first official publication); dated 21.01.2019 № 217-VI (shall be enforced ten calendar days after the day of its first official publication); dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 26.06.2020 № 349-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 02.01.2021 № 399-VI (shall be enforced from 01.01.2021); dated December 30, 2020 № 397-VI (shall be enforced six months after the day of its first official publication); dated 15.11.2021 № 72-VII (shall be enforced from 01.01.2022); № 138-VII of 12.07.2022 (shall be put into force sixty calendar days after the date of its first official publication); № 177-VII of 30.12.2022 (shall come into effect ten calendar days after the date of its first official publication); № 179-VII of 30.12.2022 (shall take effect sixty calendar days after the date of its first official publication); dated 19.04.2023 № 223-VII (shall be enforced from 01.01.2024); dated 16.11.2023 № 40-VIII (shall be enforced from 01.01.2024); dated 16.05.2024 № 82-VIII (shall come into effect upon expiry of ten calendar days after the date of its first official publication); dated 19.06.2024 № 97-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication); dated 22.11.2024 № 138-VIII (effective six months after the date of its first official publication).

#### **Article 59. Revocation of the collection order**

A revocation of the collection order shall be carried out by a state enforcement agent with the written consent of the head of the territorial body and a private enforcement agent in the following cases:

1) termination of enforcement proceedings on the grounds, specified in Article 47 of this Law;

2) return of a court order without the enforcement at the request of a court or other body that issued the document;

3) return of a court order to a recoverer, except the case, provided in subparagraph 4) of paragraph 1 of Article 48 of this Law;

4) at the statement of a recoverer on revocation of collection order.

#### **Article 60. Levy execution on a share in common property**

1. At levy execution on a debtor's share in common property enforcement agent shall notify the co-owners of a property and give them the right of first refusal of share in the common property of a debtor. A cost of the share shall be specified in notice on the basis of a written opinion of a specialist.

2. A period during which the co-owner of seized assets may exercise a right of first refusal shall be determined by the Civil Code of the Republic of Kazakhstan and shall be calculated from the date of notification of co-owner on a seizure of debtor's property.

3. If a notice of co-owners is not possible due to the uncertainty of their place of residence (stay), the lack of them in place of residence or other justifiable reasons, a realization of share in common property may be made no earlier than thirty days after a seizure of property.

4. In the absence of documents on the share extent of a debtor, and (or) the impossibility to identify a specific property of a debtor, equivalent to the share in common property, division of property, and the definition of shares in property and apportionment of participatory share of a debtor shall be carried out in a judicial proceeding at the request of enforcement agent or by claim of a recoverer.

5. Sale of debtor's share in the common property shall be carried out in accordance with rules, provided by this Law.

#### **Article 61. Property on which the execution may not be levied**

The execution according to court orders may not be levied execution on the following types of property, belonging to a debtor a right of property or is a share in the common property necessary for a debtor and persons, lived in dependence of him:

1. Items of household furnishings, household staff:

1) clothes, shoes, linen, bedding, kitchen and dining utensils that were used, except fur and other valuable clothing (if there is any other clothing that may replace it for a living wage), dinner services, items made of precious metals, as well as having artistic value;

2) furniture, the minimum necessary for a debtor and his family members (one bed and a chair for each person, one table, a wardrobe and a trunk per family);

3) all children's belongings.

2. Foodstuffs in the amount necessary for the debtor and his family before the new harvest, farm buildings and livestock in the amount necessary to meet the needs of the debtor and his

family, as well as animal feed, if the main occupation of the debtor is agriculture, and in other cases - foodstuffs and money for the total amount of not more than the subsistence minimum established for the relevant fiscal year by the law on the national budget.

3. Fuel for cooking and heating in the dwelling of a family.

4. Equipment (including manuals and books) necessary for continued professional training of a debtor, except the cases when a debtor was disqualified to engage in certain activities by a court verdict or when the equipment was used by him for the crime.

5. Vehicles specially adapted for the transportation of persons with disabilities, technical aids (compensatory devices) and special means of transportation for persons with disabilities.

6. International, governmental and other prizes by what a debtor is awarded.

7. Possessions that are the contributions to guarantee or reserve funds of a clearing organization (of a central counterparty), margin contributions, full and (or) partial collateral for the fulfillment of obligations under transactions concluded in the stock exchange trading system using the open trading method and / or with the central counterparty .

Recovery against property that is the subject of repo transactions concluded in the trading systems of the organizers of trading using the open bidding method and (or) with the participation of the central counterparty may be applied only after these repo operations have been closed.

**Footnote. Article 61 as amended by Law of the Republic of Kazakhstan № 433-V as of 03.12.2015 (goes into effect on 01.01.2016); № 168-VI as of 02.07.2018 (shall go into effect upon expiry of ten calendar days after the day of its first official publication); № 203-VI of 26.12.2018 (shall be enforced dated 01.01.2019); № 129-VII of 27.06.2022 (shall be enforced ten calendar days after the date of its first official publication).**

## **Paragraph 2. Arrest of debtor's property Article 62. Arrest of debtor's property**

1. In order to ensure the execution of the enforcement document, the court executor is obliged to arrest the property of the debtor, including in cases provided for by law, with the approval of the prosecutor. In this case, the executor of the court in order to ensure the execution of the enforcement document has the right to simultaneously impose an arrest on all property belonging to the debtor, commensurate with the amount recovered.

2. Arrest of debtor's property is in the prohibition for disposition by this property, as well as declaring of prohibition for use and disposition of sums of money of a debtor that are in banks and other organizations, engaged in certain types of banking operations, about what shall be rendered a decision on seizure of property of a debtor.

3. The arrest may be imposed on the debtor's property owned by him on the basis of the right of ownership, economic management and operational management (taking into account the restrictions established by the Civil Code of the Republic of Kazakhstan), regardless of where and in whose actual use it is located.

Seizure shall not be allowed:



1) money in bank accounts, and (or) electronic money held in electronic money wallets intended for crediting benefits and social payments paid from the state budget and (or) the State Social Insurance Fund;

2) money held in bank accounts intended for crediting housing payments, lump-sum pension payments from the unified accumulative pension fund to improve housing conditions, and (or) pay for treatment, target assets, payments of targeted savings from the unified accumulative pension fund to improve housing conditions and (or) pay for education;

2-1) money in the bank account in a housing construction savings bank with the status of national development institute, intended for the transfer of payments and subsidies for the purpose of paying for rented housing in the private housing stock;

3) money held in bank accounts in housing construction savings banks in the form of housing construction savings, accumulated through the use of housing payments, in the form of payments of targeted savings from the unified accumulative pension fund to improve housing conditions and (or) pay for education;

4) money deposited on the terms of notary's deposit;

5) money on bank accounts under the agreement on educational savings deposit concluded in accordance with the Law of the Republic of Kazakhstan "On State Educational savings system";

6) assets of the social health insurance fund held in bank accounts;

7) money of banks, insurance (reinsurance) organizations, voluntary accumulative pension funds, branches of banks-non-residents of the Republic of Kazakhstan, branches of insurance (reinsurance) organizations-non-residents of the Republic of Kazakhstan, deprived of a license by the authorized state body and (or) in the process of compulsory liquidation (compulsory termination of activities);

8) money on bank accounts intended for crediting compensation of investment costs in accordance with the legislation of the Republic of Kazakhstan in the field of public-private partnership and concessions.

The provision of this subparagraph shall not apply to withdrawal of money on the requirements relating to the first, second and third queues in accordance with the order provided by paragraph 2 of Article 742 of the Civil Code of the Republic of Kazakhstan;

8-1) funds kept in bank accounts designed to keep track of the investment portfolio manager's customers' funds for the outstanding obligations of the investment portfolio manager;

8-2) funds kept in bank accounts intended to record the money of the nominee's customers for the outstanding obligations of the nominee;

9) financial instruments, which are contributions to guarantee or reserve funds of a clearing organization (central counterparty), margin contributions, full and (or) partial security of fulfillment of obligations on transactions concluded in the trading system of the stock exchange by open trade method and (or) with participation of the central counterparty;

10) money in bank accounts in the second-tier banks in the form of savings for the overhaul of the common property of the condominium object, with the exception of penalties based on court decisions on the cases of default on obligations under contracts concluded for the overhaul of common property of the condominium object.

11) money on the current account of a private enforcement agent, intended for the storage of recovered amounts in favor of recoverers.

12) money held on the bank account of a single operator in the field of public procurement, intended to be deposited by potential suppliers or suppliers of money as security measures in the framework of participation in public procurement in accordance with the Law of the Republic of Kazakhstan "On Public Procurement";

13) funds available in the bank accounts of a citizen against whom proceedings have been instituted or a procedure has been applied under the Law of the Republic of Kazakhstan "On Restoration of Solvency and Bankruptcy of Citizens of the Republic of Kazakhstan";

14) funds available in the current account of the financial manager for depositing money in bankruptcy proceedings under the Law of the Republic of Kazakhstan "On Restoration of Solvency and Bankruptcy of Citizens of the Republic of Kazakhstan".

15) money in bank accounts intended for the transfer of financial assistance provided in accordance with subparagraph 1) of paragraph 4 of Article 112 of the Social Code of the Republic of Kazakhstan.

The seizure of property that is the subject of repo transactions concluded in the trading systems of the organizers of the auction by the open bidding method and (or) with the participation of the central counterparty in the course of civil proceedings may be imposed only after the closure of these repo transactions.

In the resolution of the bailiff on demand for information on bank account numbers and availability of money on them, information on nature and value of property located in banks, organizations performing certain types of banking operations, as well as in insurance organizations, and arresting them, authorized by the prosecutor, the amount of money within the limits of which the arrest is imposed shall be indicated.

The resolution of the bailiff authorized by the prosecutor may be sent to the banks or organizations carrying out certain types of banking operations on paper or in electronic form through the state automated information system of enforcement proceedings.

4. In the case if a location of debtor's property at the disposal of others, caused by contract between them, the issue of the possibility of preservation for others stemming from the treaty rights and the seizure of property shall be decided by a court in the order of the action proceedings.

5. Preventing a performance of enforcement agent action on the levy execution on property, violation action of the prohibition of enforcement agent to dispose or use a property which has been arrested, as well as other illegal actions against arrested property shall entail a liability under the laws of the Republic of Kazakhstan.

6. Arrest of money, being on banking account of a debtor shall be imposed in the sum, required for enforcement of court order in recognition of enforcement sanction, expenses on enforcement and payment of activity of a private enforcement agent.

In case, if recovery of money on the basis of collection order is performed in full measure, the arrest previously imposed within enforcement proceeding on which the collection order is performed shall be considered removed, and regulation on arrest shall be subject to return to its initiator.

Footnote. Article 62 as amended by Laws of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); as of № 376-V 29.10.2015 (goes into effect on 01.01.2016); № 12-VI as of 26.07.2016 (goes into effect thirty calendar days after its first official publication); № 114-VI as of 12.12.2017 (goes into effect on 01.01.2018); № 156-VI as of 24.05.2018 (shall go into effect upon expiry of ten calendar days after the day of its first official publication); № 168-VI as of 02.07.2018 (shall go into effect upon expiry of ten calendar days after the day of its first official publication); № 171-VI as of 04.07.2018 (shall go into effect upon expiry of ten calendar days after the day of its first official publication); № 217-VI dated 21.01.2019 (implementation of Article 2); dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 26.06.2020 № 349-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 02.01.2021 № 399-VI (see Article 2 for the procedure for enactment); dated December 30, 2020 № 397-VI (shall be enforced six months after the day of its first official publication); dated 15.11.2021 № 72-VII (shall be enforced from 01.01.2022); № 138-VII of 12.07.2022 (shall be put into effect sixty calendar days after the date of its first official publication); № 177-VII of 30.12.2022 (shall be brought into force ten calendar days after the date of its first official publication); № 179-VII of 30.12.2022 (shall come into force sixty calendar days after the date of its first official publication); dated 16.11.2023 № 40-VIII (shall be enforced from 01.01.2024); dated 16.05.2024 № 82-VIII (shall come into effect upon expiry of ten calendar days after the date of its first official publication); dated 22.11.2024 № 138-VIII (effective six months after the date of its first official publication).

### **Article 63. Order of arrestment on property**

1. When seizing property, a bailiff shall ascertain whether it belongs to the debtor and the encumbrance on it. In cases when the clarification of ownership of a property that is not subject to the state registration is difficult and there are reasons to believe that a property belongs to a debtor, an enforcement agent shall have the right to seize a property until the identification of its ownership.

If a property does not belong to a debtor, he must provide to enforcement agent with the necessary evidence of possession of seized property.

2. Having ascertained the ownership of the property to the debtor, an enforcement agent shall include the property into the inventory depending on the amount of the penalty, shall impose seizure on all or part of the property and shall send an order for seizure on paper or in an electronic form via the state automated information system of enforcement proceedings to the relevant authorities that carry out state registration.

In this case, an inventory in respect of real estate shall not be conducted.

3. On seizure of the mortgaged property enforcement agent shall notify the encumbrancer.

4. When executing a ruling to secure a claim, an enforcement agent, depending on a claim, seizes all or part of the property proportionate to the claim.

**Footnote. Article 63 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 378-V as of 31.10.2015 (goes into effect on 01.01.2016); № 156-VI as of 24.05.2018 (shall go into effect upon expiry of ten calendar days after the day of its first official publication); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

#### **Article 64. Order establishing the use of seized property**

1. If necessary, enforcement agent shall have the right to seize a property or limit rights of a debtor on the use of seized property. Types, volumes and terms of limitation constraints shall be determined by enforcement agent in each case, taking into account the objectives of seizure of this property, properties characteristics, its significance for the owner or possessor, economical, domestic or other use, and other factors.

2. Violation of the prohibition of enforcement agent to dispose a property or omission to observe the restrictions on the right to use a property of a debtor, which is seized, shall entail the same consequences, which are provided by this Law for failure to perform requirements of court order.

3. At the arrest of bills, checks, saving books on a producer, deposit and savings certificates, debenture bonds and other assets, containing the obligation to pay a sum of money to a debtor, enforcement agent shall withdraw the said property by protocol on withdrawal.

#### **Article 65. Arrestment on financial credit documents**

1. An arrest on certificated financial credit documents shall be imposed according to their location. Arrest on uncertificated financial credit documents shall be imposed according to the place of registration of the rights of the owner of such financial credit documents.

2. On the arrestment on financial credit documents enforcement agent shall render a decision. On the arrestment of the certificated financial credit documents an enforcement agent shall make a protocol in accordance with Article 67 of this Law.

3. A decision on the arrestment of financial credit documents, a total quantity of arrested financial credit documents, their type, identification number, information about the issuer of financial credit documents, and other data that identify financial credit documents, as well as to establish their identity to a debtor.

4. The arrestment on financial credit documents, owned by a debtor, shall mean the prohibition to a debtor to dispose (sell, provide as financial credit documents for own liabilities or obligations of third parties, charge otherwise). On establishing of other restrictions, including restrictions on a right to receive income and other debtor's rights, attached by financial credit documents, an enforcement agent must transfer restrictions in a decision on the arrestment of financial credit documents.

5. The seizure of securities does not prevent:

1) actions by the issuer (management company) to redeem them, pay income thereon, convert them, exchange them for other securities or increase the number of authorized shares by increasing the number of outstanding shares, if such actions are envisaged by the issue terms (rules of the mutual investment fund) of the seized securities and are not prohibited by the resolution on seizure of the securities. The issuer (management company, manager) shall immediately notify the bailiff of any actions associated with the payment of income on securities;

2) the fulfillment of all obligations (or the completion of all settlements, transfers) for deals made in the trading system of the stock exchange until it receives the relevant court ruling on seizure of property during the settlement period under the terms and in accordance with the procedure established by the legislation of the Republic of Kazakhstan on the securities market and internal regulations of this stock exchange;

3) transactions by the central depository to write off securities that have expired and where the issuer has not fulfilled its obligations to redeem them from the holders' personal accounts (sub-accounts) and to credit the holders' claims on the issuer's obligations under these securities to the same personal accounts (sub-accounts);

4) the repurchase of voting shares of a joint stock company by a person who, alone or in aggregate with its affiliates, has acquired ninety-five per cent or more of the voting shares of the company on the secondary securities market, under the requirements of Article 25-1 of the Law of the Republic of Kazakhstan "On Joint Stock Companies".

The person mentioned in this sub-paragraph shall credit funds intended for payment of the seized voting shares of a joint stock company to the account of the shareholder who sold the voting shares of the company opened in the central depository.

The requirements of sub-paragraphs 1) and 4) of part one of this paragraph shall apply to the transactions recorded in the accounting system of the central securities depository. The central securities depository shall notify the bailiff of the actions indicated in sub-paragraphs 1) and 4) of part one of this paragraph, apart from the actions related to the payment of income on securities, within three working days from the date of their execution.

6. Financial instruments, funds or claim rights resulting from transactions referred to in sub-paragraphs 1), 2), 3) and 4) of part one of paragraph 5 of this Article shall be considered seized under the same conditions as the securities seized under the seizure order, unless this conflicts with the purpose of the seizure. In addition to the previously issued order, the bailiff must issue a seizure order for the financial instruments (rights of claim) received as a result of conversion, exchange, execution of concluded transactions with financial instruments, considering the amount of debt determined under paragraph 5 of Article 55 hereof.

6-1. In case of reorganization of joint-stock companies (in the form of merger, acquisition, division, spin-off), arresting shares of the reorganized joint-stock companies does not prevent the Central Securities Depository and (or) nominal holders of the rights to the arrested shares from performing the corresponding actions.

Immediately after receiving the shares of the reorganized joint-stock company (reorganized joint-stock companies) under arrest, the joint-stock company to which the joining or newly formed as a result of reorganization of joint-stock companies shall inform the court executor about it.

Shares of the joint-stock company being reorganized (reorganized joint-stock companies) placed among the shareholders of the reorganized joint-stock company (reorganized joint-stock companies) to which the joining or newly formed as a result of the reorganization of joint-stock companies is carried out, instead of the previously arrested shares, shall be considered to be under arrest on the same terms as the shares of the reorganized joint-stock company (reorganized joint-stock companies), if it does not contradict the purposes of arrest.

The court executor in addition to the earlier made decision is obliged to make the decision on imposing arrest on shares of joint-stock company to which joining or newly formed as a result of reorganization of joint-stock companies is carried out, received as a result of placing instead of earlier arrested shares taking into account debts defined according to point 5 of article 55 of the present Law.

7. Should an enforcement document restrict the debtor's rights to receive income from securities and (or) money upon redemption of securities belonging to the debtor, all income and (or) money upon redemption of such securities shall be credited to a cash control account of a territorial authority or a current account of a private bailiff intended for holding the amounts collected in favour of the claimants, whose details are specified in the relevant enforcement document.

8. Arrested certificated financial credit documents shall be arrested and transferred to enforcement agent in custody against signature in the minutes of the protocol of financial credit documents with the presentation of a copy of the keeper of the protocol. Enforcement agent may decide to transfer financial credit documents on custody to the custodian.

9. The seized uncertificated securities shall not be withdrawn and shall not be transferred to record the rights to another nominee holder, excluding the transfer of securities in case the nominee holder loses the license to perform brokerage and (or) dealer activities with the right

to maintain customer accounts as a nominee holder or if the nominee holder decides to voluntarily return the license to perform brokerage and (or) dealer activities with the right to maintain customer accounts as a nominee holder.

Should the nominee holder lose its license to engage in brokerage and (or) dealer activities with the right to keep customer accounts as a nominee and (or) custodian, or should the nominee holder decide to voluntarily return its license to engage in brokerage and (or) dealer activities with the right to keep customer accounts as a nominee and (or) custodian, the seized securities shall be transferred to the personal account (subaccount) of the holder in the accounting system..

**9-1. It was valid until 01/01/2013 in accordance with the Law of the Republic of Kazakhstan dated 28.12.2011 № 524-IV.**

10. In the case of deferral or termination of relevant license validity of the nominee, carrying out recording of rights on arrested financial credit documents, the nominee shall notify enforcement agent about it no later than the day following the day of receipt of a notice on deferral or termination of license validity.

11. In the case of termination of a contract by the issuer (of management company) with the nominee, carrying out the recording of rights, the nominee shall notify enforcement agent no later than the day following the date of termination.

**12. Excluded by Law № 138-VII of 12.07.2022 (shall be enacted sixty calendar days after the date of its first official publication).**

13. In the case of redemption of arrested financial credit documents in the form of transfer to the owner of a property and (or) property rights enforcement agent shall levy execution on a property and (or) property rights in the order, prescribed in this Law.

14. Copies of arrestment order on financial credit documents shall be directed by enforcement agent no later than the day following the day of its rendering (drawing) to the parties of enforcement proceedings, as well as:

- 1) a person, issuing financial credit documents (excluding the equity securities);
- 2) To the central depository (nominee holder), which carries out accounting of rights on arrested securities;
- 3) an issuer (management company) if the arrest of financial credit documents is in the limitation of rights, vested by these financial credit documents.

15. From the date of receipt of a copy of the arrestment order on financial credit documents of a person, referred to in paragraph 14 of this Article:

- 1) may not meet the requirements of a debtor, aimed at realization of the rights to which a debtor is limited by this order;
- 2) are obliged to immediately suspend operations with the debtor's financial instruments that are recorded by or held in accounts with the central depository or with a professional

securities market participant, with account of the amount of debts indicated in the order of an enforcement agent, except for the performance of transactions and execution of deals specified in paragraph 5 of this article.

16. Bank, personal or other accounts of a nominee holder (professional securities market participant) in which financial instruments belonging to the clients of the nominee holder (professional securities market participant) are registered are not subject to seizure in connection with obligations of a nominee holder (professional securities market participant).

**Footnote. Article 65 as amended by Laws of the Republic of Kazakhstan № 524 -IV dated 28.12.2011 (See Article 2 for the enactment procedure); № 179-V dated 19.03.2014 (shall be enforced from the date of its official publication); № 179-V as of 19.03.2014 (goes into effect on the day of its first official publication); № 422-V as of 24.11.2015 (goes into effect on 01.01.2016); № 49-VI as of 27.02.2017 (goes into effect ten calendar days after its first official publication); dated 02.07.2018 № 166-VI (shall be enforced dated 01.01.2019); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication); № 138-VII of 12.07.2022 (shall be enacted sixty calendar days after the date of its first official publication).**

#### **Article 66. Property inventory of a debtor**

1. Enforcement agent shall carry out an inventory of a property of a debtor in the amount, required to repay the amount awarded to a recoverer, executory costs and expenses for the payment a private enforcement agent activity. In the case, provided by paragraph 5 of Article 55 of this Law, the cost of the inventoried property may exceed the amount of collection under a court order. An enforcement agent may seal the items, subjected to inventory.

2. A property inventory must be carried out in the presence of a debtor and witnesses. In the absence of an individual person or a legal representative of a legal entity, who is a debtor, who was informed in advance of the commission of enforcement procedures, the inventory shall be drawn up in the presence of witnesses.

3. In inventory shall be recorded a name of each object, its features (weight, metric area, degree of depreciation, brand of goods and other parameters), the assessment of each item individually, and the cost of the property. Inventory shall be signed by the individuals, involved in its drafting.

4. An enforcement agent on the conclusion of the experts, participating in the inventory, shall have the right not to inventory the movable property, or to exclude it from the inventory later if, according to the conclusion of the expert it may not be sold or the amount, received from the sale will be less than the cost of enforcement.

#### **Article 67. Protocol of inventory and arrest of a property**

1. A protocol of inventory and arrest of a property shall include:



- 1) a time and place of the drawing-up protocol;
- 2) a name, first name and patronymic of enforcement agent, drawing-up the protocol, as well as persons who were present on drawing-up the protocol;
- 3) a name of a court or other body, the which court order shall be enforced;
- 4) a surname, name and patronymic of recoverer and debtor;
- 5) an indication of the produced inventory of the property (who made the inventory, the total value of inventoried property);
- 5-1) description of type or enumeration of property and its characteristics;
- 6) order on sealing of the items, if it was not carried out;
- 7) a name, first name, patronymic of an individual, the name of the legal entity to which a property shall be transferred for storage, addresses, if a property storage is laid not on a debtor himself;
- 8) a notation for clarification to a debtor and others the order and term of appeal the actions of enforcement agent, and the clarification to a debtor or the custodian of a property of their obligation on storage and on liability for embezzlement, transfer or concealment of property, transferred for storage;
- 9) notes and statements of a recoverer, a debtor, who were present at the inventory, and orders on them by enforcement agent.

2. An inventory protocol and seizure of property shall be signed by enforcement agent and the individuals, involved in its drafting.

**Footnote. Article 67 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Paragraph 3. Assessment and storage of property Article 68. Appraisal of the debtor's property**

1. An enforcement agent shall, within ten working days from the arrest and identification of the property belonging to the debtor, issue an order for appointing an appraiser by:
  - appointing an appraiser on his/her own;
  - appointing an appraiser at the suggestion of a party to enforcement proceedings;
  - charging a party to enforcement proceedings with the appraisal of the debtor's property.

A fee for the appraisal of the seized debtor's property shall be paid by parties to enforcement proceedings and subsequently reimbursed at the debtor's expense.

2. Copies of an enforcement agent's order for appointing an appraiser shall be sent to parties to enforcement proceedings not later than the day following the day of its issuance.

3. A party to enforcement proceedings that does not agree with the assessment may apply to the expert council for an opinion on the assessment in accordance with the Law of the Republic of Kazakhstan "On appraisal activities in the Republic of Kazakhstan" or appeal it to the court in the manner prescribed by the legislation of the Republic of Kazakhstan on administrative legal proceedings. The negative opinion of the expert council or the

recognition of the appraisal report as invalid by the court is the basis for appointing a new appraisal by the bailiff. If a negative opinion is issued by the expert council, the payment made by the customer for the examination of the appraisal report is reimbursed by the appraiser who prepared the appraisal report, or by the legal entity with which the appraiser has concluded an employment contract.

4. Fees for the services of the new evaluation shall be borne by the appealing party.

5. If parties to enforcement proceedings conclude a written agreement on the property's value, the seized property is not subject to appraisal by an appraiser and no order for appointing an appraiser is issued.

**Footnote.** Article 68 is in the wording of Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (goes into effect on 01.01.2015); with the amendments made by the Law of the Republic of Kazakhstan dated 21.01.2019 № 217-VI (shall be enforced on the expiration of ten calendar days after the day of its first official publication); dated 29.06.2020 № 351-VI ( shall be enforced from 01.07.2021).

#### **Article 69. Storage of property**

1. Enforcement agent shall transfer seized property on the storage on the basis of the agreement of storage through obtaining from the custodian of custody receipt.

2. Procedure and conditions of storage of the seized property shall be defined by the Civil Code and other legislative acts of the Republic of Kazakhstan.

3. A custodian may use this property with the permission of enforcement agent, if according to the characteristics of properties, its usage shall not lead to the destruction of property or decrease of its value.

4. A custodian, if such is not a debtor or his family member, shall receive remuneration for storage.

5. A custodian shall be reimbursed the expenses, incurred by him for holding property less the actual benefits, obtained from the use of this property.

6. Costs, incurred in connection with the storage of property shall relate to a cost of the enforcement procedures commission.

#### **Article 70. A liability of property custodian**

In the case of embezzlement, disposition or concealment of transferred on storage of seized property the custodian is responsible in accordance with the Laws of the Republic of Kazakhstan.

#### **Article 71. Storage of seized property from a debtor**

1. When withdrawing money from the debtor, securities, currency values, jewelry and other items made of precious metals, precious stones and pearls, and scratched items an enforcement agent shall make in two copies of the act of withdrawal.

2. Seized from a debtor amounts of money, foreign currency, jewelry and other items of precious metals, precious stones and pearls, and metal junk shall be taken to enforcement agent for storage, which shall be carried out on a contractual basis to banks and institutions, carrying out certain types of banking operations.

3. The sums of money withdrawn from the debtor, necessary for the repayment of the amount awarded to the recoverer and the costs of enforcement, are deposited by the bailiff within twenty-four hours to the cash control account of the territorial body or the current account of a private bailiff , intended for storing the collected amounts in favor of the claimants. The order of recording, storage and payment of money from the cash control account of the territorial authority or the current account of a private enforcement agent shall be determined by the laws of the Republic of Kazakhstan.

4. When withdrawing money from the debtor, in addition to the act of withdrawal, the debtor is issued a receipt, and the money received is deposited into the cash control account of the territorial body or the current account of a private enforcement agent , intended for storing the collected amounts in favor of recoverers.

**Footnote. Article 71 as amended by the Law of the Republic of Kazakhstan dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

## **Chapter 8. ORDER OF REALIZATION OF DEBTOR'S PROPERTY Paragraph 1. General rules of realization Article 72. The order of priority for the sale of debtor's property**

1. In case of foreclosure on the property of a natural person, the sale of this property is carried out in the following order:

- 1) firstly - non-essential property items, securities, currency valuables, precious metals and stones, jewelry, decor items and furnishings;
- 2) secondly – vehicles, real estate (except for dwelling);
- 3) thirdly – dwelling.

2. In case of foreclosure on the property of a legal person, the sale of this property is carried out in the following order:

1) firstly – movable property not used in actual production of goods, performance of works or rendering of services, including finished goods (commodities), securities, currency valuables, precious metals and stones, jewelry, decor items and furnishings;

2) secondly – real estate not used in actual production of goods, performance of works or rendering of services;

3) thirdly – property used in actual production of goods, performance of works or rendering of services: real estate items for production purposes, raw materials, materials, machinery, equipment and other fixed assets.

3. The provisions of this article shall also apply to the sale of the property of a natural person engaged in entrepreneurial activity with respect to his/her personal property and property used in entrepreneurial activity.

4. If a subject of foreclosure is property provided by a debtor as a pledge or security of an obligation, or if the sale of the seized property in keeping with the order of priority does not result in full execution of the requirements of an enforcement document or postpones the deadline for execution established by this Law, the order of priority for the sale of property may be changed. An enforcement agent indicates this circumstance in an order for conveying the debtor's property for sale, which can be appealed in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

**Footnote. Article 72 is in the wording of Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (goes into effect on 01.01.2015).**

#### **Article 73. Features of registration of rights on immovable debtor's property for subsequent sale from auction**

1. In case of foreclosure on the debtor's real estate to which the right of ownership (the right of economic management, the right of operational management) is not registered in accordance with the legislation of the Republic of Kazakhstan on state registration of rights to real estate and transactions with it, and if there are also no cadastral and technical record-keeping (inventory taking) works with respect to a real estate item or they are incomplete, an enforcement agent submits a proposal to court to oblige the debtor, registration authority to carry out the specified actions and submit documents on cadastral, technical record-keeping and state registration of rights to real estate.

2. Costs of cadastral, technical recording and state registration of rights on the immovable property and transactions with it shall relate to expenses on enforcement procedures commission.

**Footnote. Article 73 as amended by Law of the Republic of Kazakhstan № 376-V as of 29.10.2015 (goes into effect on 01.01.2016).**

#### **Article 74. Sale of seized property**

1. The sale of seized property, except for property seized by law from circulation, regardless of the grounds for seizure and types of property, with the exception of the property specified in paragraph 3 of Article 77 of this Law, is carried out by a bailiff at auction in the form of an electronic auction on a single electronic trading platform the state automated information system of enforcement proceedings or on a single electronic trading platform, the

choice of which is carried out by the Republican Chamber in the manner determined by the authorized body.

2. The bailiff, after the seizure and evaluation of the property and before the sale of the property, simultaneously with familiarization with the evaluation report, shall grant the debtor, upon his written request, the right to independently sell the seized property within a period of not more than one month at a cost not lower than seventy-five percent of its appraised value. indicated in the valuation report, from the date of which no more than one year has elapsed.

The receipt by the debtor of permission to sell property is not grounds for suspending procedures for selling property.

The term for self-realization of a dwelling is three months, during which the property cannot be put up for auction.

The right to independently sell the seized property may be used by the debtor no more than once in one enforcement proceeding.

After the purchase and sale agreement is signed between the buyer and the debtor or the bailiff and the buyer pays the amount of money in the amount of the purchase price of the property to the cash control account of the territorial body or the current account of the private bailiff, intended for storing the collected amounts in favor of claimants, encumbrances from the sold property, imposed within the framework of other executive documents, with the exception of encumbrances imposed by the court in order to secure a claim, are canceled by the bailiff who sold the property or with whose permission it was sold.

3. If bankruptcy proceedings are initiated in respect of a debtor by the time of a decision on the sale of seized property, the sale of the property shall be suspended pending consideration of this matter on the merits.

4. Issues related to the sale of seized property, including by tender in the form of an e-auction, which are not governed by this Law, shall be determined by the rules approved by the authorized body.

**Footnote. Article 74 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication); dated December 31, 2021 № 100 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).**

#### **Article 74-1. Accounting of arrested property by an enforcement agent**

An enforcement agent ensures the record-keeping of the arrested property by means of the automated information system on enforcement proceedings.

**Footnote. Chapter 8 is supplemented by Article 74-1 in accordance with Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten**

calendar days after the date of its first official publication); as amended by Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (goes into effect on 01.01.2015).

#### **Article 75. Sale of property transferred into state ownership**

Property, arrested pursuant to a court verdict in a criminal case with regard to the confiscation of property or pursuant to a decision to transfer property into state ownership, shall be sold or used in accordance with the procedure established by the authorized body for state property management.

The property turned into state revenue in accordance with the Law of the Republic of Kazakhstan “On the return of illegally acquired assets to the state” shall be transferred to the Special State Fund or a management company established in accordance with the legislation of the Republic of Kazakhstan on the return of illegally acquired assets to the state.

Footnote. Article 75 is in the wording of Law of the Republic of Kazakhstan № 239-V as of 29.09.2014 (goes into effect ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 12.07.2023 № 23-VIII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 76. Sale of valuables**

Securities and currency valuables owned by a debtor are sold in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 76 is in the wording of Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (goes into effect on 01.01.2015).

#### **Article 77. Procedure for the sale of arrested property**

1. An enforcement agent issues an order for the conveyance of debtor’s property for sale.
2. An enforcement agent conveys perishable property for sale to trading entities under a sales commission agreement immediately after the seizure and inventory taking, regardless of the will of the parties to enforcement proceedings.
3. If an expert draws up an opinion on the seized property stating that it is of no commercial value and illiquid, this property is not conveyed for sale.
4. When similar property items are sold, they can be sold as a single lot upon the decision of an enforcement agent.

Footnote. Article 77 is in the wording of Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (goes into effect on 01.01.2015).

#### **Article 78. Features of commission sale of the property**

Footnote. Article 78 is excluded by Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (goes into effect on 01.01.2015).

## **Paragraph 2. Features of the auction holding Article 79. Notification of forthcoming e-auction**

Announcement of a forthcoming e-auction is published on a single electronic trading platform at least ten calendar days prior to the e-auction.

**Footnote. Article 79 is in the wording of Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (goes into effect on 01.01.2015).**

## **Article 80. General terms for conducting an e-auction**

1. Persons willing to participate in an e-auction must submit an application and pay a guarantee fee of five percent of the original value of the property.

The guarantee fee of the winner of an e-auction is added to the purchase price. Guarantee fees of other e-auction participants are returned within five working days after the e-auction is over.

2. The following cannot take part in the electronic auction as buyers:

the pledgee and his employee, subsidiaries, as well as persons related to him by an agreement, in accordance with which they have the right to determine the decisions taken by the legal entity;

a legal entity, if the second bidder is its employee or its founder, participant, as well as persons related to the legal entity by an agreement, in accordance with which it has the right to determine the decisions it makes;

an individual, if the second bidder is his close relative, spouse;

bailiffs and judges who issued a decision on this enforcement proceeding, an appraiser who assessed the seized property, as well as their close relatives, spouse;

debtor.

3. An electronic auction begins with an increase in the value of property with a set step from the estimated value indicated in the resolution on the transfer of the debtor's property for sale.

In cases where none of the participants in the electronic auction, by maintaining a predetermined bidding step, does not increase the value of the property, the auction is recognized as failed.

If the auction is declared invalid and the claimant refuses to retain the property, the bailiff, in compliance with the rules established by this Law, after ten working days from the date of the first auction, appoints a second auction. At the same time, the initial price of the property being sold is reduced with the established step until the moment when one of the participants agrees to buy the property at the announced price, which should not be less than fifty percent, and in relation to real estate, not less than seventy-five percent of the assessed value of the property put up on the electronic auction.

4. The winner of an e-auction shall pay for the purchased property within five working days after the approval of the e-auction results.

If the winner fails to pay the cost of the acquired property in due time, his/her guarantee fee is not refunded.

A guarantee fee of participants is not refundable if a participant was not entitled to participate in an e-auction.

5. In cases stipulated in parts 2 and 3 of paragraph 4 of this article, a guarantee fee shall go to the state revenue if e-auctions were conducted by a state enforcement agent and to a private enforcement agent if e-auctions were conducted by a private enforcement agent.

Footnote. Article 80 is in the wording of Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (goes into effect on 01.01.2015); as amended by the Law of the Republic of Kazakhstan dated December 31, 2021 № 100 (shall be enforced ten calendar days after the day of its first official publication).

#### **Article 81. The order of auction holding**

Footnote. Article 81 is excluded by Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (goes into effect on 01.01.2015).

#### **Article 82. Confirmation of auction results**

Footnote. Article 82 is excluded by Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (goes into effect on 01.01.2015).

#### **Article 83. Transfer of ownership of property to a debtor of auction results**

According to auction results after the payment of cost of the acquired property shall be concluded a purchase agreement with a buyer of a property on the auction.

This agreement is the basis for the registration of ownership by a buyer (transfer of ownership) on the received property by him in the government bodies.

Footnote. Article 83 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 84. Declaring an e-auction void**

An enforcement agent declares an e-auction void if:

- 1) there are no applications or there is only one application;
- 2) no buyer supports a predetermined bid increment on the property;
- 3) the buyer failed to pay the full purchase cost of the property;
- 4) participated in the online mode less than two registered participants.

Footnote. Article 84 is in the wording of Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (goes into effect on 01.01.2015); as amended by the Law of the Republic of



Kazakhstan dated December 31, 2021 № 100 (shall be enforced ten calendar days after the day of its first official publication).

#### **Article 85. Consequences of declaring an e-auction void**

1. When an electronic auction is declared invalid, the recoverer shall have the right to retain the property at the value of the appraisal by submitting an application to the bailiff within five working days from the date the electronic auction was declared invalid. Absence of the claimant's statement about leaving behind the property is recognized as the claimant's refusal to accept the property.

2. If the claimant refuses to accept the property, the bailiff shall appoint an electronic auction procedure by re-placement of the relevant application on the unified electronic trading platform.

3. When transferring property to the claimant, the claimant shall reimburse the amount of expenses for the performance of enforcement actions and the amount of payment for the activities of a private enforcement agent from the value of the debtor's accepted property in proportion to the transferred value of the property. This amount is subsequently recoverable from the debtor.

4. As part of the enforcement proceedings, the procedure for the sale of seized property via an electronic auction shall not be carried out more than twice. If the property is not sold via an electronic auction and the recoverer has refused to retain the property, the foreclosure of the property is terminated and further measures shall be taken to foreclose the debtor's other property. In this case, the seizure of such property shall be lifted only after the termination of the enforcement proceedings on the grounds provided by Article 47 of this Law.

Footnote. Article 85 is in the wording of Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (goes into effect on 01.01.2015); as amended by Law of the Republic of Kazakhstan № 376-V as of 29.10.2015 (goes into effect on 01.01.2016); № 156-VI as of 24.05.2018 (shall go into effect upon expiry of ten calendar days after the day of its first official publication); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

#### **Paragraph 3. Features of execution levy on debtor indebtedness and property rights Article 86.**

##### **Levy execution on debtor indebtedness**

1. Foreclosure of the receivables is to move to the right of the debtor to the collector collection of receivables in the amount of indebtedness, determined in accordance with paragraph 5 of Article 55 of this Law, but not more than the amount of a debtor indebtedness that existed on the date of levy execution, and under the same conditions.

2. Levy execution on debtor indebtedness shall be carried out:

1) if there is the consent of the recoverer - by depositing (transferring) the receivables by the debtor to the cash control account of the territorial body or the current account of a private enforcement agent , intended for storing the collected amounts in favor of the recoverers ;

2) in the absence of the consent of the recoverer or non-payment ( non -transfer ) by the debtor of the receivables to the cash control account of the territorial body or the current account of a private enforcement agent , intended for storing the collected amounts in favor of the recoverers, by selling the receivables at auction.

3. Collection on debtor indebtedness shall not be applied in the cases when:

1) a limitation period for its collection is expired;

2) an obligor is located in a foreign country with which the Republic of Kazakhstan did not conclude the agreement on legal assistance;

3) an obligor is in the process of liquidation;

4) an obligor has terminated his activity as a legal entity and is excluded from the state register of legal entities;

5) in respect of the obligor was introduced the bankruptcy proceedings.

4. In order to levy execution on receivables, the bailiff shall issue a resolution on foreclosure on receivables, in which he indicates the procedure for depositing (transferring) money by the debtor to the cash control account of the territorial body or the current account of a private enforcement agent, intended for storing the collected amounts in favor of recoverers.

Resolution on levy execution to debtor indebtedness shall be referred to obligor and parties of enforcement proceeding.

5. The decision of the bailiff obliges the debtor to fulfill the relevant obligation by depositing (transferring) money to the cash control account of the territorial body specified in the decision or the current account of a private bailiff, intended for storing the collected amounts in favor of the claimants, and also prohibits the debtor from changing legal relations, on the basis of which accounts receivable arose.

6. From the date of receipt by the debtor of the bailiff's decision on foreclosure on the receivables, the debtor's fulfillment of the corresponding obligation is carried out by depositing (transferring) money to the cash control account of the territorial body specified in the decision or the current account of a private bailiff , intended for storing the collected amounts in favor of collectors. Such enforcement of the obligation of the obligor shall be considered the enforcement to the applicable creancor. Debtor's rights in relation to a debtor shall not be changed.

7. The debtor is obliged to immediately inform the bailiff and the debtor about the deposit (transfer) of money to the cash control account of the territorial body or the current account of a private bailiff , intended for storing the collected amounts in favor of collectors.

**Footnote. Article 86 as amended by Law of the Republic of Kazakhstan dated № 164-V 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official**

publication); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

**Article 87. Identification of debtor indebtedness of legal and individual persons, engaged in entrepreneurial activity without a formation of a legal entity**

1. To identify a debtor indebtedness of legal and individual persons, engaged in entrepreneurial activity without a formation of a legal entity, enforcement agent shall have the right to request the necessary accounting documents of legal persons and individuals, engaged in entrepreneurial activity.

2. An enforcement agent has the right to request state revenue authorities for information on the receivables of a debtor.

3. A debtor, state revenue authorities, legal persons and persons engaged in entrepreneurial activities without setting up a legal person are required to provide necessary documents and information to the enforcement agent within three working days.

4. Identification of debtor indebtedness may be carried out by expert. The costs of paying for the services of a specialist are included in the costs incurred in the execution of the executive document.

5. A collection may not be addressed to the demand for payment of the amounts, specified in Article 98 of this Law.

**Footnote.** Article 87 as amended by Laws of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 257 as of 28.11.2014 (refer to Subparagraph 12) of Article 10) for the procedure of entry into force); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

**Article 88. Agreements to exclude or limit the rules on levy execution on monetary claim**

1. The rules, established in Article 87 of this Law may not be excluded or limited by agreement between a debtor and recoverer.

2. On the monetary claim may be made levy execution, even if between a debtor in enforcement proceedings and the person, who is required to pay him the money because of civil liability (obligor of a debtor), there is an agreement on prohibition or restriction of assignment of this claim.

This provision does not relieve a debtor in enforcement proceedings from the liability before his contracting party for loss.

**Article 89. The order of arrestment on monetary claim**

1. On arrestment on the monetary claim enforcement agent shall inform the obligor of a debtor and a debtor on arrestment and prohibit the obligor of a debtor to pay a debtor and to a

debtor— to manage by requirement and ensure his mortgage, and to take payment on demand, unless otherwise not established by this Law.

The arrestment is recognized as imposing from the time of receipt by the obligor of a debtor a decision on arrestment, which was directed him by enforcement agent.

2. If payment on the enforcement of obligations was imposed on the third party, then a decision on arrestment shall be directed to that person too.

The arrestment is considered as imposing from the moment of receipt by the obligor of a debtor a decision of enforcement agent on arrestment and prohibition of payment to a debtor.

#### **Article 90. The scope of recoverer`s rights to arrest money requirements**

Enforcement agent shall have the right with the consent of a recoverer and debtor to oblige the obligor of a debtor to fulfill the obligation before a recoverer in the amount, indicated in a court order. In this case a recoverer receives the rights of a debtor, which he had before the obligor of a debtor, within the specified limits.

#### **Article 91. Debtor's duty to provide information**

1. Enforcement agent at the request of a recoverer or on its own initiative on the arrestment of monetary claim in a decision may offer to the obligor of a debtor to relate about the nature and content of arrested claims.

An obligor of a debtor shall be obliged to response in written to enforcement agent within three days of receiving the decision. The expenses of the obligor of a debtor to provide information shall be reimbursed by a debtor.

2. An obligor of a debtor is liable before a recoverer for the losses, incurred by the latter as a result of failure to relate, providing willful false or incomplete information. The presence of the liability of the obligor of a debtor shall be prevented in a decision on arrestment or request for information.

3. Enforcement agent must notify a recoverer about the information, submitted by the obligor of a debtor.

4. Enforcement agent, taking into account the obtained information shall direct to the obligor of a debtor decision on payment under arresting claim.

#### **Article 92. Ensuring the enforcement of obligation by a debtor before a debtor - third person**

1. If the enforcement by the obligor of a debtor is based on transfer of his item, and the item is in the possession of a debtor, the latter at the request of enforcement agent and a recoverer shall be obliged to give the item for transfer it to the obligor of a debtor.

2. A recoverer shall have the right to seize a court with the claim of seizure of this item from a debtor, if there is already a court decision, confirming a debtor's obligation to transfer the item in exchange of the enforcement of obligation by the obligor of a debtor pursuant to a

debtor, or if such obligation shall be proved by the interested persons. The issue on satisfying the requirements of a recoverer or the authorized person shall be permitted by a court with the participation of a debtor.

## **Chapter 9. LEVY EXECUTION ON MONEY OF A DEBTOR**

### **Paragraph 1. Levy execution on money and other types of income of a debtor Article 93. Levy execution on job wage and other types of income of a debtor**

1. A collection on job wage and other types of income of a debtor shall be levied on the enforcement of decisions on collection of periodic payments, on the collection of amount not exceeding the amount of the minimum wage, as well as other collection in the absence of a debtor's property or insufficiency of a property for full repayment of the collected amounts.

2. When foreclosing wages and other types of income of the debtor, the bailiff, taking into account the requirements of this Law, issues a decision, where it indicates the amount of monthly deduction to be made until the full recovery of the amounts awarded, and sends along with a copy of the executive document, certified by the seal of the territorial department or a private bailiff, for execution to an employer with whom the debtor has an employment relationship, or to a person from whom the debtor receives income.

3. Enforcement agent shall be obliged to monitor the accuracy and timeliness of the enforcement on deduction from wages and other income of a debtor, as well as the timely transfer of withheld amounts to a recoverer.

4. Upon dismissal of the debtor, the employer with whom he had an employment relationship, or the person from whom the debtor received income, are obliged to send a notice of this to the bailiff within three days.

**Footnote. Article 93 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

### **Article 94. Calculation of deduction amounts from job wages and other types of income of a debtor**

A deduction amount shall be calculated from the amount of job wages (income) of a debtor, due him to the receipt.

### **Article 95. Deduction amount from job wages and other types of income of a debtor**

1. When foreclosing on wages or other types of income of the debtor under one or more executive documents, including those in the production of other bailiffs, at least fifty percent of wages or other income must be retained for the debtor.

In this case, the amount left for the debtor must be at least equal to the minimum subsistence income annually established for a relevant financial year by the law on the

republican budget, except for cases of recovery of alimony and compensation for damage caused by injury or any other damage to health, as well as the death of a breadwinner.

2. Is excluded by Law of the Republic of Kazakhstan № 15 -V dated 27.04.2012 (shall be enforced upon expire of ten calendar days after its first official publication).

3. If there are several resolutions on foreclosure on wages and other types of income in relation to one debtor, a proportional distribution of the recovered amounts according to executive documents is carried out in compliance with the requirements of Articles 110 - 112 of this Law.

Footnote. Article 95, as amended by Law of the Republic of Kazakhstan № 15-V dated 27.04.2012 (shall be enforced upon expire of ten calendar days after its first official publication); № 12-VI as of 26.07.2016 (goes into effect thirty calendar days after its first official publication); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

#### **Article 96. Levy execution on job wage of a debtor, service a sentence**

1. A collection on court orders from persons, serving a corrective labour, shall be carried out from the total amount of wage, excluding deductions made under the sentence or a court ruling.

2. Recovery from persons with mental, behavioral disorders (diseases) associated with the use of psychoactive substances, who are under dynamic observation in medical organizations, is carried out in accordance with the legislation of the Republic of Kazakhstan.

3. In the case of the malicious evasion by the convicted in payment of a fine, imposed as the main form of punishment, enforcement agent shall have the right to refer to the court, rendered the sentence, the presentation of replacing the unpaid amount of the fine to the other punishment in accordance with the criminal legislation of the Republic of Kazakhstan.

Footnote. Article 96 as amended by the Law of the Republic of Kazakhstan dated 07.07.2020 № 361-VI (shall be enforced ten calendar days after the day of its first official publication).

#### **Article 97. Levy of execution on social payments under compulsory social insurance**

On social payments in the event of disability, loss of work, as well as student scholarships, collection can be levied only by a court decision on the recovery of alimony and compensation for harm caused by injury or other damage to health, death of the breadwinner, withheld at the payment source.

Footnote. Article 97 - as amended by the Law of the Republic of Kazakhstan dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

#### **Article 98. Amount of money which may not be levied execution**

The collection may not be levied on:

- 1) the amounts, received by a debtor in respect of compensation for harm, caused by maim or other injury to health, and the death of a breadwinner;
- 2) amounts, received by a debtor in the form of family allowance for the loss of breadwinner;
- 3) sums received by the debtor in the form of child disability allowance;
- 4) insured amounts and lump-sum benefits, paid to persons in receipt of maim (injury, trauma, concussion) during the performance of their duties and paid to the family members in relation with their death (death);
  - 4-1) the money of the state Islamic special financial company, received from leasing and selling the allocated assets for Islamic lease certificates issued by it (except for claims arising from the data of Islamic lease certificates);
- 5) childbirth allowances, maintenance allowances for minor children and allowances paid to retired persons and persons with a group 1 disability;
- 6) amounts, paid to complainants for supplemental feeding, health resort treatment and prosthetics and on the costs of caring for them in case of causing harm by maim or other injury to health;
- 7) compensation for work in hazardous or extreme conditions, as well as the amount of money, paid to citizens, injured from the environmental disasters or radiation on liquidation of consequences of natural and anthropogenic emergencies;
- 8) material assistance, carrying one-time nature, regardless of the payment source;
- 9) funeral grant;
- 10) special public relief;
- 11) social payments in case of loss of income in connection with pregnancy and childbirth, adoption of a newborn child (children), in connection with caring for a child upon reaching the age of eighteen months;
- 12) alimony for children of minor age;
- 13) pension assets;
- 14) pension savings accounts by the depositor ( recipient);
  - 14-1) lump-sum pension payments from the unified pension savings fund to improve housing conditions and (or) pay for treatment, target assets, payments of target savings from the unified pension savings fund to improve housing conditions and (or) pay for education;
- 15) monthly state benefits to mothers with many children, awarded with pendants “Altyn alka”, “Kimis alka” or awarded the title of “Mother Heroine”, awarded the Orders of “Mother’s Glory” I and II degrees;
  - 15-1) monthly state benefits to large families with four or more minor children living together, including children enrolled in full-time education in general education or professional programs in organizations of general secondary, technical and vocational,

post-secondary, higher and (or) postgraduate education, after they reach the age of majority until the time of graduation from educational organizations (but no more than until they reach the age of twenty-three);

16) targeted social assistance;

17) assets of the social health insurance fund and targeted contribution funds allocated for the guaranteed volume of free medical care;

18) housing payments;

18-1) money held in bank accounts in housing construction savings banks in the form of housing construction savings, accumulated through the use of housing payments, in the form of payments of targeted savings from the unified accumulative pension fund to improve housing conditions and (or) pay for education;

18-2) money in bank accounts in the second-tier banks in the form of savings for the overhaul of the common property of the condominium object, with the exception of penalties based on court decisions on the cases of default on obligations under contracts concluded for the overhaul of common property of the condominium object;

18-3) money in the bank account in the housing construction savings bank with the status of national development institute, intended for the transfer of payments and subsidies for the purpose of paying for rented housing in the private housing stock;

19) money in a notary's deposit account;

19-1) money held in bank accounts opened for receiving compensation of investment expenditures in accordance with the legislation of the Republic of Kazakhstan in the field of public-private partnership and on concessions.

20) money held in bank accounts opened under a contract on an educational accumulative deposit concluded in accordance with the Law of the Republic of Kazakhstan "On the State Educational Accumulation System";

21) money that are the contributions to guarantee or reserve funds of a clearing organization (central counterparty), margin contributions, full and (or) partial security for the fulfillment of obligations under transactions concluded in the stock exchange trading system using open trading and (or) with the participation of the central counterparty ;

22) money on the current account of a private enforcement agent, intended for the storage of recovered amounts in favor of recoverers.

23) money held on the bank account of a single operator in the field of public procurement, intended to be deposited by potential suppliers or suppliers of money as security measures in the framework of participation in public procurement in accordance with the Law of the Republic of Kazakhstan "On Public Procurement";

24) funds deposited in bank accounts designed to record the investment portfolio manager's customers' money for the outstanding obligations of that investment portfolio manager;



25) funds held in bank accounts designated to record the money of the nominee's customers for the outstanding obligations of the nominee.

26) funds kept in the bank accounts of a citizen in respect of whom proceedings have been initiated or applied under the Law of the Republic of Kazakhstan “On Restoration of Solvency and Bankruptcy of Citizens of the Republic of Kazakhstan”;

27) funds available in the current account of the financial manager for depositing money in bankruptcy proceedings under the Law of the Republic of Kazakhstan “On Restoration of Solvency and Bankruptcy of Citizens of the Republic of Kazakhstan”.

28) money in bank accounts intended for the transfer of financial assistance provided in accordance with subparagraph 1) of paragraph 4 of Article 112 of the Social Code of the Republic of Kazakhstan.

The provision of Sub-paragraph 19-1) of the first part of this Article shall not apply to the withdrawal of money for the requirements relating to the first, second and third sequence in accordance with the sequence provided by paragraph 2 of Article 742 of the Civil Code of the Republic of Kazakhstan.

Footnote. Article 98, as amended by Laws of the Republic of Kazakhstan № 15 -V dated 27.04.2012 (shall be enforced upon expiry of ten calendar days after its first official publication), No 106 -V dated 21.06.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 369-V as of 28.10.2015 (goes into effect on 01.01.2018); № 406-V as of 16.11.2015 (goes into effect on 01.01.2017); № 422-V as of 24.11.2015 (goes into effect on 01.01.2016); № 12-VI as of 26.07.2016 (goes into effect thirty calendar days after its first official publication); № 114-VI as of 12.12.2017 (goes into effect on 01.01.2018) ; № 168-VI as of 02.07.2018 (shall go into effect upon expiry of ten calendar days after the day of its first official publication); № 171-VI as of 04.07.2018 (shall go into effect upon expiry of ten calendar days after the day of its first official publication); dated 26.12.2019 № 284-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 26.12.2019 № 287-VI (shall be enforced from 01.01.2020); dated 26.06.2020 № 349-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 02.01.2021 № 399-VI (shall be enforced from 01.01.2021); dated 15.11.2021 № 72-VII (shall be enforced from 01.01.2022); № 129-VII of 27.06.2022 (shall become effective ten calendar days after the date of its first official publication); № 138-VII of 12.07.2022 (shall take effect upon the expiry of sixty calendar days from the date of its first official publication); № 177-VII of 30.12.2022 (shall be enforced ten calendar days after the date of its first official publication); № 179-VII of 30.12.2022 (shall come into force sixty calendar days after the date of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023); dated 19.04.2023 № 223-VII (shall be enforced from 01.01.2024); dated 16.11.2023 № 40-VIII ( shall be enforced from 01.01.2024); dated 16.05.2024 № 82-VIII (shall come into effect upon

expiry of ten calendar days after the date of its first official publication); dated 22.11.2024 № 138-VIII (effective six months after the date of its first official publication).

**Paragraph 2. Peculiarities of enforcement documents on recovery of alimony Article 99. Procedure of recovery of alimony in the absence of a debtor's salary**

1. If it is impossible to recover maintenance payments from wages or other income within three months, the bailiff shall issue a decision on determining the debt and take measures to ensure the execution of enforcement documents in accordance with Article 32 of this Law and foreclose on the property of the debtor, except for the property on which collection may not be levied in accordance with Article 61 of this Law.

An enforcement agent shall introduce the resolution on levy of execution on a property.

The bailiff determines the maintenance debt on a quarterly basis.

The bailiff, within three working days after determining the debt, sends the decision to the parties to the enforcement proceedings for review.

1-1. Taken measures of ensuring execution of enforcement documents shall subject to cancel upon extinguishment of debt.

2. The amount of debt on alimony is determined by the bailiff at the place of execution of the decision based on the actual salary (income) received by the debtor for the time during which the collection was not made.

3. If the debtor did not work during this period or documents confirming his salary and other income were not submitted, monthly payments and (or) alimony debts are determined based on the average monthly salary in the Republic of Kazakhstan at the time of debt collection.

For debtors who are persons with disabilities, monthly maintenance payments or arrears shall be calculated from their monthly wages and other income or, if they are not employed, from monthly allowances and/or social benefits paid from budgetary funds and/or the State Social Insurance Fund.

4. In the event of a debt on alimony as a result of the debtor's evasion from paying them, a penalty is charged on the amount of the debt in accordance with paragraph 1 of Article 171 of the Code of the Republic of Kazakhstan "On Marriage (Matrimony) and Family".

**Footnote.** Article 99 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication); № 129-VII of 27.06.2022 (shall enter into force ten calendar days after the date of its first official publication).

**Article 100. Data on place of employment and income of a debtor**

Citizens and officials of the organizations with which a debtor has an employment relationship or of which he has an income shall be obliged in the designated period by enforcement agent to submit a reliable information about the place of employment of a debtor and his or her income, enforcement of deductions in accordance with a court order and transfer of collected sum to a recoverer, upon the levy execution on amounts of money and property of a debtor, and on the dismissal of a debtor, about his new place of employment or residence, if they do not know about it. Non-fulfillment of these requirements of enforcement agent shall entail an administrative liability.

**Footnote. Article 100 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 101. A procedure of debt collection on alimony payments**

1. A debt recovery on all alimony payments shall be carried out from job wages and other income of the maintenance creditor.

2. A decision of enforcement agent of the determining of a debt may be challenged or appealed in the established order by the Law.

#### **Article 102. Control over the correctness of deductions from the job wages**

An enforcement agent shall carry out control for correctness and timeliness of proceedings of deduction from salary and other incomes of a debtor and transmission of withheld amounts to the recoverer in any time on approach of recoverer (legal representative), but not more than once a quarter.

**Footnote. Article 102 is in the wording of Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 103. Recovery of alimony on departure of a debtor on the domicile or on work and for passing the military service abroad**

A procedure recovery of alimony from a debtor on departure of a debtor on the domicile or on work and for passing the military service abroad shall be determined by the legislation of the Republic of Kazakhstan and international treaties.

#### **Article 103-1. The procedure for rendering state-guaranteed legal assistance by private enforcement agents in their execution of a socially significant category of cases**

1. Private enforcement agents, being subjects of rendering state-guaranteed legal assistance, render free state-guaranteed legal assistance to natural persons in the course of execution of a socially significant category of cases.

2. Participation of private enforcement agents in rendering state-guaranteed legal assistance is provided by the National Chamber.

3. Annually, on or before December 15, a territorial body concludes an agreement on rendering state-guaranteed legal assistance with private enforcement agents.

The form of the agreement, developed and approved by the authorized body with account of recommendations of the National Chamber, shall indicate the duty of private enforcement agents and conditions for full-fledged provision of legal services to the population living in the administrative-territorial unit within the executive district.

4. Private enforcement agents shall submit a report on the legal assistance rendered by them to a regional chamber of private enforcement agents on a monthly basis on or before the 5th day of a month following the reporting month. The form of the report is approved by the authorized body with account of recommendations of the National Chamber.

5. Annually, on or before January 20 and July 20, a regional chamber of private enforcement agents shall submit a consolidated report on the legal assistance rendered by private enforcement agents in the form approved by the authorized body with account of recommendations of the National Chamber to a territorial body.

6. If necessary, territorial bodies have the right to request a regional chamber of private enforcement agents for additional information on the execution of a socially significant category of cases by enforcement agents.

**Footnote. Chapter 9 is supplemented with Article 103-1 in accordance with Law of the Republic of Kazakhstan № 376-V as of 29.10.2015 (goes into effect on 01.01.2016).**

## **Chapter 10. THE ENFORCEMENT OF COURT ORDERS OF NON-PROPERTY NATURE**

### **Article 104. The enforcement procedure and consequences of non-fulfillment of a court order, which obliges a debtor to commit certain actions or to refrain from their commitment**

1. On the enforcement of a court order, which obliges a debtor to commit actions that may be committed only by himself, or to refrain from their commitment, enforcement agent shall send to a debtor a notice on commitment of such actions, where shall be determined a term, on the notice on necessity to refrain from their commitment.

2. If the debtor fails to fulfill the requirements of the bailiff within the prescribed period, the bailiff shall apply to the court for the collection of a penalty interest from the debtor to the state revenue in the amount of two monthly calculation indices from individuals and ten monthly calculation indices from legal entities for each day of delay.

The maximum amount of fines to be collected for individuals may not exceed three hundred and sixty monthly calculation indices, for legal entities - nine hundred monthly calculation indices.

For small and medium-sized businesses, the amount of fines to be collected should not exceed six hundred monthly calculation indices, and for a debtor who, in accordance with the

Law of the Republic of Kazakhstan "On Housing Relations", belongs to socially vulnerable segments of the population, fifteen monthly calculation indices.

The provision of this paragraph does not apply to the execution of enforcement documents issued in the course of administrative proceedings.

3. In the case of non-fulfillment by a debtor claims of enforcement agent in the designated period and if for the enforcement of a court order, which obliges a debtor to commit certain actions, the participation of a debtor is not necessarily and these actions may make a recoverer, enforcement agent shall organize the enforcement of a court order by a recoverer in accordance with the rights, granted to him by this Law.

**Footnote. Article 104 as amended by the Law of the Republic of Kazakhstan dated 06/26/2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication); dated 29.06.2020 № 351-VI (shall be enforced from 01.07.2021).**

### **Article 105. Enforcement procedure and consequences of non-fulfillment of a court order on reinstatement in employment**

1. In the case of non- fulfillment of a court order by the head of the organization ( employer) for reinstatement in employment enforcement agent shall seize a court with the presentation on rendering a decision on the payment of an average employee salary or wage differences for all time from the date of a decision rendering on reinstatement of the employee on the day of its enforcement, as well as the recovery from the head of the organization ( employer) of penalties to the state income in the amount of five monthly calculation indexes from individuals and ten monthly calculation indexes from legal entities for each day of delay .

2. Enforcement of decision on reinstatement shall be considered complete from the moment of the actual permission of unlawfully dismissed or transferred employee to the enforcement of former duties, following after the publication of act of the employer to cancel their illegal act of dismissal or transfer.

### **Article 106. Enforcement of court order on ejectment of a debtor**

1. In case of failure to execute an enforcement document on the eviction of a debtor within a period established by an enforcement agent, the eviction shall be forced and involve witnesses, employees of internal affairs bodies, and in case of eviction from home of an owner with underage children, and also with minors under guardianship or custody of the owner - in the presence of a representative of the body for guardianship or custody.

2. Enforcement agent shall formally notify a debtor about the time of the ejectment. The absence of a debtor, who has been duly notified of the ejectment time, is not an obstacle for the enforcement of court order.

The ejectment is a release of the premises, specified in a court order from the evicted, his (their) property, pets and prohibition to the evicted to use vacating the premises.

3. At enforcement of ejectment shall be made an inventory of a property from the vacated premises and, where necessary, shall be ensured its storage with the laying of incurred expenses on a debtor. Storage of a debtor's property shall be carried out in a period not exceeding two months, after which the specified property shall be realized in the order, prescribed in this Law.

4. Money, realized from the sale of a debtor's property and the remaining after compensation of expenses on the enforcement of enforcement sanction and payment for activity of a private enforcement agent shall be returned to a debtor. The money not claimed by the debtor is kept in the cash control account of the territorial authority or the current account of a private enforcement agent, intended for keeping the recovered amounts in favor of the claimants. Upon the expiry of three years the specified money shall be transferred to the republican budget.

5. In the case of non-realization of a property it must be destroyed in the presence of witnesses. An enforcement agent shall make an act of destruction of the property, which is signed by him and witnesses. The act, made by the state enforcement agent, is subject to confirmation by the head of the territorial body.

**Footnote.** Article 106 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 270-V as of 29.12.2014 (goes into effect ten calendar days after its first official publication); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

#### **Article 107. Enforcement of a court order on taking up residence of recoverer**

1. An enforcement agent shall ensure the taking-up residence in the specified in a court order premises.

An enforcement agent shall officially notify a recoverer and debtor about the time of taking-up residence. The absence of a debtor, who has been duly notified of the time of the taking-up residence, is not an obstacle for the enforcement of a court order.

2. The taking-up residence of a recoverer shall be drawn by act and enforced in the presence of witnesses.

#### **Chapter 11. DISTRIBUTION OF COLLECTED AMOUNTS BETWEEN A RECOVERERS**

**Footnote.** The title of chapter 11 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 108. Distribution of collected amounts**

1. From the amounts, collected by the state enforcement agent from a debtor, first shall be repaid fines, imposed on a debtor in the course of the enforcement of court order, after which shall be covered the costs of the enforcement, the remaining amount goes to the satisfaction of claimants.

An amount of money recovered from a debtor by a private enforcement agent goes, first, to pay fines imposed on the debtor in the process of execution of an enforcement document, then to pay the activity of the private enforcement agent and execution costs, also under the enforcement document provided for in subparagraph 10) of Article 9 of this Law, the remaining amount is used to satisfy demands of execution creditors, also under enforcement documents held by other enforcement agents within their administrative-territorial unit.

The amount, remaining after satisfaction of all claims, shall be returned to a debtor.

2. Amounts collected from a debtor and subject to transfer to recoverers shall be credited by a bailiff to a cash control account of a territorial body or a current account of a private bailiff intended for keeping the collected amounts in favor of recoverers, then issued or transferred in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

**Footnote. Article 108 as amended by Laws of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 376-V as of 29.10.2015 (goes into effect on 01.01.2016); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

#### **Article 109. Joining to the recovery**

Initiated in relation to the one debtor, several enforcement proceedings, as well as initiated in relation of several debtors, enforcement proceedings on solidary recovery may be jointed to the recovery by the enforcement agent.

**Footnote. Article 109 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 110. Priorities of discharge of claims of recoverers**

1. In the case of insufficiency of collected amount from a debtor for discharge of claims on court orders, this amount shall be admeasured between recoverers in the order of priority, established by this Law.

2. The claims of each subsequent priority shall be discharged after the full repayment of the claims of the previous priority. On insufficiency of the collected amount for full discharge of claims of a single priority, these claims shall be discharged in proportion to the amount due to each recoverer's amount.

#### **Article 111. Recovery of the first priority**

First of all shall be discharged the claims for alimony; claims for compensation for damage caused by injury or other injury to health, as well as in connection with the death of the breadwinner; employees' claims, subsequent upon the employment relationship.

#### **Article 112. Subsequent recovery**

1. Second priority is given to the satisfaction of requirements to pay remuneration due to authors for the use of a work, invention, utility model, industrial sample for which patents are issued, of claims of citizens for compensation for damage caused to their property in a criminal or administrative offence.

2. In the third priority shall be discharged the claims of creditors under the obligations, ensured by mortgage, including the remuneration (interest), compensation of losses, caused by the delay in performance, a penalty (fine, penalty), the necessary costs of maintenance of the mortgaged property, as well as compensation of expenses of the encumbrancer on collection.

3. Fourthly, claims on taxes and other obligatory payments to the budget, of legal entities for compensation for damage caused by a criminal or administrative offense, also claims for the recovery of assets in accordance with the Law of the Republic of Kazakhstan "On the return of illegally acquired assets to the state" shall be satisfied.

4. In the fifth priority shall be discharged all other claims.

**Footnote. Article 112 as amended by Law of the Republic of Kazakhstan № 227-V as of 03.07.2014 (goes into effect on 01.01.2015); dated 12.07.2023 № 23-VIII (shall be enforced ten calendar days after the date of its first official publication).**

### **Chapter 12. EXPENSES ON THE COMMISSION OF ENFORCEMENT PROCEDURES AND PROCEDURE FOR THEIR COMPENSATION**

#### **Paragraph 1. General Provisions Article 113. The expenses on the commission of enforcement procedures**

1. Expenses for the commission of enforcement actions are the budgetary funds spent on their organization and conduct, the funds of the parties to the enforcement proceedings, the private enforcement agent, other persons and organizations involved by the enforcement agent in the execution process.

2. To costs for the commission of the enforcement procedures shall be included the spent money on:

- 1) identification, inspection, extent of a debtor's property;
- 2) organization and conducting of the inventory and seizure of a debtor's property, transportation and storage of such property;
- 3) organization of realization of the seized property;



- 4) payment of interpreters' services, experts and other persons, involved in the commission in the established order of the enforcement procedures;
- 5) transfer (sending) by post of collected amounts to a recoverer;
- 6) bank expenses related to the issuance of recovered amounts from a cash control account and a current account of a private enforcement agent, intended for the storage of recovered amounts in favor of collectors;
- 7) a detection of a debtor;
- 8) the advance payment of a recoverer;
- 9) a travel of enforcement agent on the commission of the enforcement procedures on all forms of public transport - urban, suburban and local posts (except taxis), including business trip expenses of enforcement agents;
- 10) any other necessary actions in the enforcement of a court order;
- 11) other remuneration to the persons, engaged by enforcement agent in enforcement proceedings.

**Footnote. Article 113 as amended by the Law of the Republic of Kazakhstan dated 26.06.2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

#### **Article 114. Procedure for compensation of expenses on commission of enforcement procedures**

1. The costs of the commission of executive actions shall be recovered from the debtor for the benefit of persons or entities who have suffered these costs.

2. Upon the termination of the enforcement proceedings in view of the abolition of the act abatement on the basis of which a court order was issued, the expenses on the commission of the enforcement procedures shall be reimbursed at the expense of republican budget.

3. On the termination of enforcement proceedings because of unjustified refusal of a recoverer from the receipt of items, seized from a debtor on the enforcement of a court order on transfer them to a recoverer, and the return of a court order to a recoverer, if he by his action or inaction prevented the enforcement, the expenses on the enforcement of enforcement procedures shall be collected from a recoverer.

4. Collection of the expenses on the commission of the enforcement procedures and their compensation to the body or person, who suffered the expenses shall be carried out on the basis of a decision of the state enforcement agent, confirmed by the head of the territorial body, or regulation of a private enforcement agent and documents, confirming incurred expenses.

5. A debtor shall have the right to seize a court with the statement to challenge a decision of enforcement agent on collection of expenses on enforcement actions by the commission with a claim for deferment or installment of their recovery, to reduce their size or exemption from punishment.

6. Calculation methodology of expenses on enforcement proceedings shall be confirmed by the authorized body.

Footnote. Article 114 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 115. Advancing of expenses by a recoverer**

Footnote. Article 115 is excluded by the Law of the Republic of Kazakhstan dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

#### **Paragraph 2. A procedure of determining and compensation of the expenses for private enforcement agents Article 116. Financing of activity on the enforcement of court orders by a private enforcement agent**

1. A private enforcement agent shall finance his activity on a stand-alone basis.

2. A private enforcement agent makes obligatory payments to cover expenses related to the acquisition (rent) of an office, its maintenance, equipment, repair and security, creation of workplaces and payment of wages to employees, acquisition of the equipment required for the office work, compulsory insurance of civil liability, payment of taxes and other obligatory payments to the budget, the safety of the office archive, contributions to the regional chamber of private enforcement agents, target programs for the development of private enforcement activity and also reimburses other costs related to organizational and economic, transport and technical support of his/her activity from the funds received as a payment for his/her activity. The remaining funds are at the disposal of the private enforcement agent, which he/she uses at his/her discretion.

3. The payment of a private enforcement agent shall be taken into account the need for self-financing of their activities.

Footnote. Article 116 as amended by Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (goes into effect on 01.01.2015).

#### **Article 117. Payment of a private enforcement agent's activity**

Footnote. Article 117 is excluded by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 117-1. Payment for the activity of a private enforcement agent carried out as part of compulsory measures to execute enforcement documents on collection of alimony and wages**

1. A private enforcement agent is paid for his/her activity from the budget for a socially significant category of cases such as:

1) recovery of alimony when:

debts are three and more months long owing to the debtor's being on a wanted list;  
a debtor has no permanent income, place of work and property that can be foreclosed on;

2) recovery of wages when a debtor has neither money nor property that can be foreclosed on.

2. The amount of payment for the activities of a private enforcement agent related to the adoption of coercive measures on enforcement documents, provided for in paragraph 1 of this article, shall be established by the authorized body.

3. A private enforcement agent is paid for his/her activity pursuant to a report on the execution of enforcement actions and collected payments, which he/she submits to a territorial body.

4. The procedure for payment of a private enforcement agent's activity involving coercive measures taken under enforcement documents provided for in paragraph 1 of this article shall be established by the authorized body.

**Footnote. Chapter 12 is supplemented with Article 117-1 according to Law of the Republic of Kazakhstan № 376-V as of 29.10.2015 (goes into effect on 01.01.2016); as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).**

### **Article 118. Rules of determining the size of payment of a private enforcement agent activity**

1. Payment for the activities of a private enforcement agent shall be made within the framework of enforcement proceedings at the expense of the debtor, with the exception of cases provided for by this Law, and is established in the amount of three to twenty-five percent, depending on the category of cases and the amount of recovery, with the establishment of maximum amounts of not more than ten thousand monthly calculation indicators.

According to executive documents on the procedure for communicating with a child, payment for the activities of a private enforcement agent is assigned in equal shares to the recoverer and the debtor.

According to the enforcement document on securing a claim, payment for the activities of a private enforcement agent is collected from the party that filed a petition for interim measures.

According to the executive document on the cancellation of the securing of the claim, payment for the activities of a private enforcement agent is collected from the person who filed a petition for the adoption of interim measures and whose claim was denied. If the claim

is satisfied, payment for the activities of a private enforcement agent under the executive document on the cancellation of the security of the claim is recovered from the person in respect of whom interim measures have been taken.

According to executive documents of a non-property nature, payment for the activities of a private enforcement agent is established in monthly calculation indices.

2. The payment of activity of a private enforcement agent shall be effected only in the case of full or part execution of enforcement document. If an enforcement document of property nature is partly executed, only the part of payment of its activity, proportionally recovered to the sum or value of the property shall be paid to the private enforcement agent.

Payment for the activities of a private enforcement agent shall not be collected if the debtor executes the enforcement document before it is presented for enforcement.

3. A private enforcement agent shall have the right to charge for his services only in the amounts provided for by this article and established by the authorized body. A private enforcement agent shall be prohibited from changing the established amounts of remuneration for his activities.

4. The amount of payment for the activities of a private enforcement agent shall be approved by the authorized body.

5. Benefits for recoverer – individuals and legal entities, provided by the legislation of the Republic of Kazakhstan, shall be distributed on these persons upon commission of enforcement procedures.

6. Payment for the activities of a private enforcement agent in enforcement proceedings initiated on the basis of enforcement documents provided for in subparagraphs 9) and 10) of paragraph 1 of Article 9 of this Law is not charged.

**Footnote.** Article 118 is in the wording of Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Laws of the Republic of Kazakhstan № 269-V as of 29.12.2014 (goes into effect on 01.01.2015); № 376-V as of 29.10.2015 (goes into effect on 01.01.2016); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 119. Prepayment of charges of private enforcement agent**

1. Prior to the initiation of enforcement proceedings, the exactor, at the direction of a private enforcement agent, is obliged to deposit the amount necessary for the implementation of enforcement actions to the current account, intended for storing the collected amounts in favor of the exactors. On the institution of enforcement procedures, a private enforcement agent may assign a later date for the introduction of the sum to the execution creditor.

If an enforcement procedure is initiated by a private enforcement agent and a later date for introduction a sum ahead is appointed, necessary for the implementation of enforcement

procedures, in case of failure to pay by the deadline, he may suspend the enforcement procedure.

If in the course of enforcement proceedings the funds deposited to the current account intended for storing the collected amounts in favor of the recoverers are not enough to carry out further enforcement actions, then the recoverer, at the direction of the private enforcement agent, is obliged to deposit an additional amount to the specified current account.

2. From introduction of advance amounts, necessary for the exercise of enforcement procedures, execution creditors are exempted, who are:

1) individuals, representing the executive document for execution, issued by a court decision on the case in which a person has been granted a legal assistance for free of charge or have been released from payment of the fee in accordance with the Code of the Republic of Kazakhstan " On taxes and other obligatory payments to the budget " (Tax Code);

2) natural persons presenting for execution an enforcement document issued pursuant to a decision rendered in a criminal proceeding, under which a claim for compensation for damage caused by a criminal offence was satisfied;

2-1) state bodies on recovery in profit of the state;

3) on the executive documents, issued by domestic courts for alimony.

3. A private enforcement agent returns the paid-in amount in advance to the execution creditor for the implementation of enforcement procedures, if it has been collected from the debtor.

4. Conditions of advancing, provided by this Article, shall be regulated on the ground of agreement (contract), concluded between a private enforcement agent and recoverer in accordance with paragraph 4 of Article 37 of this Law.

The amount of the advance payment shall not exceed fifteen monthly calculated indices.

**Footnote. Article 119 as amended by Laws of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 227-V as of 03.07.2014 (goes into effect on 01.01.2015); № 156-VI as of 24.05.2018 (shall go into effect upon expiry of ten calendar days after the day of its first official publication); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

## **Article 120. Procedure for recovery of sums of payment by a private enforcement agent from a debtor**

1. If in the course of execution of activity of a private enforcement agent the payment is not effected, expenses on execution are not recovered, advance installments, incurred by recoverer, a private enforcement agent shall introduce and direct the resolutions to a debtor, specified in subparagraphs 9) and 10) of paragraph 1 of Article 9 of this Law.

The decision on approval of the amounts of payment for the activities of a private enforcement agent or on reimbursement of expenses incurred in the performance of

enforcement actions is executed by the private enforcement agent that issued this decision, except for cases of termination of its activities.

2. Execution of enforcement document shall not release from payment of a debtor of incurred expenses in fact on execution and payment of activity of a private enforcement agent, if it is executed after presentation its in enforcement.

3. Execution of enforcement document by a debtor, go over the heads of a private enforcement agent, shall not release from payment in fact on execution and payment of activity of a private enforcement agent.

**Footnote. Article 120 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

### **Article 121. Refund of payment of a private enforcement agent**

In case of recognition of the acts by the court, performed by a private enforcement agent on collection or determination of the amount as illegal, a private enforcement agent shall return the received unreasonable amounts to the person from whom they have been recovered or by whom they have been paid within ten days of the order of enforcement of a judicial act.

### **Paragraph 3. Cash control of account of the territorial authority and current account of a private enforcement agent Article 122. Cash control account of a territorial body and current account of a private enforcement agent**

1. For temporary storage of recovered amounts in favor of recoverers and other amounts intended for interested parties, including advance amounts for reimbursement of execution costs:

1) the territorial body opens in the central authorized body for budget execution control cash accounts for the temporary placement of money in national and foreign currencies;

2) a private enforcement agent must have appropriate current accounts in national and, if necessary, in foreign currencies.

2. Money held in cash control accounts and a current account intended for keeping the collected amounts in favor of claimants are not the funds of a territorial body and the income of a private enforcement agent. In the event of the death of a private bailiff, the money in the specified current account shall not be included in the estate.

3. A private enforcement agent opens the following current accounts in a bank or an organization carrying out certain types of banking operations:

1) for the storage of collected amounts in favor of claimants;

2) for crediting payment for their activities, conducting settlements for the maintenance of the office, paying wages to employees of the office and other operations not covered by the current account, intended for storing the collected amounts in favor of collectors.

At the same time, a private enforcement agent opens in a bank or an organization that carries out certain types of banking operations, only one current account in the relevant currency, intended for keeping the recovered amounts in favor of the claimants.

Operations on this account are carried out exclusively in non-cash form.

**Footnote. Article 122 as amended by the Law of the Republic of Kazakhstan dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

### **Article 123. Accounting records of accounts for control of cash temporary accommodation of money and the current account**

1. Territorial authority record amounts of cash balances in the control of temporary placement of funds in national and foreign currencies and shall be conducted in accordance with the budget legislation of the Republic of Kazakhstan.

**2. Excluded by the Law of the Republic of Kazakhstan dated June 26, 2020 № 349-VI ( shall be enforced ten calendar days after the day of its first official publication).**

3. Unclaimed money collected from debtors and other amounts intended for interested parties, including those for reimbursement of expenses, kept on the cash control account of the territorial body, the current account of a private enforcement agent intended for storing the collected amounts in favor of recoverers, after five years from the date of transfer to the specified accounts are transferred to the budget on the basis of a judicial act on the proposal of a territorial body or a private enforcement agent.

4. Suspension of debit transactions on a current account intended for storing recovered amounts in favor of collectors, a private enforcement agent whose license has been suspended or terminated or who has been deprived of a license, as well as expelled from the members of the Republican Chamber, is carried out on the basis of an order of the authorized body in the manner and in the form established by the authorized body in agreement with the National Bank of the Republic of Kazakhstan.

5. The authorized body or its territorial bodies send the order specified in paragraph 4 of this article to second-tier banks or organizations carrying out certain types of banking operations, on paper or in electronic form through the state automated information system of enforcement proceedings. Such an order is subject to mandatory execution by second-tier banks and organizations engaged in certain types of banking operations.

The order of the authorized body or its territorial bodies on the suspension of debit transactions on the current account of a private enforcement agent intended for the storage of recovered amounts in favor of collectors is canceled by the body that issued this order.

6. A private enforcement agent, to whom, in accordance with this Law, enforcement proceedings have been transferred, in order to transfer money from a current account intended for storing recovered amounts in favor of recoverers, a private enforcement agent, whose license has been suspended or terminated, or whose license has been revoked, to its a current account intended for the storage of recovered amounts in favor of collectors shall submit to the bank or an organization carrying out certain types of banking operations the following documents:

1) the decision of the authorized body to suspend or terminate or deprive the license of a private enforcement agent;

2) the decision of the regional chamber of private enforcement officers on the transfer of enforcement proceedings to another private enforcement agent, containing the last name, first name, patronymic (if it is indicated in the identity document) and the individual identification number of the private enforcement agent, as well as the number of his license;

3) a payment document drawn up and presented in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

A bank or an organization carrying out certain types of banking operations, after the authorized body or its territorial body revokes an order to suspend debit transactions (if any), transfers money from a current account intended for storing recovered amounts in favor of collectors, a private enforcement agent, the validity of a license which has been suspended or terminated or whose license has been revoked, to a current account intended for storing recovered amounts in favor of recoverers, a private enforcement agent to whom enforcement proceedings have been transferred, and closes the current account.

**Footnote. Article 123 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

## **Chapter 13. PERFORMING SANCTION. RESPONSIBILITY FOR VIOLATION OF THE LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN ON EXECUTIVE PRODUCTION**

**Footnote. Title of chapter 13 is in the wording of Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 124. The performing sanction**

1. A state enforcement agent after full implementation of the court order provides a debtor to pay voluntarily a performing sanction to the state in the amount of ten percent of the collected sum or value of the property or ten monthly estimates from individuals and twenty-MCI from legal entities on non-property court orders.



In case of refuse by the debtor, a state enforcement agent shall recover the performing sanction on the basis of the judgment on sanction of performing penalties from the debtor.

The performing sanction shall not be collected in the following cases, if:

1) a debtor executed an enforcement document to the full extent before presentation of enforcement document to the enforcement;

2) a performing sanction, liable to penalty at the rate of ten per cent of the court order of execution to recovering the amounts of less than one monthly indices;

3) a debtor is the state.

2. The performing sanction is transferred to the state budget.

3. A debtor may apply to the court to challenge the decision, made by the enforcement agent for the recovery of executive sanction, with a claim for deferment or installment of its recovery, to reduce its size or exemption from punishment of performing sanction.

**Footnote. Article 124 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 125. Liability of a debtor for failure of enforcement documents**

**Footnote. Article 125 is in the wording of Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).**

1. For non-performance of the court order, a debtor may be subject to administrative or criminal liability.

2. The prosecution of a debtor shall not exempt him from the obligation to perform a document, provided by the enforcement action.

3. Is excluded by Law of the Republic of Kazakhstan № 376-V as of 29.10.2015 (goes into effect on 01.01.2016).

**Footnote. Article 124 as amended by the Law of the Republic of Kazakhstan dated 15.01.2014 № 164-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 376-V as of 29.10.2015 (goes into effect on 01.01.2016).**

#### **Article 125-1. The system of enforcement document execution**

The system of execution of enforcement documents consists of:

1) the authorized body;

2) territorial bodies of the authorized body and their departments;

3) the National Chamber;

4) private enforcement agents.

**Footnote. Chapter 14 is supplemented with Article 125-1 according to Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (goes into effect on 01.01.2015).**

## **SECTION 3. LEGAL STATUS OF ENFORCEMENT AGENTS**

### **Chapter 14. BASIS OF THE LEGAL STATUS OF ENFORCEMENT AGENTS IN THE REPUBLIC OF KAZAKHSTAN Article 126. The rights and duties of the enforcement agent in the commission of enforcement procedures**

1. The enforcement agent in the manner prescribed by law has the right to:
  - 1) make resolutions on matters, relating to enforcement;
  - 2) draw up reports on administrative offenses (with the exception of a private enforcement agent );
  - 3) receive free of charge the necessary information, explanations and references on issues arising from the performance of enforcement actions, in compliance with the established legislative by acts of the Republic of Kazakhstan of requirements for disclosure of information constituting commercial, banking and other secrets protected by law. At the same time, individuals and legal entities are obliged to provide them to the bailiff immediately, and in cases requiring processing, preparation of special documents, no later than three working days;
    - 3-1) detect existence of enforcement proceedings of other enforcement agents;
  - 4) apply to a court or other authorities that issued a court order, for an explanation in the case of uncertainty, the court orders on the basis of which the enforcement procedures are performed;
  - 5) to make submissions to the court on issues that have arisen in the course of enforcement actions, including on the subject of changing the method and procedure for execution;
  - 6) summon citizens and officials in the court orders which are processed;
  - 7) conduct in organizations of all forms of ownership, verification of performance of court orders and documentation on them;
  - 8) give instructions to the participants of the enforcement proceedings on the commission of specific enforcement procedures;
  - 9) enter premises and storage, occupied or owned by the debtors, as well as others in the presence of evidence to support their finding property, belonging to the debtor. If necessary, open spaces and storages are forced to open without the participation of the debtor, to make inspections in the presence of witnesses;
  - 10) be accepted without undue delay by the heads and other officials of state bodies, organizations, on issues related to the execution of court orders;
  - 11) seize debtors' money in banks and securities in the manner provided in this Law;
  - 12) temporarily seize a property to determine its accessories with the rules provided for in paragraph 1 of Article 63 of this Law;
  - 13) withdraw, transfer to storage and sell a seized property;

14) use premises of the organizations to store a seized property, the creditor and a debtor trucks for transportation of property in accordance with the laws of the Republic of Kazakhstan;

15) involve employees or departments of internal affairs for the enforcement of court orders where necessary;

16) submit a prosecuting idea of bringing to justice, those who persistently evade enforcement of judgments to the authority;

16-1) submit to the internal affairs bodies of the Republic of Kazakhstan a proposal to suspend a permit for the acquisition, storage, storage and carrying of civilian weapons and cartridges for it by an individual who is a debtor, in case of organizing forced eviction, demolition;

17) instruct bailiffs of another territorial body and (or) department or executive district to carry out separate executive actions, if such a need arose in the process of execution of the executive document;

18) perform other actions under the laws of the Republic of Kazakhstan on enforcement proceedings.

2. An enforcement agent shall be obliged to:

1) take measures aimed at forced execution of court orders, including a court's ruling to secure a claim and approve a settlement agreement, as well as orders of other bodies in cases provided for by regulatory legal acts of the Republic of Kazakhstan;

2) provide, no later than three working days following the day of application, the parties or their representatives with the opportunity to get acquainted with the materials of enforcement proceedings, make extracts from them, make copies;

3) consider within five working days applications regarding enforcement proceedings and petitions of the parties and make decisions on them, explain the terms and procedure for their appeal and protest, declare self-withdrawal if he is personally, directly or indirectly interested in the outcome of enforcement proceedings or there are other circumstances raising doubts about his impartiality;

3-1) to make audio, photo, video recording during the execution of executive documents related to eviction, moving in, demolition, as well as during the production of an inventory and seizure of property;

3-2) in case of organizing forced eviction, demolition, apply to the internal affairs bodies of the Republic of Kazakhstan to provide information on the availability of a permit for the acquisition, storage, storage and carrying of civilian weapons and cartridges for them by an individual who is a debtor;

3-3) no later than one working day following the day of fulfillment of the requirements of the executive document or the emergence of grounds for canceling the temporary suspension of the permit for the acquisition, storage, storage and carrying of civilian weapons and cartridges for it by an individual, makes a decision to remove this restriction. Copies of the

specified decision are immediately sent to the debtor and to the internal affairs bodies of the Republic of Kazakhstan;

4) take any other actions under the laws of the Republic of Kazakhstan of enforcement proceedings.

3. Enforcement agent shall not allow an impairment of a right and lawful interests of individuals and legal entities in his activities.

Footnote. Article 126 as amended by Laws of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 376-V as of 29.10.2015 (goes into effect on 01.01.2016); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication); dated December 31, 2021 № 100 (shall be enforced upon the expiration of sixty calendar days after the day of its first official publication).

#### **Article 127 Appeal against the decision and actions (inaction) of the bailiff**

The decision and action (inaction) of the bailiff on the execution of the writ of execution or the refusal to perform such actions may be appealed by the recoverer or debtor to the court. The complaint is filed with the court in the manner prescribed by the legislation of the Republic of Kazakhstan on administrative proceedings.

Footnote. Article 127 as amended by the Law of the Republic of Kazakhstan dated June 29, 2020 № 351-VI (shall be enforced from July 1, 2021).

#### **Article 128. Responsibility for failure to comply with lawful requirements of the enforcement agent**

1. Legal requirements of enforcement agent are obligatory for all state bodies, bodies of local self-government, citizens and organizations and shall subject to the exact performance over the whole territory of the Republic of Kazakhstan.

2. Non-performance of legal requirements of enforcement agent, as well as interfering to exercising of functions on execution of enforcement documents by the enforcement agent shall entail responsibility, provided by the Laws of the Republic of Kazakhstan.

Footnote. Article 128 is in the wording of Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Chapter 15. LEGAL STATUS OF PUBLIC ENFORCEMENT AGENTS Article 129. The system of enforcement proceedings**

Footnote. Article 129 is excluded by Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (goes into effect on 01.01.2015).

#### **Article 130. The order of the appointment of a state enforcement agent**

1. A state enforcement agent is a public servant.
2. A state enforcement agent is appointed and dismissed by the head of territorial authority in accordance with the laws of the Republic of Kazakhstan on public service.
3. A quantity of members of state enforcement agents is established in accordance with the laws of the Republic of Kazakhstan.

#### **Article 131. Requirements for state enforcement agent**

1. A state enforcement agent may be appointed a person who is a citizen of the Republic of Kazakhstan, which has a higher legal education, corresponding to requirements of legislation of the Republic of Kazakhstan with the qualification requirements, capable in his professional and personal qualities, as well as for health to perform his duties.

2. A state enforcement agent may not be a person: who is recognized as incapable or partially capable as established by the Law of the Republic of Kazakhstan; on which an administrative punishment was imposed within 3 years until the appointment as a state enforcement agent for the commitment of corruption offense in judicial proceeding; previously dismissed for negative reasons from the state, military service, law enforcement bodies, courts and justice agencies; having unserved or not taken as prescribed by law a criminal record.

3. State bailiffs receive the identification cards, they are provided with uniforms (without shoulder straps), a badge and an emblem, the samples of which are approved by the authorized body.

4. Standards for in-kind provision of state enforcement agents with uniforms (without shoulder straps) are approved by the authorized body in coordination with the central authorized body on budget planning.

**Footnote.** Article 131 is in the wording of Law of the Republic of Kazakhstan № 368-IV dated 28.12.2010 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Laws of the Republic of Kazakhstan № 379-IV dated 06.01.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 239-V as of 29.09.2014 (goes into effect ten calendar days after its first official publication); dated 26.11.2019 № 273-VI (shall be enforced upon the expiration of six months after the day of its first official publication).

#### **Article 132. Responsibility of state enforcement agent**

Non-performance or improper performance of the state enforcement agent of incumbent duties and official powers shall entail a responsibility under the law.

#### **Article 133. Monitoring the activities of state enforcement agent**

Monitoring the activities of state enforcement agent is performed by the authorized body and its territorial bodies.

#### **Article 134. A head of territorial department –a senior enforcement agent**

**Footnote. Title is in the wording of Law No 368 -IV dated 28.12.2010 (shall be enforced upon expiry of ten calendar days after its first official publication).**

A head of the territorial department - a senior legal enforcement agent shall:

- 1) organize and control the activity of the territorial department and is personally responsible for the execution of the tasks, assigned to state law enforcement agents;
- 2) organize the execution of orders, guidelines, directives and orders of the authorized and the territorial authorities;
- 3) carry out the resolution of complaints and allegations of physical and legal persons to the actions of enforcement agents, conduct their reception;
- 4) prepare a statistical report on the activities of the territorial department and organize the records management and archives;
- 5) make enforcement procedures under this Law;
- 6) perform other actions under the laws of the Republic of Kazakhstan.

**Footnote. Article 134, as amended by Law of the Republic of Kazakhstan No 368 –IV dated 28.12.2010 (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 135. Ensuring of activities of state enforcement agents**

Organizational and logistical support of state enforcement agent is funded from the national budget.

#### **Article 136. Measures of social protection of state enforcement agents**

**Footnote. The heading of Article 136 as amended by Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (goes into effect on 01.01.2015).**

In case of death of state enforcement agents in connection with the performance of official duties, families of the deceased are entitled to a dwelling place from the state housing fund in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

**Footnote. Article 136 as amended by Law of the Republic of Kazakhstan № № 269-V as of 29.12.2014 (goes into effect on 01.01.2015).**

#### **Chapter 16. LEGAL STATUS OF A PRIVATE ENFORCEMENT AGENTS Article 137. Activity on the enforcement of court orders**

**1. Is excluded by Law of the Republic of Kazakhstan № 376-V as of 29.10.2015 (goes into effect on 01.01.2016).**

2. Activity of enforcement agents shall be recognized to ensure in accordance with the legislation of the Republic of Kazakhstan on enforcement proceedings to provide protection of rights, freedoms and legitimate interests of a person, citizen and organizations during enforcement and other actions.

3. The activity of private enforcement agents is not an entrepreneurial activity.

**Footnote.** Article 137 as amended by Laws of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 376-V as of 29.10.2015 (goes into effect on 01.01.2016).

### **Article 138. Grounds of activity of a private enforcement agent**

1. A private enforcement agent accepts and carries out all enforcement documents provided for in this Law, except for those regarding:

1) recovery from the state;

2) collecting from a legal entity where fifty per cent or more of the voting shares ( participatory interests in the charter capital) are owned by the State and legal entities affiliated therewith;

3) collection from subjects of natural monopolies;

4) recovery in favor of the state, the amount of recovery under which exceeds thousands of monthly calculated indices;

5) confiscation of property or transfer of property into state ownership;

6) eviction, move-in, demolitions, seizures of land plots and other categories of cases in the interests of the state.

**2. Is excluded by Law of the Republic of Kazakhstan № 376-V as of 29.10.2015 (goes into effect on 01.01.2016).**

3. The exclusive competence of private enforcement agents includes the execution of enforcement documents regarding recoveries in favor of natural and legal persons, except for enforcement documents provided for in paragraph 1 of this article.

4. A private enforcement agent carries out enforcement actions on a reimbursable basis. Enforcement actions committed by a private enforcement agent are paid for in accordance with the amounts specified by this Law.

5. Provision of the legislation of the Republic of Kazakhstan on enforcement proceedings and status of enforcement agents in parts of recovery from a debtor of enforcement sanction shall not be applied to the private enforcement agents.

**Footnote.** Article 138 is in the wording of Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expire of ten calendar days after its first official publication.); as amended by Laws of the Republic of Kazakhstan № 269-V as of 29.12.2014 (goes into effect on 01.01.2016); № 376-V as of 29.10.2015 (goes into effect on 01.01.2016); dated 29/06/2020 № 352-VI (shall be enforced ten calendar days after the day of its first

official publication); № 138-VII of 12.07.2022 (shall be brought into effect sixty calendar days after the date of its first official publication).

#### **Article 139. Guarantees of activity on the enforcement of court orders**

1. A private enforcement agent shall be unbiased and independent in its activity and be governed by the Constitution of the Republic of Kazakhstan, this Law and other laws regulating enforcement proceedings in the Republic of Kazakhstan as well as international treaties.

2. A private enforcement agent, his assistants and interns are prohibited from disclosing information, divulging documents that became known to them in connection with the performance of enforcement actions, including after termination of activity or dismissal, except for cases provided for by the laws of the Republic of Kazakhstan.

Any information (documents) about committed enforcement procedures may be provided only to those persons on behalf, by order or in respect of whom these procedures were committed.

The certificates about committed enforcement procedures shall be issued upon request of a court, prosecutor's office and investigation agencies with regard to criminal or civil cases under proceeding.

Footnote. Article 139 as amended by the Law of the Republic of Kazakhstan dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

#### **Paragraph 1. Appointment to office of a private enforcement agent**

Footnote. Title of paragraph 1 is in the wording of Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 140. A private enforcement agent in the Republic of Kazakhstan**

1. A private enforcement agent is a citizen of the Republic of Kazakhstan who has a higher legal education, has received a license as a private enforcement agent and has joined the Republican Chamber.

2. A private enforcement agent cannot be a person:

- 1) recognized in the manner prescribed by law as incapable or partially capable;
- 2) who has a conviction that has not been canceled or has not been expunged in accordance with the procedure established by law;
- 3) released from criminal liability on the basis of 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, within three years after the occurrence of such events;



4) dismissed for negative reasons from the state, military service, from the prosecutor's office, other law enforcement agencies, special state bodies of the Republic of Kazakhstan, within one year from the date of dismissal;

5) dismissed from the position of a judge on the grounds provided for in subparagraphs 11 ) and 11-1) of paragraph 1 of Article 34 of the Constitutional Law of the Republic of Kazakhstan “On the judicial system and the status of judges of the Republic of Kazakhstan”, within one year from the date of dismissal;

6) on which within three years prior to the empowerment of a private enforcement agent for committing a corruption offense, an administrative penalty was imposed in court;

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

8) deprived of the license of a private enforcement agent on the grounds provided for in paragraph 2 of Article 144 of this Law, within three years from the date of entry into force of the court decision.

3. Is excluded by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

4. A procedure of internship for the private enforcement agent shall be determined by the authorized body upon agreement with the Republican board of private enforcement agents.

5. A private enforcement agent shall perform his duties on his/her behalf and under his/her responsibility. Taxation of payment of a private enforcement agent shall be carried out by the rules, established for individual entrepreneurs.

Footnote. Article 140 as amended by Laws of the Republic of Kazakhstan № 368-IV dated 28.12.2010 (shall be enforced upon expiry of ten calendar days after its first official publication) ); № 15-V dated 27.04.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 164-V dated 15.01.2014 (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); № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016); dated 26.06.2020 № 349-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 be enforced ten calendar days after the day of its first official publication).

#### **Article 141. Commission for attestation of persons claiming to engage in the activities of a private enforcement agent**

1. Persons, who have completed an internship, shall be certified in commissions for attestation of persons claiming the right to engage in the activities of a private enforcement agent, established in the territorial bodies of oblasts, cities of republican significance and the capital.

The procedure of work of the commission for attestation of persons claiming the right to engage in the activities of a private enforcement agent shall be approved by an order of the head of the territorial body of the authorized body.

2. The main tasks of the commission for attestation of persons claiming the right to engage in the activities of a private enforcement agent shall be:

1) ensuring the qualitative selection of applicants for a license to engage in the activities of a private enforcement agent;

2) ensuring openness and publicity of meetings.

3. Representatives of the mass media shall be entitled to attend the meeting of the commission for attestation of persons claiming the right to engage in the activities of a private enforcement agent.

4. In order to ensure the openness and publicity of the meeting of the commission for attestation of persons claiming the right to engage in the activities of a private enforcement agent, audio and / or video recording or stenography shall be performed. Verbatim record, audio and / or video recordings, received during the meeting shall be attached to the minutes of the meeting and stored together with the materials of the commission for attestation of persons claiming the right to engage in the activities of a private enforcement agent.

**Footnote. Article 141 is in the wording of Law of the Republic of Kazakhstan № 376-V dated 29. 10. 2015 (shall be enforced from 01.01.2016).**

#### **Article 141-1. The procedure and conditions for performing an attestation**

1. The procedure and conditions for testing persons, who have completed internship and claiming to engage in the activities of a private enforcement agent shall be determined by the authorized body.

2. A person applying for the right to engage in the activities of a private enforcement agent, after completing an internship, shall send an application to the relevant commission for attestation of persons claiming the right to engage in the activities of a private enforcement agent, on admission to attestation through territorial bodies of oblasts, cities of republican significance and the capital with the attachment of documents provided for by the legislation of the Republic of Kazakhstan.

3. In case of inadequate registration or submission of an incomplete set of documents, the application together with the documents submitted, shall be returned by the territorial bodies of oblasts, cities of the republican significance and the capital to the applicant without consideration, within a period of not more than five working days from the date of receipt with a written notification of the reason for return.

4. Admission to attestation is denied if the applicant does not meet the requirements established by this Law.

In case of refusal of admission to certification, the territorial bodies of regions, cities of republican significance and the capital send a reasoned decision to the applicant no later than fifteen working days from the date of receipt of the application.

Denial of admission to certification may be appealed in the manner prescribed by the legislation of the Republic of Kazakhstan. In case of disagreement with the decision of the authorized body or failure to receive a response from it within the time limits established by the legislation of the Republic of Kazakhstan, the complaint is filed with the court in the manner established by the legislation of the Republic of Kazakhstan on administrative proceedings.

5. The applicant, admitted to attestation shall be notified in written form by the territorial bodies of oblasts, cities of the republican significance and the capital about the place, date, time, procedure for attestation no later than ten calendar days prior to the event.

6. Attestation shall be carried out by the commission for attestation of persons claiming the right to engage in the activities of a private enforcement agent, as necessary, but at least once a quarter.

7. The attestation shall consist of two stages:

- 1) taking a computer test for knowledge of the legislation of the Republic of Kazakhstan;
- 2) checking the applicant's knowledge in the form of an interview.

8. The applicant shall have the right, at his choice, to take testing in Kazakh or Russian. Testing shall be carried out using computer technology.

9. Based on the results of attestation, the commission for attestation of persons claiming the right to engage in the activities of a private enforcement agent shall issue a reasoned decision on passing or failing the attestation no later than the next day after the attestation.

10. When having attestation, the applicant shall not be allowed to use reference, special and other literature, communication facilities, or any other records.

In case of violation of these requirements, the applicant shall be removed from the attestation by the commission for attestation of persons claiming the right to engage in the activities of a private enforcement agent.

The applicant, suspended from the attestation, shall have the right to re-apply for admission to the attestation in the manner provided by this Law, after three months from the date of the decision of the commission for attestation of persons claiming the right to engage in the activities of a private enforcement agent.

11. The applicant who fails to attend the attestation for a good reason, shall be summoned to the next meeting of the commission for attestation of persons claiming the right to engage in the activities of a private enforcement agent in the manner provided for in paragraph 5 of this article.

In case of a repeated failure of the applicant, his application shall remain without consideration and shall be returned together with the documents submitted by him.

Footnote. Chapter 16 is supplemented by Article 141-1 in accordance with Law of the Republic of Kazakhstan № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016); dated 29.06.2020 № 351-VI (shall be enforced from 01.07.2021).

#### **Article 142. The license of a private enforcement agent**

1. The license of a private enforcement agent shall be a permit for the right to engage in activities on the adoption of measures for the enforcement of executive documents and shall be issued by the authorized body after completing an internship and passing an attestation. The authorized body shall maintain the State register of licenses of private enforcement agents.

2. The list of documents required to obtain a license of a private enforcement agent shall be determined in the manner determined by the authorized body. The terms and procedure for issuing a license of a private enforcement agent shall be established in accordance with the legislation of the Republic of Kazakhstan on permits and notifications.

3. A fee shall be levied for issuing a license of a private enforcement agent, the amount and procedure for its payment shall be determined in accordance with the Code of the Republic of Kazakhstan "On Taxes and Other Mandatory Payments to the Budget" (Tax Code ).

4. The license of a private enforcement agent shall be general, issued without any time limit, and shall be valid throughout the territory of the Republic of Kazakhstan.

5. The following are exempted from certification and internship:

1) persons who have passed the qualification exam at the Qualification Commission under the Supreme Judicial Council of the Republic of Kazakhstan, who have successfully completed an internship in court and received a positive review from the plenary session of the regional or equivalent court;

2) judges, as well as persons who have terminated the powers of a judge on the grounds provided for in subparagraphs 1), 2), 3), 9), 10) and 12) of paragraph 1 of Article 34 of the Constitutional Law of the Republic of Kazakhstan "On the judicial system and the status of judges of the Republic of Kazakhstan ";

3) persons who have worked as a prosecutor or investigator for at least five years;

4) persons who have worked in state bodies in the field of ensuring the execution of executive documents for at least two years.

Footnote. Article 142 is in the wording of Law of the Republic of Kazakhstan № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016); as amended by the Law of the Republic of Kazakhstan dated 26.06.2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

#### **Article 143. Suspension of a license validity of a private enforcement agent**

1. Suspension of the license of a private enforcement agent shall be carried out by the decision of the authorized body on the basis of the presentation of its territorial bodies, the Republican Chamber or regional chambers of private enforcement agents.

2. In addition to the general grounds provided for by the laws of the Republic of Kazakhstan, the license of a private enforcement agent is suspended for up to six months in the following cases:

1) making a decision with regard to a private enforcement agent on the qualification of an act of the suspect in criminal case;

2) violation by a private enforcement agent of the legislation of the Republic of Kazakhstan when performing enforcement actions, if the failure to take measures to suspend may lead to further violation of the rights or cause damage to the parties to the enforcement proceedings or other persons;

3) unjustified refusal in acceptance of enforcement document;

4) performance by a private enforcement agent of enforcement actions outside the territory of its enforcement district, except for the cases provided for by subparagraph 2) of paragraph 4 of Article 52 of this Law;

5) non-receiving training (raising of qualification) in terms, established by subparagraph 9 -1) of paragraph 1 of Article 148 of this Law, or refusal in its receiving;

6) repeated violation of requirements of subparagraphs 4), 5-1) and 5-2) of paragraph 1 and paragraph 2 of Article 148 of this Law by the private enforcement agent;

7) excluded by the Law of the Republic of Kazakhstan dated June 26, 2020 № 349-VI ( shall be enforced ten calendar days after the day of its first official publication).

3. A court decision on suspension of a private enforcement agent license shall specify the reasons and term. A license shall be discontinued since a court decision on suspension of a private enforcement agent license enters into force. When the circumstances that caused the suspension are eliminated, the authorized body makes a decision to renew the license of a private enforcement agent.

4. A suspension of a private enforcement agent license shall entail a prohibition against activity as a private enforcement agent and the enforcement of enforcement procedures since a court decision on the suspension of private enforcement agent license is made.

5. Powers of a private enforcement agent shall be suspended upon his/her notice if elected as a member of the Parliament or Maslikhat of the Republic of Kazakhstan acting on permanent or free basis and paid from the state budget. If the power as a member is terminated this person may renew the power of a private enforcement agent.

6. In case of suspension of the license of a private enforcement agent, the enforcement proceedings being executed by him are sent to the regional chamber of private enforcement agents for transfer to another private enforcement agent, of which the parties to the enforcement proceedings are notified .

7. The decision to suspend or renew the license of a private enforcement agent is posted on the Internet resource of the authorized body. The private bailiff and the Republican Chamber are notified of the decision.

8. The decision to suspend or refuse to renew the license of a private enforcement agent may be appealed to the court.

Footnote. Article 143 is in the wording of Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Laws of the Republic of Kazakhstan № 233-V dated 04. 07. 2014 (shall be enforced from 01.01.2015); № 269-V dated 29. 12. 2014 (shall be enforced from 01.01.2015); № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

#### **Article 144. Termination and deprivation of license of a private enforcement agent**

Footnote. The heading of Article 144 as amended by the Law of the Republic of Kazakhstan dated 26.06.2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

1. In addition to the general grounds provided for by the laws of the Republic of Kazakhstan, the license of a private enforcement agent is terminated by the decision of the authorized body in the following cases:

- 1) termination of citizenship of the Republic of Kazakhstan;
- 2) entry into legal force of a guilty verdict of the court;
- 3) recognition by a court decision that has entered into legal force as incapable or partially capable, deceased or missing;
- 4) death;
- 5) exemption from criminal liability for committing a crime on the basis of 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;
- 6) the entry into force of a court decision on the application of compulsory medical measures.

2. In addition to the general grounds provided for by the laws of the Republic of Kazakhstan, the deprivation of a license of a private enforcement agent is carried out in a judicial proceeding at the suit of an authorized body in the following cases:

1) repeated (two or more times within six consecutive calendar months) violation of the legislation of the Republic of Kazakhstan when performing enforcement actions, including those that caused damage to the interests of the state, individuals and legal entities;

2) collection by a private enforcement agent of payment for its activities with an overestimation of the amounts (rates) established by the Government of the Republic of Kazakhstan;

3) provision of unreliable or deliberately distorted information in the documents that served as the basis for issuing a license of a private enforcement agent;

4) non-acceptance within one month in accordance with the procedure established by this Law of enforcement measures for a socially significant category of cases of enforcement documents;

5) establishing the fact of carrying out activities during the period of suspension of the license of a private enforcement agent;

6) engaging in other types of paid activities, with the exception of scientific, teaching or creative activities;

7) exclusion from the members of the Republican Chamber on the grounds provided for in subparagraph 4) of paragraph 1 of Article 170 of this Law.

3. A submission on the termination or deprivation of a license of a private enforcement agent is submitted to the authorized body by the prosecutor's office, the Republican chamber or regional chambers of private enforcement agents or a territorial body.

4. The regional chamber of private enforcement officers is obliged to take measures to transfer enforcement proceedings, office work, archives of a private enforcement agent, whose license has been terminated or whose license has been revoked, to another private enforcement agent, as well as to withdraw the license of a private enforcement agent to transfer it to an authorized body and destruction of a personal seal, service certificate of a private enforcement agent.

5. Should any disciplinary proceedings be caused against a private enforcement agent he/she may be released from the position of his/her own free will upon termination of disciplinary proceedings.

6. The decision of the authorized body to terminate or deprive the license of a private enforcement agent may be appealed in the manner prescribed by the laws of the Republic of Kazakhstan.

**Footnote. Article 144 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (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 its first official publication); № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication); dated 26.09.2020 № 351-VI (shall be enforced from 01.07.2021).**

#### **Article 145. Appointment to office of a private enforcement agent**

**Footnote. Article 145 is excluded by Law of the Republic of Kazakhstan № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016).**

#### **Article 146. Special conditions of private enforcement agents' activity**

1. A private enforcement agent is not entitled to carry out its activities in the absence of a professional liability insurance contract of a private enforcement agent.

2. The object of professional liability insurance of a private enforcement agent is the property interest of the insured (insured person) associated with his obligation, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, to compensate for the harm caused to third parties in connection with the implementation of activities for the execution of enforcement documents.

2-1. The amount of the sum insured under the professional liability insurance contract of a private bailiff is determined by its terms and conditions and should be at least one thousand times for private bailiffs operating in the territory of a city of republican significance, the capital, and at least five hundred times the monthly calculation index established for other private bailiffs. the law on the republican budget for the corresponding financial year, as of the date of conclusion of the contract.

2-2. An insured event under a contract of insurance of professional liability of a private enforcement agent is the fact of the civil liability of the insured to compensate for damage caused to the property interests of third parties as a result of professional errors made by the insured person in the execution of enforcement documents.

For the purposes of this article, professional errors of a private enforcement agent are understood as:

- 1) incorrect execution of procedural documents;
- 2) untimely cancellation of enforcement measures after the execution of the enforcement document, payment for the activities of a private enforcement agent and the costs of enforcement, resulting in harm to the debtor;
- 3) failure to notify the person in respect of whom enforcement actions are taken, about the consequences of the actions taken, which caused harm to him;
- 4) loss or damage to documents received by the insured (insured person) from the parties to enforcement proceedings;
- 5) unlawful disclosure of information constituting a commercial or other secret protected by law, which became known to him as a result of his activities.

The professional liability insurance contract of a private enforcement agent may determine other actions (inaction) that caused damage to the property interests of third parties in the course of execution of enforcement documents by the insured person.

**3. Excluded by the Law of the Republic of Kazakhstan dated June 26, 2020 № 349-VI ( shall be enforced ten calendar days after the day of its first official publication).**

4. If the amount of harm caused exceeds the amount of the insurance payment under the professional liability insurance contract, the private enforcement agent shall be liable for the damage caused by him personally belonging to him, including money .

5. A fact of caused harm subject to compensation shall be settled by agreement between the parties concerned and by court if a dispute arises.



6. Is excluded by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 146 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

## **Paragraph 2. Rights, liabilities and responsibility of private enforcement agents Article 147. Rights of private enforcement agents**

A private enforcement agent shall be entitled:

1) to enforce enforcement procedures as established by this Law in the interests of individuals and legal entities who appealed therefor;

2) to open bank accounts including foreign currency accounts in any bank, have property and personal non-property rights and liabilities, hire and dismiss employees, dispose incomings, appear in court on his/her behalf and enforce other actions in accordance with the legislation of the Republic of Kazakhstan;

3) to use services of public social security, medical and social insurance as established by the legislation of the Republic of Kazakhstan;

4) to obtain information from electronic databases of public registering bodies and other organizations;

4-1) accept an enforcement document for its production by fully repaying the amount indicated in it and demand compensation from the debtor, taking into account payment for its activities in accordance with Article 118 of this Law;

5) to exercise other rights as established by the legislative acts of the Republic of Kazakhstan.

Footnote. Article 147 as amended by the Law of the Republic of Kazakhstan dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

## **Article 148. Liabilities of private enforcement agent**

1. A private enforcement agent shall be obliged:

1) apply for registration to the state revenue body within three working days after registration in the authorized body;

2) to enforce enforcement procedures in accordance with this Law and other regulatory legal acts of the Republic of Kazakhstan with regard to a private enforcement agents' activity;

3) to perform conscientiously their professional duties, keep confidentiality about private life of individuals and prevent disclosure of information constituting commercial or other privacy, protected by Law which becomes known as a result of his/her activity

The liability as stated above shall be still in force after abdication of a private enforcement agent. The employees of a private enforcement agent and other persons having access to the indicated information shall also protect privacy;

4) carry out timely registration of enforcement proceedings, enforcement actions and accounting of property in the state automated information system for enforcement proceedings , invest resolutions, acts, protocols and other documents in electronic enforcement proceedings;

5) to observe the Code of professional honor of a private enforcement agents;

5-1) provide to the territorial bodies of the authorized body, the Republican Chamber, regional chambers of private bailiffs the requested information, including enforcement proceedings, within the framework of the complaint under consideration;

5-2) to pay the obligatory membership fees on a quarterly basis;

6) is excluded by Law of the Republic of Kazakhstan № 376-V dated 29. 10. 2015 (shall be enforced from 01.01.2016);

7) in the cases, provided by the Law, to provide information on commission of enforcement procedures, other copies of documents, and in the necessary cases – personal explanations, as well as on issues of non-observance of requirements of the Code of professional honor of private enforcement agents;

8) to send to a territorial body (department) the materials to draw up a protocol on an administrative violation if any reasons are given;

9) to improve professional qualification on a regular basis;

9-1) to pass professional training, including distance education, on issues of enforcement proceedings within six months from the commencement of its activities in accordance with the programs approved by the Republican Chamber, thereafter - every three years;

9-2) in cases of suspension or termination of validity or deprivation of a license, as well as expulsion from the members of the Republican Chamber or a long absence (more than one month), transfer enforcement proceedings and archive to the regional chamber of private enforcement officers within three working days;

10) to fulfill other liabilities as established by the legislative acts of the Republic of Kazakhstan.

2. The private enforcement agent shall provide information on his activities:

1) to the regional chamber of private judicial executors and the authorized body and (or) its territorial body, the form and terms of which shall be approved by the authorized body;

2) to the authorized body on legal statistics and special accounts, the form and terms of which shall be approved by the Prosecutor General's office of the Republic of Kazakhstan.

Footnote. Article 148 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 257 dated 28. 11. 2014 (see subparagraph 12 of Article. 10 for the procedure of enforcement); № 269-V dated 29. 12. 2014 (shall be enforced from 01.01.2015); № 376-V

dated 29.10.2015 (shall be enforced from 01.01.2016); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

#### **Article 149. Restrictions of private enforcement agents' activity**

A private enforcement agent shall not be entitled to be engaged in other paid activity except for scientific, teaching and creative activity.

#### **Article 150. Responsibility of a private enforcement agent**

1. Non-fulfillment or improper fulfillment of assumed liabilities and obligations by a private enforcement agent shall entail liability as established by the Laws of the Republic of Kazakhstan.

2. A private enforcement agent shall be liable to compensate for damage, caused to the parties of enforcement proceedings and other persons as a result of the enforcement procedures contradicting the legislation of the Republic of Kazakhstan.

#### **Article 151. Regular certification of private enforcement agent**

**Footnote.** Article 151 is excluded by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Paragraph 3. Activity arrangement of private enforcement agents Article 152. Enforcement District**

1. Enforcement district shall be the territory of activity of a private enforcement agent, which coincides with the territory of oblast, the city of republican significance, the capital.

2. Determination of private enforcement agents in enforcement district shall be carried out by corresponding regional chamber of private enforcement agents according to administrative-territorial division into cities, districts of oblasts, districts in the city.

A private enforcement agent shall have the right to execute enforcement documents throughout the territory of the enforcement district.

3. When a private enforcement agent executes enforcement actions outside his workplace, outside the enforcement district, he shall notify the regional chamber of private enforcement agents about it at the place, where enforcement actions shall be taken.

4. Individuals and legal entities for execution of enforcement documents shall apply to a private enforcement agent at the place of residence or the place of work of the debtor (for legal entities - at the place of registration of a legal entity), location of his property.

**Footnote.** Article 152 is in the wording of Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015).

#### **Article 153. Office, service room of a private enforcement agent**

1. The office of a private enforcement agent shall be a non-profit organization in organizational and legal form of an institution that is established (created) to ensure the provision of services by private enforcement agents.

2. The office of a private enforcement agent shall be created by a member (members) of the Republican Chamber. A private enforcement agent can act as the founder (co-founder) of only one office.

3. The office of a private enforcement agent, established by one private enforcement agent, shall carry out its activity on the basis of the charter.

When creating a private enforcement agent's office by several private enforcement agents, a constituent agreement may also be a constituent document.

The founder (founders) of the office of a private enforcement agent shall be obliged within ten calendar days after its state registration to notify the Republican Chamber about it in written form and submit to it the constituent documents of the office of a private enforcement agent.

4. Requirements for location and equipment of service room of a private enforcement agent shall be established by the authorized body.

5. The name of the office of a private enforcement agent must include the name of an administrative-territorial unit, on which territory it was established.

6. Special permission of state bodies to establish an office of a private enforcement agent shall not be required.

7. The place of work of a private enforcement agent for implementation of individual activities shall be a service room.

8. The private enforcement agent shall inform the Republican Chamber about the location of office premises and the mode of operation.

**Footnote. Article 153 is in the wording of Law of the Republic of Kazakhstan № 376-V dated 29.12.2015 (shall be enforced from 01.01.2016).**

#### **Article 153-1. Temporary replacement of a private bailiff**

1. Temporary substitution of a private enforcement agent consists in the temporary transfer of enforcement proceedings from one private enforcement agent for execution to another private enforcement agent.

2. The grounds for temporary substitution of a private enforcement agent may be: labor or study leave, illness, business trip and other circumstances that temporarily prevent a private enforcement agent from fulfilling the duties provided for by this Law.

3. Temporary substitution of a private enforcement agent is carried out in the manner determined by the Republican Chamber, with mandatory notification of the parties to the enforcement proceedings.

If the claimant does not agree with the temporary transfer of his writ of execution for execution to another private enforcement agent, the writ of execution and the unused advance fee shall be returned upon his application.

4. During the period of temporary substitution of a private enforcement agent, the person replacing him shall be entitled to receive payment for his activities in accordance with the legislation of the Republic of Kazakhstan.

5. For violations committed in the transferred enforcement proceedings, the private enforcement agent who directly committed them is liable.

**Footnote. Chapter 16 is supplemented by Article 153-1 in accordance with the Law of the Republic of Kazakhstan dated 06.06.2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

#### **Article 154. Identity card, personal seal, stamps and forms of a private enforcement agent**

Private enforcement agent shall have an identity card, personal seal with his surname, name and patronymic (if any), name of the regional Chamber of private enforcement agents, enforcement district, the numbers of a private enforcement agent 's license, as well as stamps and personal forms. Samples of an identity card and personal seal shall be approved by the authorized body. The regional chamber of private enforcement agents shall organize production and issuance of identity card and personal seal.

**Footnote. Article 154 is in the wording of Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015).**

#### **Article 155. Clerical correspondence in enforcement proceedings**

1. Clerical correspondence in the office of a private enforcement agent shall be performed by the private enforcement agents in accordance with the rules, ratified by the authorized body.

2. Control over execution of rules of office work by private enforcement agents shall be carried out by territorial bodies of the authorized body together with the regional chambers of private enforcement agents.

**Footnote. Article 155 as amended by the Law of the Republic of Kazakhstan dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015).**

#### **Article 156. Assistants and trainees of enforcement agent**

1. A private enforcement agent shall be entitled to have assistants and trainees.

1-1. The assistant and trainee of enforcement agent shall not be a person who is recognized by the Law of the Republic of Kazakhstan as disabled or impaired, committed corruption Law violation, dismissed by negative reasons from civil or military service, Law enforcement body, court and justice agency and suffering from conviction outstanding or unspent as established by the Law.

2. An assistant of a private enforcement agent may be a citizen of the Republic of Kazakhstan, having legal education and a certificate (certificate) on the passage of

professional training, including distance education, on the programs approved by the Republican Chamber.

3. The trainee of a private enforcement agent may be a citizen of the Republic of Kazakhstan having higher legal education. The trainees shall be trained by the private enforcement agents who have a work experience for at least three years as well as at least one year in the capacity of a private enforcement agent. A private enforcement agent shall be entitled to have no more than two trainees at the same time.

4. The procedure, terms and conditions for passing internship by the interns of private enforcement agents shall be determined by the rules on the order of passing an internship at a private enforcement agent, approved by the authorized body in agreement with the Republican Chamber.

5. Rights and liabilities of the assistant and trainee of enforcement agent shall be determined under a labor agreement.

6. The assistant shall carry out his activities on the basis of an employment contract.

**Footnote. Article 156 as amended by Law of the Republic of Kazakhstan № 368-IV dated 28.12.2010 (shall be enforced upon expiry of ten calendar days after its first official publication); № 164-V dated 15.01.2014 (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); № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016).**

#### **Article 156-1. Rights and duties of an assistant of a private enforcement agent**

1. The assistant of a private enforcement agent on the accepted procedural decision of a private enforcement agent and on his behalf within the framework of execution of enforcement proceedings shall have the right to:

1) prepare drafts of procedural and other documents of enforcement proceedings , including in the state automated information system of enforcement proceedings;

2) deliver and give the parties of the enforcement process summons, notices and other documents;

3) invite the parties to the enforcement proceedings, third parties and conduct negotiations with them on execution of enforcement documents that are in the hands of a private enforcement agent;

4) enter the premises and storages occupied by the debtor or belonging to him, as well as to other persons, if there is information on location of their property, belonging to the debtor in the presence of a private enforcement agent.

2. The assistant to a private enforcement agent shall be obliged not to admit in his activity infringement of the rights and legitimate interests of individuals and legal entities.

**Footnote. Chapter 16 is supplemented by Article 156-1 in accordance with Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); as amended by Law of the Republic of Kazakhstan № 376-V dated 29.10.2015 (shall be**

enforced from 01.01.2016); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

#### **Paragraph 4. Substitution of a private enforcement agent**

Footnote. Paragraph 4 is excluded by the Law of the Republic of Kazakhstan dated 15.01.2014 № 164-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Paragraph 5. Regional chamber of private enforcement agents. Republican Chamber**

Footnote. Paragraph 5 of Chapter 16 is in the wording of Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015).

#### **Article 161. Regional Chamber of private enforcement agents**

1. One regional chamber of private enforcement agencies shall be formed on the territory of each oblast, a city of republican significance and the capital of the Republic of Kazakhstan.

1-1. The head of the regional chamber of private bailiffs may be a citizen of the Republic of Kazakhstan who has a license of a private bailiff, work experience in the field of execution of enforcement documents for at least two years.

The procedure for appointing and dismissing the head of the regional chamber of private enforcement officers is determined by the charter of the Republican Chamber.

2. The activities of the regional chamber of private enforcement agencies shall be regulated by the legislation of the Republic of Kazakhstan and the regulations on the branch.

Footnote. Article 161 as amended by the Law of the Republic of Kazakhstan dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

#### **Article 162. Powers of the Regional Chamber of private enforcement agents**

1. The Regional Chamber of Private enforcement agents shall:

1) is excluded by Law of the Republic of Kazakhstan № 376-V dated 29. 10. 2015 (shall be enforced from 01.01.2016);

2) distributes enforcement documents through the state automated information system of enforcement proceedings between private enforcement agents in the manner determined by the authorized body;

2-1) carries out coordination and control over the activities of private enforcement agents within its competence;

2-2) considers appeals of individuals and legal entities on the activities of private enforcement agents;

2-3) within three working days from the date of notification by the authorized body of the suspension or termination or deprivation of the license of a private enforcement agent, takes measures to transfer enforcement proceedings, records management and archives to another private enforcement agent;

2-4) considers issues of disciplinary responsibility of private bailiffs;

2-5) at the request of the authorized body and its territorial bodies, provides information on the activities of private enforcement agents;

3) carry out other powers arising from the powers vested on the Republican Chamber.

2. The Regional Chamber of private enforcement agents shall provide the Republican Chamber and the territorial body of the authorized body with information on its activities. The form and terms for the provision of information shall be approved by the authorized body

**Footnote. Article 162 as amended by Law of the Republic of Kazakhstan № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

### **Article 163. Republican Chamber**

1. The activity of the Republican Chamber shall be regulated by the legislation of the Republic of Kazakhstan and the charter.

2. The charter of the Republican Chamber shall be adopted by the congress.

3. The Republican Chamber shall conclude a general contract of insurance of civil liability of private enforcement agents of the Republic of Kazakhstan.

4. The Chairman of the Republican Chamber is elected by the presidium for a period of two years. One and the same person may not be elected Chairman of the Republican Chamber more than twice in a row.

5. Chairman of the Republican Chamber:

1) organizes and manages the current work of the Republican Chamber, presides at meetings of the board and participates in meetings of the presidium;

2) acts on behalf of the Republican Chamber without a power of attorney;

3) exercise other powers provided for by the charter of the Republican Chamber.

**Footnote. Article 163 as amended by the Law of the Republic of Kazakhstan dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

### **Article 163-1. Powers of the Republican Chamber**

1. The Republican Chamber shall:

1) coordinate the activities of the regional chambers of private enforcement agents;



2) represent the interests of the regional chambers of private enforcement agents and private enforcement agents in state bodies, public associations, other organizations;

3) exercise control over the activity of the heads of regional chambers of private enforcement agents;

3-1) considers appeals of individuals and legal entities on the activities of private bailiffs, regional chambers of private bailiffs;

3-2) when implementing admission as a member of the Republican Chamber, distribute and determine the number of private enforcement agents on the territory of oblasts, districts, cities of republican significance, the capital;

3-3) examine materials on disciplinary offenses of private enforcement agents and impose disciplinary penalties on perpetrators;

3-4) submits to the authorized body in relation to a private enforcement agent a submission on suspension or termination of a license or deprivation of a license of a private enforcement agent on the grounds provided for by this Law;

4) participate in the work of the International Union of enforcement agents and officers, other international and foreign organizations on the issues of organization of private enforcement activities;

5) participate in the normative and expert activities of the authorized body, other state bodies on executive enforcement issues related to private enforcement activities;

6) determine training centers and educational organizations for vocational training, including distance, private enforcement agents and their assistants;

6-1) approve the program and the terms of professional training, including distance, private enforcement agent and his assistant (assistants) and on the basis of the results of vocational training issue a certificate (document);

6-2) ensure control over the timeliness of the passage of professional training by private enforcement agents and their assistants;

6-3) considers private rulings, court decisions, presentations of the prosecutor, the person conducting the pre-trial investigation in relation to private bailiffs;

6-4) within three working days, at the request of the authorized body, provides information on the activities of private enforcement agents;

6-5) places on the Internet resource of the Republican Chamber information about private bailiffs whose license has been suspended or terminated or whose license has been withdrawn ;

7) provide methodological assistance on conducting internships for individuals claiming to be licensed as a private enforcement agent;

8) ensure the performance by a private enforcement agent of obligations to compensate for harm caused by him upon performing his duties;

9) protect social and professional rights of enforcement agents engaged in private practice ;

10) carry out periodic inspections of the activities of the regional chambers of private enforcement agents;

11) summarize the practice of applying the legislation of the Republic of Kazakhstan on enforcement proceedings and the status of enforcement agents and form proposals for its improvement;

12) carry out analytical and scientific work;

13) adopt the Code of Professional honor of private enforcement agents;

14) exercise other powers provided for by the legislation of the Republic of Kazakhstan.

2. The Republican Chamber shall have the right to establish other non-profit organizations for the realization of its goals and objectives, defined in this Law and its charter.

3. The Republican Chamber shall quarterly provide the authorized body with information on execution of enforcement documents by private enforcement agents.

**Footnote. Article 163-1 as amended by Law of the Republic of Kazakhstan № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

#### **Article 163-2. Charter of the Republican Chamber**

The charter of the Republican Chamber should provide:

1) name, subject and goals of the activities of the Republican Chamber;

2) rights and obligations of members of the Republican Chamber;

3) the procedure for admission to membership, suspension and termination of membership

;

4) the procedure for paying membership fees;

5) the structure of the Republican Chamber, the procedure for the formation and competence of its bodies;

6) sources of formation of property and the procedure for disposing of it;

7) other provisions that do not contradict the legislation of the Republic of Kazakhstan.

**Footnote. Chapter 16 is supplemented by Article 163-2 in accordance with the Law of the Republic of Kazakhstan dated 26.06.2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

#### **Article 163-3. Chairman of the Board of the Republican Chamber**

1. Chairman of the Board of the Republican Chamber:

1) ensures and controls the implementation of decisions of the Congress, the Presidium and the Board of the Republican Chamber;

2) organizes and manages the current work of the Republican Chamber, presides at meetings of the Board and participates in meetings of the Presidium of the Republican Chamber;

3) represents the Republican Chamber without a power of attorney on its behalf in relations with public authorities and administration, judicial authorities, non-governmental organizations and international organizations;

4) exercise other powers provided for by the charter of the Republican Chamber that do not contradict the legislation of the Republic of Kazakhstan.

2. The Chairman of the Board of the Republican Chamber cannot hold office for more than two consecutive terms.

**Footnote. Chapter 16 is supplemented by Article 163-3 in accordance with the Law of the Republic of Kazakhstan dated 26.06.2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

### **Article 164 Governing bodies of the Republican Chamber**

1. The governing bodies of the Republican Chamber are the congress, the presidium, the board.

2. The Congress is the supreme governing body of the Republican Chamber and is convened at least once a year. An extraordinary congress is convened by a decision of the Board of the Republican Chamber or at the request of at least two-thirds of the total number of acting private bailiffs of the Republic.

The exclusive competence of the congress includes:

1) adoption of the charter, the Code of professional honor of private bailiffs, introduction of amendments and additions to them;

2) election, dismissal of members of the presidium and the audit commission of the Republican Chamber;

3) approval of the size of membership fees.

The Charter of the Republican Chamber may provide for other issues related to the competence of the congress.

3. The Presidium is a representative body of the Republican Chamber. The presidium consists of one private enforcement agent elected from each regional chamber of private enforcement agents for a period of two years, as well as three representatives of the authorized body, the term of office of which is determined by the authorized body.

The Chairman of the Presidium is elected by the Presidium from among its members for a term of two years.

Presidium:

1) elects and dismisses the Chairman of the Republican Chamber;

2) determines the priority areas of activity of the Republican Chamber;

3) approves the annual budget of the Republican Chamber;

4) hear the report of the board on its activities;

5) carries out other activities within the powers provided for by the charter.

4. The Board is a permanent collegial executive body of the Republican Chamber. The chairman of the board is the chairman of the Republican Chamber.

The composition of the board is approved by the presidium on the proposal of the chairman of the Republican Chamber.

Governing body:

- 1) organizes the execution of the decisions of the congress and the presidium;
- 2) develops programs for the development of the activities of the Republican Chamber;
- 3) dispose of the property of the Republican Chamber within the limits and in the manner prescribed by the charter.

The Charter of the Republican Chamber may provide for other issues related to the competence of the board.

**Footnote. Article 164 as amended by the Law of the Republic of Kazakhstan dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).**

#### **Article 165. Financing of the activities of the Republican Chamber**

Financing of the activities of the Republican Chamber shall be carried out at the expense of mandatory contributions and other sources not prohibited by the laws of the Republic of Kazakhstan.

The procedure, size and terms of payment of contributions shall be determined by the charter of the Republican Chamber.

#### **Paragraph 6. Control over activity and disciplinary responsibility of private enforcement agent**

#### **Article 166. Judicial control over the enforcement of enforcement procedures by private enforcement agent**

Any refusal or improper enforcement of the enforcement procedures shall be appealed in a judicial procedure.

#### **Article 167. Competence of the authorized body**

1. An authorized body shall:
  - 1) regulate and control an activity of private enforcement agents within its competence;
    - 1-1) within the framework of the considered appeal of an individual or legal entity, requests the necessary information from a private enforcement agent;
  - 2) develop and represent the amount of payment of activity of a private enforcement agent for confirmation to the Government of the Republic of Kazakhstan;
  - 3) is excluded by Law of the Republic of Kazakhstan № 376-V dated 29. 10. 2015 (shall be enforced from 01.01.2016);
  - 4) is excluded by Law of the Republic of Kazakhstan № 376-V dated 29. 10. 2015 (shall be enforced from 01.01.2016);
  - 4-1) determine three representatives from the authorized body;
  - 5) is excluded by Law of the Republic of Kazakhstan № 376-V dated 29. 10. 2015 (shall be enforced from 01.01.2016);

- 6) develop methodic, instructive and explanatory materials on issues of enforcement proceedings;
- 7) carry out licensing of the activity of a private enforcement agents;
- 8) makes a decision on suspension or termination of the licenses of private enforcement agents on the grounds provided for in paragraph 2 of Article 143, paragraph 1 of Article 144 of this Law;
- 9) file suits with the court for deprivation of licenses of private enforcement agents on the grounds provided for in paragraph 2 of Article 144 of this Law;
- 10) conclude the contracts with the state bodies on including of private enforcement agents to the public registers and electronic data basis.
- 10-1) exercise control over the activities of the operator of the Single Electronic Trading Platform in accordance with the rules for the sale of seized property;
- 11) develop and approve:
  - the procedure for registration of private enforcement agents;
  - regulation on the commission for attestation of persons claiming the right to engage in the activities of a private enforcement agent;
  - the procedure for monitoring the activities of private enforcement agents;
  - the procedure for attestation of persons who have completed training and claiming the right to engage in the activity of a private enforcement agent;
  - requirements to the location and equipment of the office of a private enforcement agent;
  - the procedure of passing an internship at a private enforcement agent;
  - rules of office work;
  - rules of payment for the activities of a private enforcement agent, related to the execution of enforcement documents on the collection of alimony and wages;
  - the procedure for interaction with authorized bodies for the execution of executive documents on eviction (movement), demolition, the procedure for communicating with the child and determining the place of residence of the child;
  - procedure for implementing simplified proceedings;
- 11-1) conducts an inspection to identify the restrictions provided for in Article 140 of this Law that prevent a private enforcement agent from engaging in activities to execute enforcement documents;
- 11-2) suspend debit transactions on a current account intended for storing recovered amounts in favor of recoverers, a private enforcement agent whose license has been suspended or terminated or whose license has been revoked;
- 11-3) ensures the placement on its Internet resource of information about persons who have been issued a license of a private enforcement agent, indicating their last names, first names, patronymics (if they are indicated in an identity document), the date of issue of a license and its number.

12) exercises other powers provided for by the laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. Article 167 as amended by Laws of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan № 269-V dated 29. 12. 2014 (shall be enforced from 01.01.2015); № 376-V dated 10.29.2015, (shall be enforced from 01.01.2016); dated 26.06.2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication); dated 31.12.2021 № 100 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 19.06.2024 № 97-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

#### **Article 168. Competence of the territorial body of the authorized body for control over the activities of private enforcement agents**

1. The territorial body of the authorized body shall:

1) organize monitoring of compliance of this Law by private enforcement agents and proper performance of their duties;

2) excluded by the Law of the Republic of Kazakhstan dated 26.06.2020 № 349-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication) ;

2-1) submit to the authorized body a submission on suspension or termination or deprivation of the license of a private enforcement agent;

3) submit a proposal to initiate disciplinary proceedings to the disciplinary commissions of the Republican Chamber and the regional chambers of private enforcement agents;

4) maintain registration of private enforcement agents;

5) exercise other powers provided for by the legislation of the Republic of Kazakhstan;

6) consider applications for admission to attestation for the right to engage in the activities of a private enforcement agent;

7) make payment of funds from the republican budget directed to finance the payment of the activities of a private enforcement agent, rendered within the framework of execution of enforcement documents on of alimony and wages;

8) issues an order to suspend debit transactions on a current account intended for storing recovered amounts in favor of collectors, a private enforcement agent whose license has been suspended or terminated or whose license has been revoked.

2. The territorial body of the authorized body together with the regional chamber of private enforcement agents shall:

1) provide methodological and practical assistance to private enforcement agents;

2) summarize the practice of work of private enforcement agents;

3) collect information in accordance with subparagraph 1) of paragraph 2 of Article 148 of this Law;

4) considers appeals of individuals and legal entities on the activities of private enforcement agents;

5) exercise control over the legality of enforcement actions being carried out and compliance with the rules of office work by private enforcement agents;

6) is excluded by the Law of the Republic of Kazakhstan dated 29. 10. 2015 № 376-V ( shall be enforced from 01.01.2016).

3. Representatives of the territorial body of the authorized body shall be entitled to attend the sessions of the regional chamber of private enforcement agents.

Footnote. Article 168 is in the wording of Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); as amended by Law of the Republic of Kazakhstan № 376-V dated 29. 10. 2015 (shall be enforced from 01.01.2016); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

#### **Article 169. Control over private enforcement agents ' activity**

1. Control over the legality of the enforcement actions and compliance with the rules of office work by a private enforcement agent shall be carried out by the authorized body, its territorial bodies, the Republican Chamber and the regional chambers of private enforcement agents.

The procedure for exercising control shall be established by the authorized body.

2. Control over the compliance with tax legislation by a private enforcement agent shall be carried out by the state revenue bodies of the Republic of Kazakhstan.

3. Officials of the authorized body, its territorial bodies, the Republican Chamber and the regional chamber of private enforcement agents shall be obliged to keep the secret of fulfillment of enforcement actions, which became known during inspections of the activity of a private enforcement agent.

For disclosure of the secret and the damage caused, these persons shall bear responsibility established by the laws of the Republic of Kazakhstan.

4. Checking of work of a private enforcement agent shall be performed not earlier than six months and not later than one year after beginning of carrying out of enforcement procedures by them. Hereinafter the scheduled checks shall be carried out once a year.

In the event of complaints against actions (inaction) of a private enforcement agent or in the presence of other information indicating the unfair performance of his duties, the territorial body of the authorized body, the regional chamber of private enforcement agents may conduct an unscheduled inspection of the activities of a private enforcement agent.

5. Private bailiffs are obliged to provide officials authorized to conduct inspections with information and documents relating to settlements with individuals and legal entities, as well

as other information necessary for conducting an inspection within the period established by the request, which should be at least five working days.

6. Is excluded by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 169 as amended by Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 248-V dated 07.11.2014 (shall be enforced upon expiry of 10 calendar days after its first official publication); № 269-V dated 29.10.2014 (shall be enforced from 01.01.2015); dated June 26, 2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

### **Article 170. Disciplinary liability of private enforcement agents**

1. For violation of the requirements of the legislation of the Republic of Kazakhstan, the Code of professional honor of private bailiffs and the charter of the Republican Chamber, the following types of disciplinary liability are imposed on a private bailiff:

- 1) remark;
- 2) reprimand;
- 3) severe reprimand;

4) exclusion from the members of the Republican Chamber with the submission to the authorized body of a submission on the deprivation of the license of a private enforcement agent.

2. The grounds for initiation of disciplinary proceedings shall be the existence of sufficient evidences, indicating violation of the requirements of the Republic of Kazakhstan legislation by a private enforcement agent, the Code of professional honor of private enforcement agents and the charter of the Republican Chamber.

3. The procedure for imposing disciplinary sanctions, their removal and appeal shall be determined by the charter of the Republican Chamber.

For a disciplinary offense committed by a private enforcement agent, only one disciplinary sanction may be imposed.

4. If within six months from the date of imposing a disciplinary penalty the private enforcement agent is not subjected to a new disciplinary penalty, then he shall be considered not to have been subjected to a disciplinary penalty.

Footnote. Article 170 is in the wording of Law of the Republic of Kazakhstan № 376-V dated 29. 10. 2015 (shall be enforced from 01.01.2016); as amended by the Law of the Republic of Kazakhstan dated 26.06.2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

### **Article 171. Disciplinary proceedings**



Footnote. Article 171 is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015).

## **Article 172. Disciplinary penalty**

Footnote. Article 172 is excluded by Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015).

### **Article 172-1. Exclusion from the Republican Chamber**

Exclusion of a private enforcement agent from the Republican Chamber shall be made by the Board of the Republican Chamber in the following cases:

- 1) termination or deprivation of the license of a private enforcement agent;
- 2) gross or repeated violation of the requirements of the legislation of the Republic of Kazakhstan, the Code of professional honor of private enforcement agents and the charter of the Republican Chamber by a private enforcement agent;
- 3) systematic non-payment of mandatory membership fees , with the exception of cases of exemption of a private enforcement agent from payment of membership fees for the period of being on maternity leave or childcare until he reaches the age of three years, as well as non-execution of enforcement documents for more than one months due to temporary disability ;
- 4) employment by other kinds of paid activity, except for scientific, teaching or other creative activity;
- 5) at his own will;
- 6) others, provided for by the charter of the Republican Chamber.

Footnote. Chapter 16 is supplemented with Article 172-1 in accordance with Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); as amended by the Law of the Republic of Kazakhstan dated 26.06.2020 № 349-VI (shall be enforced ten calendar days after the day of its first official publication).

## **Chapter 17. TRANSITORY AND FINAL PROVISIONS Article 173. Enforcement of this Law**

This Law enters into force upon expiry of six months after its first official publication, with the exception of paragraph 8 of Article 138 that enters into force from 1 January 2016.

Footnote. Article 173 is in the wording of Law of the Republic of Kazakhstan № 164-V dated 15.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 174. Transitory Provisions**

1. The Republican Collegium of private enforcement agents must be reorganized by 1st March, 2015 through transformation into the Republican Chamber. Regional collegiums of private enforcement agents shall be subject to liquidation until July 1<sup>st</sup>, 2015.

2. Prior to the formation of the Republican Chamber, its functions shall be carried out by the authorized body together with the Republican Collegium of private enforcement agents.

3. Paragraph 3 of Article 138 of this Law shall apply to newly received enforcement documents.

4. On enforcement documents that are on the execution of state enforcement agents, measures for their full execution and termination in accordance with the requirements of this Law should be taken.

**Footnote.** Article 174 is in the wording of Law of the Republic of Kazakhstan № 269-V dated 29.12.2014 (shall be enforced from 01.01.2015); as amended by Law of the Republic of Kazakhstan № 376-V dated 29.10.2015 (shall be enforced from 01.01.2016).

### **Article 175. Final provisions**

The Law of the Republic of Kazakhstan “On enforcement proceedings and status of enforcement agents” dated June 30, 1998 shall be recognized as stale (Bulletin of the Parliament of the Republic of Kazakhstan, 1998, № 13, Art. 195; № 24, Art. 436; 1999, №23, Art. 922; 2000, № 3-4, Art. 66; №6, Art. 142; 2002, №17, Art. 155; 2003, № 10, Art. 49; № 11, Art. 67; 2004, № 24, Art. 153; 2006, № 11, Art. 55; 2007, № 4, Art. 28; № 5-6, Art. 40; № 10, Art. 69; № 20, Art. 152; 2009, № 17, Art. 81).

*The President  
of the Republic of Kazakhstan*

*N. Nazarbayev*