

On Notaries

Unofficial translation

Law of the Republic of Kazakhstan dated 14 July 1997, № 155.

Unofficial translation

Footnote. Throughout the text after the word “Section” the numbers “I – II” shall be respectively substituted by the numbers “1 – 2”, by Law of the Republic of Kazakhstan dated 20 December 2004 No 13 (enforced from 1 January, 2005)

Footnote. Throughout the text, the word “termination” is, in all contexts, substituted by the word “forfeit”, by Law of the Republic of Kazakhstan dated 12 January, 2007 No 222 (enforced upon expiry of 6 months after official publication);

the words “personal seal” are in all contexts, substituted by the word “seal”, by Law of the Republic of Kazakhstan dated 28.06.2012 No 24-V (enforced upon expiry of ten calendar days after first official publication).

Footnote. Throughout the text, the words “aul(s) (village(s))” are respectively substituted by the word “village(s)”, by Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No 121-V (enforced upon expiry of ten calendar days after first official publication).

Section 1

Organization and legal basis of activities of notaries

Chapter 1. General provisions

Article 1. Kazakhstan Notary Profession

1. The Kazakhstan Notary Profession is a legal institution providing qualified legal assistance and protection of rights and legal interests of individuals and legal entities by carrying out notarial activities.

2. The right to carry out notarial activities in the cases and within the limits established by this Law, shall be held by:

1) notaries working state notary offices (state notary), and notaries engaging in private practice (private notary);

2) civil servants in akim authorities in cities of regional significance, municipalities, villages and rural districts, authorized to carry out notary activities;

3) persons fulfilling consular functions in the name of Republic of Kazakhstan;

3-1) (excluded);

4) other persons authorized by this Law to carry out notarial activities.

Footnote. Article 1 as amended by Laws of the Republic of Kazakhstan dated 24.12.2001 No 276; 05.05.2003 No 408; 20.12.2004 No 13 (enforced from 01.01.2005); and 26.12.2011 No 516-IV (enforced upon expiry of ten calendar days after first official publication).

Article 2. Legislation concerning notaries

The legislation concerning notaries consists of Civil Code standards, this Law and other Kazakh legislation regulating notarial activity.

Article 2-1. Main goal and objective of the notary

1. The main goal of the notary is to regulate public relations in the sphere of notarial activity aimed at ensuring the rights, freedoms and legitimate interests of individuals and legal entities.

2. The main objective of the notary is to provide qualified legal assistance to individuals and legal entities by performing notarial acts.

Footnote. Chapter 1 is supplemented by Article 2-1 in accordance with the Law of the Republic of Kazakhstan dated 05.07.2024 № 115-VIII (shall come into force ten calendar days after the date of its first official publication).

Article 3. Notarial activity and its guarantees

1. Notarial activity is carrying out of notarial activities provided for by this Law and other Kazakh legislative acts, by the notary.

In the cases and within the limits established by this Law, specially authorized civil servants may carry out separate notarial activity.

Notarial activity in the Republic of Kazakhstan shall be based on the principles of legality, independence, impartiality, secrecy of notarial acts.

Notarial activity is not a business activity.

2. In carrying out notarial activities, notaries and other persons licensed to carry out notarial activities are independent and subject only to the Law. They shall thus be guided by this Law and other regulatory legal acts, and by international treaties ratified by the Republic of Kazakhstan, regulating such activities.

3. Individuals and legal entities shall be guaranteed secrecy for the notarial activities carried out by them.

3-1. A notarial secret shall mean information received when performing a notarial act or contacting a notary, an authorized official, including information about personal property and non-property rights and obligations.

4. Ensuring secrecy of notarial activities is obligatory for persons no longer working as notaries.

4-1. The obligation to observe notarial secrecy shall apply to notary trainees, assistants, a witness, a translator, a person who signed a notarial document instead of a citizen due to a

physical disability, illness or illiteracy of the latter, as well as servants of notarial associations and persons providing support and system-technical maintenance of a unified notarial information system.

5. Information on notarial activities, and copies or duplicates issued by a notary, shall be issued only to legal entities and individuals under whose instructions the notarial activities were carried out, or their authorized bodies.

6. Information about notarization acts and documents shall be issued at the written request of the court, investigative and inquiry bodies, on cases in their proceedings, bailiffs on cases of enforcement proceedings in their proceedings, to the prosecutor's office, as well as to justice bodies and notary chambers authorized by this Law to carry out verification of the notaries' activities.

Information on notarial activities, necessary for carrying out advocacy activities shall be issued at the written request of a defence lawyer representative of an applicant for legal assistance.

Defense lawyers shall obtain information from the unified notarial information system about notarial actions necessary for the provision of legal assistance by sending a defense lawyer's request in the form of an electronic document certified by an electronic digital signature through the unified information system

Information about the heirs of a deceased person who had tax debt shall be issued upon a written request of the state revenue authorities.

Information about persons who have accepted the inheritance of a deceased person who has received (was paid) the amount of social benefits and mandatory pension contributions withheld from it is issued upon written request of the State Social Insurance Fund.

7. Persons disclosing a notarial secret shall be held liable in accordance with the laws of the Republic of Kazakhstan.

8. Legal entities and civil servants must send the notary information and documents necessary for carrying out notarial activities, not later than ten calendar days from the date of the notary's demand.

9. Information on wills, and copies and duplicates, shall be issued to the interested persons only after death of the testator, unless otherwise established by the legislation.

10. The following shall not be deemed a disclosure of a notarial secret:

1) posting on the Internet resource of the Republican notary chamber or a unified notarial information system of the following information on:

powers of attorney (information about the person who certified the power of attorney, the date of certification of the power of attorney, its registration number in the electronic register of notarial actions of the unified notarial information system, the date and time of entering information about the cancellation of the power of attorney in this register if the power of attorney is canceled);

opened probate cases (information about the testator, the date of his death, information about the notary conducting the probate case);

notarial writ of execution (information about the date of the execution writ, the notary who made the execution writ);

2) entering into the unified notarial information system the information provided for by this Law;

3) submission of information on notarial acts to the state body that carries out financial monitoring and takes other measures to combat legalization (laundering) of income for the purposes and in the manner established by the Law of the Republic of Kazakhstan "On countering legitimation (laundering) of incomes received by illegal means and financing of terrorism" , as well as sending an electronic copy of the title document, certified by the electronic digital signature of a notary, through a unified notarial information system to the information system of the legal cadastre in the manner prescribed by the Law of the Republic of Kazakhstan "On State Registration of Rights to Immovable Property";

4) submission of information on notarial acts to the state authorized body exercising leadership in the field of ensuring the receipt of taxes and payments to the budget, in the form , in the manner and within the time frames provided for by the Code of the Republic of Kazakhstan "On taxes and other obligatory payments to the budget" (Tax Code) ;

5) submission of information on notarial actions to the unified accumulative pension fund for the purpose of making pension payments, to the State Social Insurance Fund for the purpose of returning the excessively credited (paid) amounts of social payments and mandatory pension contributions withheld from them;

5-1) submission of information on notarial actions to a professional participant in the securities market, carrying out activities for maintaining a system of registers of securities holders and depository activities, including sending to such a professional participant in the securities market an electronic copy of a title document certified by a notary's electronic digital signature, using a single notarial information system.

The information specified in this subparagraph shall be provided to a professional participant in the securities market only for the purpose of carrying out activities provided for by the Law of the Republic of Kazakhstan "On the Securities Market", if such a professional participant in the securities market has the consent of the person in respect of whom this information is provided, to collection and processing of his/her personal data in accordance with the Law of the Republic of Kazakhstan "On personal data and their protection";

6) communication of information about the opening of the inheritance to the heirs.

Footnote. Article 3 as amended by Laws of the Republic of Kazakhstan dated 22.06.2006 No 147; 26.12.2011 No 516-IV (enforced upon expiry of ten calendar days after first official publication); 27.04.2012 No 15-V (enforced upon expiry of ten calendar days after first official publication); and by Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No 121-V (enforced upon expiry of ten calendar days after first official

publication); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 25.12.2017 № 122-VI (shall be enforced from 01.01.2018); dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 26.06.2020 № 349-VI (effective ten calendar days after the date of its first official publication); dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication); dated 09.06.2021 № 49-VII (effective ten calendar days after the date of its first official publication); dated 12.07.2022 № 138-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Article 4. Notarial clerical correspondence

1. Notarial clerical correspondence shall be carried out in accordance with the rules of notarial clerical correspondence (hereinafter – the Rules), confirmed by the Kazakh Ministry of Justice by agreement with the authorized Kazakh state body for management of archives and documentation involvement of the state notary association.

2. The territorial justice authorities and the notary association shall monitor compliance with the requirements of the Rules.

3. Documents of state notaries must be entered into the state archive according to the procedure established by Kazakh legislation.

Documents of private notaries must be entered into a private notarial archive according to the procedure established by Kazakh legislation.

4. A notarial electronic repository is a component of a unified notarial information system that provides temporary storage, accounting and use of notarial documents in electronic form.

A notarial electronic archive is a centralized information system intended to collect, acquire, complete, organize, store, record and use notarial documents in electronic form.

Footnote. Article 4 as amended by Laws of the Republic of Kazakhstan dated 05.05.2003 No 408; and 26.12.2011 No 516-IV (enforced upon expiry of ten calendar days after first official publication); dated 15.02.2021 № 5-VII (effective from 01.01.2022).

Article 4-1. Unified notarial information system

1. A unified notarial information system is an information system intended to automate collecting, processing of data on notarial activities and ensuring information interaction.

2. Information on completed notarization acts and other information provided for by this Law shall be entered into the unified notarial information system.

3. Information on the performance of notarial acts and other information provided for by this Law must be placed for temporary storage in the notarial electronic repository and after the expiration of the established period must be transferred to the notarial electronic archive.

4. Access to the unified notarial information system, in addition to notaries, shall be provided to persons authorized in accordance with the laws of the Republic of Kazakhstan.

Notaries and other persons who are provided with access to the information contained in the unified notarial information system in accordance with the laws of the Republic of Kazakhstan, and persons providing support and system maintenance shall not disclose to third parties and shall not disseminate the information contained in such a system, except for the cases established by this Law and other laws of the Republic of Kazakhstan.

5. Protection of information contained in the unified notarial information system shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

6. The rules for using the unified notarial information system are determined by the Ministry of Justice of the Republic of Kazakhstan in agreement with the authorized informatization body and the authorized information security body.

7. The unified notarial information system can be used to collect and analyze information by the Republican notary chamber, notary associations and the Ministry of Justice of the Republic of Kazakhstan.

8. The unified notarial information system shall be transferred to the trust management of the Republican notary chamber in the manner prescribed by the Law of the Republic of Kazakhstan "On State Property".

Footnote. Law supplemented by Article 4-1 in accordance with Law of the Republic of Kazakhstan 15.07.2010 No 337-IV (for method of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (for the procedure of entry into force, see Article 2); as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (effective ten calendar days after the date of its first official publication).

Article 4-2. Contents of the unified notarial information system

1. The unified notarial information system shall contain:

- 1) electronic register of notarization acts;
- 2) register of probate cases;
- 3) register of records of wills;
- 4) notarial electronic repository.

The unified notarial information system shall contain other data, including informational, auxiliary, reference and analytical data, relating to notarial activities.

2. The procedure for maintaining registers of the unified notarial information system is determined by the Ministry of Justice of the Republic of Kazakhstan in agreement with the authorized informatization body.

3. The form of reporting on the functioning of the registers of the unified notarial information system provided for by this Law is established by the Ministry of Justice of the Republic of Kazakhstan.

Footnote. The Law shall be supplemented by Article 4-2 in accordance with the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (for the procedure of entry into force, see Article 2).

Article 4-3. Entering information into the unified notarial information system

1. Information shall be entered into the unified notarial information system by notaries.

Notaries are required to enter into the unified notarial information system the following data:

1) on the performance of notarization acts upon their registration in the electronic register of notarization acts of the unified notarial information system.

When registering in the electronic register of notarial actions of the unified notarial information system of a notarization action for certification or cancellation of a power of attorney, notaries shall enter an electronic image of the power of attorney (electronic version) into the unified notarial information system;

2) on the opening of a probate upon receipt of applications that give rise to opening of an inheritance case;

3) on the registration of wills;

4) other information in accordance with the second part of paragraph 1 of Article 4-2 of this Law.

2. Information about the performance of notarial acts shall be entered by the notary into the electronic register of notarial acts of the unified notarial information system immediately.

3. Information about opening of the inheritance shall be entered by the notary into the register of inheritance cases of the unified notarial information system no later than the next working day after the receipt of the relevant applications.

Footnote. The law shall be supplemented by Article 4-3 in accordance with the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

Article 4-4. Presentation of information contained in the unified notarial information system

1. Persons shall have the right to receive information on a gratuitous basis concerning themselves about:

1) certified power of attorney (information about the person who certified the power of attorney, the date of certification of the power of attorney, its registration number in the electronic register of notarial actions of the unified notarial information system, the date and time of entering information about cancellation of the power of attorney in this register if the power of attorney was canceled);

2) open inheritance cases (information about the testator, the date of his death, information about the notary conducting the probate case);

3) writ of execution made by a notary (information about the date of the execution writ, the notary who made the execution writ).

2. The information contained in the electronic register of notarization acts of the unified notarial information system and necessary for performing a notarization act or verifying the validity of a notarial document shall be provided to notaries upon their requests sent through the unified notarial information system.

The person in respect of whom the information contained in the electronic register of notarial actions of the unified notarial information system is requested shall be sent an electronic notification of the fact of the request.

3. Obtaining information by law enforcement, special state bodies of the Republic of Kazakhstan and bailiffs in the framework of criminal, civil, administrative, search cases, cases of administrative offenses and enforcement proceedings shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

Footnote. The Law shall be supplemented by Article 4-4 in accordance with the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (enforcement Article 2).

Article 5. Language of clerical correspondence

1. Notarial clerical correspondence shall be conducted in accordance with Kazakh legislation concerning languages.

2. If an applicant for notarial action, does not speak the language of the clerical correspondence, the texts of the documents formulated shall be translated for him/her, at his/her request, for a fee in accordance with Article 80 of this Law.

Chapter 2. LEGAL STATUS OF NOTARY

Article 6. Notary in the Republic of Kazakhstan

1. A notary may be a Kazakh citizen who has reached the age of twenty five years and has higher legal education, not less than two years' work experience in the legal profession, has undertaken a notary internship lasting not less than one year, is certified by the certification commission of justice, and has obtained a license for the right to carry out notarial activity, unless this Law provides otherwise.

A state notary shall be a state employee, holding a post according to the procedure established by Kazakh legislation concerning state service.

A state notary shall be bound by the requirements mentioned in the first part of this Article, except for receipt of a licence for the right to carry out notarial activities.

A notary may not be a person with unspent or undischarged convictions as established by the Law procedure, or recognized in established procedure as partly or fully incapacitated.

The following may also not be a notary:

the person, exempted from criminal liability on the basis of paragraphs 3), 4), 9), 10) and 12) of part one 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;

the person, dismissed for negative reasons from the state, military service, from prosecution bodies, other law enforcement agencies, special state bodies, as well as dismissed from the position of a judge, within one year from the date of dismissal (release);

the person, who committed an administrative corruption offense, within three years after the occurrence of such events;

the person, dismissed from the position of a public notary for the violations of the legislation of the Republic of Kazakhstan committed by him when committing a notarial act;

the person, deprived of a license to engage in notarial activities;

the person, excluded from the register of the Chamber of Legal Advisers for negative reasons, if less than three years have passed from the date of exclusion.

2. Private and state notaries shall have equal rights and responsibilities when carrying out notarial activity. Documents formulated by them shall have equal legal force.

3. Performance of notarial activities by persons unlicensed as per paragraph 1 of this Article (except for state notary and persons mentioned in subparagraph 2), 3) of paragraph 2 of Article 1 of this Law), or violation of other requirements of legislation concerning notaries and income from notarial activities shall lead to responsibility in accordance with Kazakh legislation.

4. Territorial body of justice shall have specific responsibility for notarial activities of state notaries.

Footnote. Article 6 as amended by Laws of the Republic of Kazakhstan dated 13.11.1998 No 302; 11.07.2001 No 235; 24.12.2001 No 276; 05.05.2003 No 408; and 26.12.2011 No 516 -IV (enforced upon expiry of ten calendar days after first official publication); dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 7. Clerks and trainees of notary

1. Notary may have clerks and trainees.

2. Clerks of notaries may be Kazakh citizens only.

3. Clerks of notaries may work on the basis of an employment agreement with a notary engaged in private practice or be a staff member of a state notarial office.

4. Notary trainees may be citizens of the Republic of Kazakhstan with a higher legal education.

Trainees shall undergo internships with notaries, having at least five years of experience in notarial activity.

A person applying for the right to engage in notarial activity shall conclude an internship agreement with a notarial chamber.

5. Clerks and trainees may, by order and under the supervision of the notary, carry out the notary's orders, which shall not take the place of notarial activities and instead be auxiliary to the maintenance of notarial clerical correspondence.

The assistant and the trainee shall not have the right to sign notarial documents instead of the notary and use the notary's seal.

6. is excluded by the Law of the Republic of Kazakhstan dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

7. The purpose of the internship shall be the acquisition by the trainee of professional knowledge and practical skills in performing notarial acts, organization of the work of a notary for the subsequent obtaining of a license to engage in notarial activities.

8. Not more than two trainees at the same time may undergo training with a notary.

9. The internship shall pass in accordance with the regulation on the procedure for the internship by notary trainees.

The professional training program is mandatory for all trainees and shall contain the list of activities for acquiring by the trainee of special theoretical knowledge, practical skills in performing notarial acts and organizing the work of a notary, including studying the professional and ethical standards of a notary, attending workshops organized for notaries or especially for interns.

10. At the end of the internship, the notary shall prepare a report that reflects the training program taken by the trainee, which is approved by the notarial chamber within ten working days. In case of incomplete mastering of the vocational training program by the trainee, the trainee shall be given extra time.

The internship report shall be valid for three years after its approval.

11. Completion of the professional training programme shall be a compulsory condition of training.

12. The requirements of this Article shall not apply to persons with work experience as a state notary, except those dismissed from duty on negative grounds.

Footnote. Article 7 is in the wording of Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (enforced upon expiry of ten calendar days after first official publication); as amended by the Law of the Republic of Kazakhstan dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

Article 7-1. Certification commission of justice for the right to carry out notarial activities

1. Persons applying for the right to engage in notarial activities shall undergo certification in the attestation commissions of justice for the right to engage in notarial activities, created in the territorial bodies of justice of regions, cities of republican significance and the capital.

The certification commission of justice for the right to carry out notarial activity shall consist of seven members: two notaries, including the dean of the notarial chamber, two representatives of territorial body of justice, a legal scholar and two maslikhat deputies.

The composition of the certification commissions of justice for the right to carry out notarial activity and regulate its works shall be confirmed by orders of the Kazakh Minister of Justice.

2. The basic tasks of certification commission of justice for the right to carry out notarial activity shall be:

1) ensuring high-quality selection of applicants for obtaining a license for the right to engage in notarial practice;

2) ensuring openness and publicity of sessions.

3. Representatives of mass media may attend the session of commission of justice certification for the right to carry out notarial activity.

4. In order to ensure openness and publicity of the certification commission of justice sessions for the right to carry out notarial activity, an audio and/or video or stenograph shall be produced. The stenograph or audio and/or video record made during the session shall be attached to the minutes of the session and remain together with the material of the certification commission of justice for the right to carry out notarial activity.

Footnote. Chapter 2 supplemented by Article 7-1 in accordance with Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (enforced upon expiry of ten calendar days after first official publication); as amended by the Law of the Republic of Kazakhstan dated 28.12.2018 № 210-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

Article 7-2. Method and conditions of certification

1. The procedure and conditions for testing persons who have completed an internship and apply for the right to engage in notarial practice shall be governed by the rules approved by the Ministry of Justice of the Republic of Kazakhstan.

2. A person applying for the right to engage in notarial activity, after completing an internship, shall send an application at the place of residence to the appropriate attestation commission of justice for the right to engage in notarial activity on his admission to attestation through the territorial bodies of justice of regions, cities of republican significance and the capital with the attached documents, specified by the legislation of the Republic of Kazakhstan.

3. In the event of improper execution or submission of an incomplete package of documents, the application together with the documents submitted shall be returned by the territorial bodies of justice of the regions, cities of republican significance and the capital to the applicant without consideration no later than five working days from the date of its receipt with a written notification of the reason for the return.

4. Admission to attestation shall be denied if the applicant does not meet the requirements established by this Law.

In the event of denied admission to attestation, the territorial justice bodies of regions, cities of republican status and the capital shall send a reasoned decision to the applicant no later than fifteen working days from the date of the application receipt.

Denied admission to certification may be appealed in the manner established by the laws of the Republic of Kazakhstan.

5. An applicant admitted to attestation shall be notified in writing by the territorial bodies of justice of regions, cities of republican significance and the capital, of the place, date, time, procedure for attestation no later than ten calendar days before it.

6. Certification shall be conducted by the certification commission of justice for the right to carry out notarial activity as and when necessary, but at least once every quarter.

7. Certification consists of two stages:

- 1) passing a computer test on awareness of Kazakh legislation;
- 2) oral test on exam papers.

8. Applicants may, if they wish, undergo a test in the Kazakh and Russian languages. The test shall be conducted using computer technology.

9. Based on the attestation results, the attestation commission of justice for the right to engage in notarial activities shall make a reasoned decision on attestation or non-attestation no later than the next day after the attestation.

The decision of the commission on attestation shall be valid for three years from the date of adoption.

The decision of the attestation commission of justice may be appealed in the manner prescribed by the laws of the Republic of Kazakhstan.

10. During certification, the applicant may not use any information, specialist and other literature, communication tools, or notes.

Breach of these requirements shall exclude an applicant from certification by the certification commission of justice for the right to carry out notarial activity.

Applicants excluded from certification may send a repeat application for certification according to the procedure provided by this Law, upon expiry of three months from the date of issue of decision by the certification commission of justice for the right to carry out notarial activity.

11. Applicants presented for certification for a valid reason shall be called for the next session of certification by the commission of justice for the right to carry out notarial activity, according to the procedure provided by paragraph 5 of this Article.

In case of repeated non-attendance by the applicant, his/her application shall remain unexamined and be returned together with their submitted documents.

Footnote. Chapter 2 supplemented by Article 7-2 in accordance with Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (enforced upon expiry of ten calendar days after first official publication); as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the day of its

first official publication); dated 28.12.2018 № 210-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication); dated 29.06.2020 № 351-VI (effective from 01.07.2021).

Article 8. Licence to carry out notarial activity

1. A license for the right to engage in notarial practice (notary license), issued by the Ministry of Justice of the Republic of Kazakhstan on the basis of certification, shall authorize a private notary to perform notarial acts.

2. The list of documents necessary for granting a notary licence, and the terms and procedure for issuing a licence, shall be established by the relevant regulatory legal acts.

3. A notary license shall be issued without a time limit and shall be valid throughout the Republic of Kazakhstan.

4. A charge, the amount and payment method of which shall be determined by tax legislation, shall be applied for the issue of a notary licence.

5. The Ministry of Justice of the Republic of Kazakhstan shall keep a State register of licenses to carry out notarial activity and publish information on persons to be issued with licences to carry out notarial activity in the departmental press, specifying:

- 1) the surname, forename patronymic of a notary;
- 2) the licence date and number.

6. Persons, passing the qualifying examinations in the qualifications body of justice of the Republic of Kazakhstan or in the qualifications commission of the Supreme Judicial Council of the Republic of Kazakhstan, regular judges and persons working as regular judges except for judges dismissed from judicial appointment for detractive offences and violation of law in fulfilment of their obligations, as well as state notaries, may obtain a licence to carry out notarial activity without undergoing certification.

6-1. Excluded by Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (enforced upon expiry of ten calendar days after first official publication).

Footnote. Article 8 as amended by Laws of the Republic of Kazakhstan dated 13.11.1998 No 302; 11.07.2001 No 235; 05.05.2003 No 408; 20.12.2004 No 13 (enforced from 01.01.2005); 29.04.2009 No 154-IV (for method of enforcement see Article 2); and 26.12.2011 No 516-IV (enforced upon expiry of ten calendar days after first official publication); dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

Article 9. Refusal to issue notary licence

1. The grounds for refusal to issue a notary license shall be established by the Law of the Republic of Kazakhstan "On permits and notifications".

2. A well-grounded written decision specifying the reasons for refusal shall, within three days from the date of its adoption, be issued following refusal to issue a notary licence.

3. The denial may be appealed in the manner prescribed by the laws of the Republic of Kazakhstan.

Footnote. Article 9 as amended by the Law of the Republic of Kazakhstan dated 16.05.2014 № 203-V (shall be enforced upon expiry of six months after the day of its first official publication); dated 29.06.2020 № 351-VI (effective from 01.07.2021).

Article 10. Suspension of notary licence

1. Suspension of a notary license shall be made by a decision of the Ministry of Justice of the Republic of Kazakhstan on the basis of recommendations of the territorial bodies of justice, notarial chambers, and prosecution authorities.

2. The notary license shall be suspended for a period of up to six months in the following cases:

1) initiation of action proceeding for the revocation of a license to engage in notarial activities;

2) drawing up by the prosecutor of an indictment against a notary in a criminal case;

Footnote. Subparagraph 2) as amended by the Law of the Republic of Kazakhstan dated 27.12.2021 № 88-VII (shall be enforced from January 1, 2022 in respect of cases of especially grave crimes investigated by investigators of the internal affairs bodies, of anti-corruption service and economic investigation service, including those connected with cases of other criminal offenses; from January 1, 2023 in respect of corruption offenses cases provided for in paragraph 29) of Article 3 of the Penal Code of the Republic of Kazakhstan, including those linked with cases of other criminal offenses; from January 1, 2024 in respect of cases of other criminal offenses completed in the form of a preliminary investigation).

2-1) approval by the prosecutor of the protocol of indictment, the protocol of accelerated pre-trial investigation, the protocol on the criminal infraction and the decision to refer the criminal case to the court under the relevant article (articles) of the penal law, completion of pre-trial investigation by concluding a procedural agreement in the manner prescribed by part four of Article 617 of the Criminal Procedure Code of the Republic of Kazakhstan;

3) failure of the notary to inform the territorial body of justice within one month about the change in his last name, first name, patronymic (if any);

4) violation by a notary of the territory of activity determined to him in accordance with this Law;

5) violation by a notary of the legislation of the Republic of Kazakhstan in performance of notarial acts that entailed a violation of the rights and legitimate interests of the state, individuals and legal entities;

6) the actual absence of the notary's premises at the address indicated in the notification of the notary about the beginning of the notarial activities;

7) non-compliance of a notary with the requirements of paragraph 4 of Article 15 of this Law;

8) non-compliance with the restrictions provided for in Articles 19 and 46 of this Law;

9) if the notary has not started practical notarial activities after three months from the date of notification of the beginning of the notarial activities;

10) non-compliance of a notary with the requirements of subparagraph 11) of paragraph 1 of Article 18 of this Law.

2-1. In addition to the general grounds provided for by the laws of the Republic of Kazakhstan, the notary license shall be suspended for the period:

1) of engaging in entrepreneurial or other paid activity, except for the cases provided for by the laws of the Republic of Kazakhstan;

2) military service;

3) failure by a notary to exercise its powers on the basis of the application, which indicates the period of suspension.

3. The decision on the suspension of a notary license must indicate the reasons and term of suspension of the license. If the circumstances that caused the suspension provided for in paragraph 2 of this article are eliminated, the licensor shall, within ten calendar days from the date of submission by the notary of information on the elimination of the circumstances that caused the suspension, make a decision on the license renewal.

3-1. Renewal of the license for the right to engage in notarial activities, suspended on the grounds provided for in paragraph 2-1 of this article, shall be carried out upon the notary's request within ten calendar days based on the licensor's decision.

4. Suspension of a notary licence shall lead to prohibition of notarial activities and delivery of a seal to the territorial body of justice for the notary's period of suspension.

5. The decision to suspend or renew the license for the right to engage in notarial practice shall be posted on the licensor's Internet resource. The notary, the notary association shall be notified of the decision taken.

6. The decision to suspend the notary license may be appealed in the manner prescribed by the laws of the Republic of Kazakhstan.

7. The territorial justice body and the notary association shall take measures to transfer documents being processed by a notary whose license was suspended to another notary as prescribed by the Rules.

Footnote. Article 10 as amended by Laws of the Republic of Kazakhstan dated 05.05.2003 No 408; 28.08.2009 No 192-IV (enforced from 08.03.2010); and 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication); and by Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No 121-V (enforced upon expiry of ten calendar days after first official publication); dated 10.06.2014 № 206-V (

shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty-one calendar days after the day of its first official publication); dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication); dated 29.06.2020 № 351-VI (effective from 01.07.2021); dated 27.12.2021 № 88-VII (enforcement, see Art 2).

Article 11. Loss of notary licence

Notary licences shall be terminated by the court decision following action of prosecution authorities, the Ministry of Justice of the Republic of Kazakhstan, or the state notary association, in the following cases:

- 1) (excluded)
- 2) repeated violation of the Notary Code of Ethics by a private notary;
- 3) repeated infringement of Kazakh legislation concerning fulfilment of notarial activities, or law violation by the notary with damage to the interests of the state, individuals and legal entities;
- 4) failure to remove grounds for suspension of a licence;
- 5) confirmation of provision by the notary of unreliable or intentionally distorted information in the documents constituting grounds for the issue of a notary licence;
- 5-1) establishing the fact of using the notary seal and signing the notarial act instead of the notary by an assistant and (or) a notary trainee;
- 6) three times suspension of the license, except for the cases specified in paragraph 2-1 of Article 10 of this Law;
- 7) excluded by Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication);
- 8) the performance by a notary of professional activities without notification to the territorial body of justice.

Footnote. Article 11 as amended by Laws of the Republic of Kazakhstan dated 11.07.2001 No 235; 05.05.2003 No 408; and 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication); dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty-one calendar days after the day of its first official publication) ; dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 12. Termination of notary licence

1. Validity of a notary licence shall be terminated when the licence is lost, or following decision of the Ministry of Justice of the Republic of Kazakhstan, in the following cases:

- 1) filing of application by the notary's own volition;
- 2) changing of citizenship of notary, or his/her departure to a permanent place of residence outside Kazakhstan;
- 3) death of notary;
- 4) enactment of a court conviction for a crime in respect of a notary;
- 4-1) decree to terminate criminal case with non-rehabilitating grounds in relation to the notary;
- 5) recognition of a notary as totally or partly incapacitated for work, according to the procedure established by legislation;
- 6) impossibility of fulfilment by the notary of professional duties for health reason (subject to medical report);
- 7) recognition of a notary as missing or declared dead.

2. Applications for termination of a notary licence shall be proposed by the relevant notary association and territorial body of justice.

3. the territorial body of justice and notary association shall be obliged to take measures to transfer documents from a notary whose licence is terminated to another notary or to the private notarial archive, and, on revocation of a license, for transferring it to the licensor and destroying the notary's seal.

4. Disputes linked with termination of notary licences shall be settled in a judicial procedure.

Footnote. Article 12 as amended by Law of the Republic of Kazakhstan dated 5 May, 2003 No 408; dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).

Article 13. State notary

Footnote. Article 13 is excluded by Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication).

Article 14. State notary office

1. The state notary office shall be a structural subdivision of the territorial body of justice without legal entity rights, and shall act on the basis of the Provisions confirmed by this body.

2. State notary offices shall be located in districts/cities of the Republic of Kazakhstan.

Article 15. Notary in private practice

1. A notary engaged in private practice shall be a citizen, involved in notarial activities without establishing a legal entity on the basis of a license, who insured his civil liability for obligations arising from harm resulting from notarial acts, and became a member of the notarial chamber.

2. Notaries in private practice shall have the right to open a current account with banking institutions, hire and dismiss clerks and technical workers according to labour legislation, manage income earned from carrying out notarial activities, appear in court in his/her own name, and perform other actions in accordance with Kazakh legislation.

3. (Regulations of paragraph 3 lose effect and are not subject to application of Regulations of the Constitutional Council of the Republic of Kazakhstan dated 31 January 2005, No 1)

4. A notary engaged in private practice is obliged to have one room suitable for unhindered access of individuals and representatives of legal entities, observance of notarial secrecy and conditions for ensuring the safety of notarial records.

The notary shall send a notification to the territorial justice body on commencement of notarial activities, indicating the location of the premises within one month from the date of becoming a member of the notary association.

Within five working days from the date the notary notifies of the beginning of the notarial activity or the receipt of a notary's application on the change of the location of the premises within the territory defined to it, the territorial body of justice must check for compliance of the premises with the requirements of the legislation of the Republic of Kazakhstan;

Before sending a notification to the territorial justice body on the termination of notarial activities, the notary shall transfer all the stored notarial documents to another notary or to a private notary archive, hand over the seal of a private notary to the territorial notary association.

5. (Excluded).

6. (Excluded).

7. One or more notaries may work in one office when they comply with the requirements of paragraph 4 of this Article.

Footnote. Article 15 as amended by Laws of the Republic of Kazakhstan dated 24.12.2001 No 276; 05.05.2003 No 408; 11.07.2009 No 185-IV (shall be enforced from 30.08.2009); and 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication); dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty-one calendar days after the day of its first official publication); dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication); dated 09.06.2021 № 49-VII (effective ten calendar days after the date of its first official publication).

Article 16. Insurance of activity of private notary

1. Private notaries shall be obliged to take out civil liability insurance for obligations arising from civil damages arising from the execution of notarial activities, as provided in paragraph 1 of Article 34 of this Law, and shall not have a right to carry out notarial activities in the absence of such policy.

2. The procedure and conditions of civil liability insurance for notaries against obligations arising from civil damages arising from the execution of notarial activities shall be established by Kazakh legislative acts.

Footnote. Article 16 as amended by Law of the Republic of Kazakhstan dated 5 May 2003 , No 408.

Article 17. Rights of notary

Notaries shall have the right to:

1) Carry out notarial activities, provided for by this Law and other Kazakh legislative acts, in the interest of individuals and legal entities approaching them;

2) provide counseling;

3) prepare copies of documents and abridged versions of them;

4) excluded by the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication);

5) claim from individuals and legal entities the documents and information necessary for fulfilment of notarial activities, in accordance with established requirements for disclosure of information, including commercial, banking and other secrets legally protected by Kazakh legislative acts;

6) practice a scientific, educational and creative activity;

7) (excluded).

8) conduct conciliation procedures;

9) be elected (appointed) by the arbitrator in the arbitration proceedings.

10) receive information from the information systems of the relevant state bodies and other organizations through the unified notarial information system.

Footnote. Article 17 as amended by Laws of the Republic of Kazakhstan dated 29.03.2000 No 42; 05.05.2003 No 408; and 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication); dated 31.10.2015 № 378-V (shall be enforced from 01.01.2016); dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

Article 17-1. Counseling

Counseling shall mean provision of legal assistance by a notary for a fee to individuals and legal entities in the form of:

1) conducting verbal and written legal consultations, not directly related to the performance of notarial acts;

2) drawing up draft transactions, applications and other documents in accordance with the requirements of the legislation of the Republic of Kazakhstan.

Footnote. Chapter 2 shall be supplemented by Article 17-1 in accordance with the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication);

Article 18. Obligations of notary

The notary must:

1) to perform notarial acts, as well as actions related to electronic registration, in accordance with the requirements of this Law, the Law of the Republic of Kazakhstan "On state registration of rights to real estate" and other regulatory legal acts of the Republic of Kazakhstan governing the activities of a notary;

2) explain rights and obligations to citizens and legal entities, and warn of consequences of performed notarial activities so that lack of legal information cannot be used to their detriment;

3) keep under seal of secrecy information made known to them in the context of professional activity;

3-1) timely enter into the unified notarial information system information about performed notarial actions and other information provided for by this Law;

3-2) comply with the requirements of the legislation of the Republic of Kazakhstan on informatization when working with the unified notarial information system;

4) refuse to carry out notarial activity that contravenes Kazakh legislation;

5) comply with professional ethics;

6) submit information on fulfilment of notarial action, other documents, and where necessary personal explanations, including issues of noncompliance with the requirements of professional ethics in the event of complaints about their action to judicial authorities and/or the notary association;

7) transfer the documents that are in production to another notary in case of suspension of his license in the manner prescribed by the Rules;

7-1) hand over the seal to the territorial justice body for the license suspension period, in case of expiry of the license - to the territorial notarial association;

8) send all notarial documents held to the private notarial archive in the event of termination of licence on grounds, provided by subparagraphs 1), 2), 4), 4-1) and 6) of paragraph 1 of Article 12 of this Law;

9) provide information on change of surname, name, patronymic and location of office to the territorial body of justice within one month;

10) to notify the territorial body of justice and the notarial chamber within five working days in case of non-performance of notarial activity within one month;

10) provide information on transactions and contracts of individuals to the state revenue authorities in the form, in the manner and within the time frames determined by the tax

legislation of the Republic of Kazakhstan. In this case, provision of the specified information is not a disclosure of the secret of notarization acts.

11) upgrade professional skills.

2. Excluded by the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication);

3. Excluded by the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication);

Footnote. Article 18 as amended by Laws of the Republic of Kazakhstan dated 28.08.2009 No 192-IV (enforced from 08.03.2010); 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication); 21.06.2012 No 19-V (enforced upon expiry of ten calendar days after first official publication); and 08.01.2013 No 64-V (enforced from 01.01.2013); dated 10.06.2014 № 206-V (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.11.2016 № 26-VI (effective from 01.01.2021); dated 03.07.2020 № 359-VI (effective ten calendar days after the date of its first official publication); dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication); dated 09.06.2021 № 49-VII (effective ten calendar days after the date of its first official publication).

Article 19. Restrictions of activities of notary

1. Notaries may not:

- 1) carry on business activities;
- 2) provide intermediary services during the completion, amendment and dissolution of a treaty;
- 3) perform notarial duties in cases of election of representative body by deputy;
- 4) perform their duties without a compulsory notary's civil liability insurance contract;
- 5) use a facsimile or transfer seal or electronic digital signature to another person, except when sending a seal to the territorial body of justice for the period of suspension of notary's licence;
- 6) to perform activities outside the location of its premises, except for the cases provided for by this Law.

2. Notaries in private practice may not be in working relationships as employees, unless otherwise provided by this Law.

Footnote. Article 19 as amended by Laws of the Republic of Kazakhstan dated 24.12.2001 No 276; 05.05.2003 No 408; 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication); and 28.06.2012 No 24-V (enforced upon expiry of ten calendar days after first official publication); dated 29.03.2016 № 479-V (shall be

enforced upon expiry of twenty-one calendar days after the day of its first official publication)

Article 20. Notarial district

A notarial district shall be recognized as a territory of one region, city of national significance or the capital city, in accordance with the administrative territorial division of the Republic of Kazakhstan.

Footnote. Article 20 as amended by Law of the Republic of Kazakhstan dated 5 May 2003 , No 408.

Article 21. Activity area of notary

1. A notary's activity area shall be determined by the territorial body of justice within the notarial district.

2. The territory of activity of a private notary within a notarial district shall be determined by the notarial chamber.

A notary shall not have the right to place the premises outside the territory defined to him.

Requirements for a notary premises shall be established by the Ministry of Justice of the Republic of Kazakhstan at the proposal of the Republican notarial chamber.

The territorial notarial chamber shall regularly inform the population about the territory of activity of private notaries.

3. The notary's activity area shall be observed when the notary performs the actions provided for in subparagraphs 3), 4), 5) of paragraph 1 of Article 34, as well as subparagraphs 1), 2), 3), 4), 5), 6), 7) and 8) paragraph 2 of Article 92-1 of this Law. In all other cases, individuals and legal entities shall have the right to apply to any notary to perform notarial acts.

4. The office for carrying out notarial activities shall be within the territory, designated according to the procedure provided for by paragraphs 1 and 2 of this Article.

5. Notarial acts may be performed outside the premises of state notary offices and outside the premises of a private notary.

Notarial actions with departure are performed in relation to a specific person on the basis of an application of an interested person and are not permanent.

If a notarization is performed outside the premises of a public notary's office or the premises of a private notary, then the venue of the performed notarial act shall be recorded in the statement of certification on the document and in the notarization register (including in the electronic register of notarization), indicating its address and time.

Footnote. Article 21 as amended by Laws of the Republic of Kazakhstan dated 05.05.2003 No 408; and 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication); dated 05.07.2018 № 177-VI (shall be enforced upon expiry of

ten calendar days after the day of its first official publication); dated 15.02.2021 № 5-VII (enforcement Article 2); dated 31.12.2021 № 100 (shall be enforced ten calendar days after the date of its first official publication).

Article 21-1. Criteria for determining minimum number of notaries in notarial district

1. The minimum number of notaries in the notarial district shall be confirmed by the Ministry of justice of the Republic of Kazakhstan following application from the territorial body of justice jointly with the territorial notary association, on the basis of the following criteria:

1) number and density of population in the notarial district;
2) economic development, geographical location, existence of infrastructure and other peculiarities of district.

2. The territorial body of justice may introduce a state notary into staff numbers when a vacancy is not filled for three months by the private notaries.

3. If a specified vacancy is subsequently filled by the private notary, the territorial body of justice shall be obliged to cancel one state notary within a month.

The territorial body of justice shall thus be obliged to take measures concerning:

1) monitoring of legality of notarial activities and correction of breaches by state notaries as revealed;
2) receipt and transfer of documents depending on state notary to private notary;
3) removal and elimination of a state notary's seal.

Footnote. Article 2 is supplemented by Article 21-1 in accordance with Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication).

Article 22. Seal, stamps and electronic digital signature of a notary

Footnote. The heading of Article 22 as amended by the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective from 01.07.2021).

1. A notary shall have a seal bearing the State Emblem of the Republic of Kazakhstan, his full name, as well as the name of the state notary office (seal of a state notary) or the number and date of issue of a notary license (seal of a private notary), stamps of certificates of acknowledgment.

2. Prints and signature samples of notaries shall be stored in the territorial body of justice, as well as in the notarial chamber.

3. The order and issuance of a seal for state notaries to perform notarization acts shall be fulfilled by a territorial justice body, for a private notary - by a territorial notary association.

Private notaries' seals shall be produced at the expense of their funds, and state notaries' seals – at the expense of budget funds.

4. The notary shall perform notarial acts with electronic documents and enter information into the unified notarial information system through an electronic digital signature.

Footnote. Article 22 is in the wording of Law of the Republic of Kazakhstan dated 28.06.2012 No 24-V (enforced upon expiry of ten calendar days after first official publication); as amended by the Law of the Republic of Kazakhstan dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 15.02.2021 № 5-VII (effective from July 1, 2021); dated 09.06.2021 № 49-VII (effective ten calendar days after the date of its first official publication).

Article 23. Certificate of akim civil servants in cities of regional significance, rural settlements, villages and rural districts, authorized to carry out notarial activities

Persons, mentioned in subparagraph 2) of paragraph 2 of article 1 of this Law, shall be certified in the territorial body of justice for carrying out notarial activities in accordance with the certification provision approved by the Ministry of Justice of the Republic of Kazakhstan.

Footnote. Article 23 as amended by Law of the Republic of Kazakhstan dated 20.12.2004 No 13 (enforced from 01.01.2005).

Article 24. Responsibility of notaries and civil servants, authorized to carry out notarial activities

1. Notaries and civil servants authorized by this Law to carry out notarial activities, shall bear criminal, administrative, financial, disciplinary and other liability provided for by Kazakh legislation in the event of illegal acts on their part.

2. A notary, engaged in private practice, in case of violation of its professional duties and ethical standards, shall be prosecuted by the notarial chamber in accordance with the legislation of the Republic of Kazakhstan, the Notary Code of Ethics.

3. The state shall decline liability for damage caused to individuals and legal entities through notarial activities carried out by private notaries.

Footnote. Article 24 as amended by Laws of the Republic of Kazakhstan dated 28.06.2012 No 24-V (enforced upon expiry of ten calendar days after its first official publication); and by Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No 121-V (enforced upon expiry of ten calendar days after first official publication); dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 24-1. Disciplinary liability of a private notary

1. The body for consideration of appeals, complaints about breaching by members of the notary association of the requirements of the legislation of the Republic of Kazakhstan, the Notary Code of Ethics, the charter of the notary association, the terms of membership in the notary association (hereinafter -the complaint) shall be the disciplinary commission of the notary association.

The disciplinary commission of the notary association shall include at least four notaries with at least five years of notarial practice, elected at a general meeting of the notary association members, as well as three representatives of the public proposed by the justice authorities.

The chairman of the disciplinary commission of the notary chamber shall be a notary.

The procedure for consideration of complaints shall be determined by the Republican notarial chamber taking into account the requirements of this Law.

The complaint shall be considered no later than one month from the date of its receipt.

2. When examining complaints, the disciplinary commission of the notary association shall invite to its meetings the persons who filed complaints, as well as members of the notary association in respect of whom the complaint was made.

If the judicial authorities submit a recommendation on initiation of disciplinary proceedings, its consideration shall be carried out with the participation of a representative of the body of justice.

The failure to appear of these persons duly notified of the time and place of the consideration of the complaint shall not preclude its consideration.

3. The disciplinary commission of the notary association shall have the right to decide on the application of the following disciplinary measures:

- 1) warning;
- 2) reprimand;
- 3) severe reprimand;

4) expulsion from the notary association or expulsion from the notary association with a lodged petition to the licensor for the preparation of a statement of claim for revocation of the notary license.

4. Excluded by the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

5. The decisions provided for in subparagraphs 1) and 2) of paragraph 3 of this article shall be adopted by a majority vote of the members of the disciplinary commission of the notary association and take effect from the day they are adopted by the said body. The decisions provided for in subparagraphs 3) and 4) of paragraph 3 of this article may be adopted by at least two-thirds of the members of the disciplinary commission of the notary association.

6. The notary association, within five calendar days from the date of adoption by the disciplinary commission of the notary association of a decision to apply disciplinary measures against a notary association member, shall send a copy of the decision to the notary association member, as well as to the person who filed the complaint on which the decision was made, using the means of communication, providing fixation of its receipt.

7. Decisions of the notary association's disciplinary commission may be challenged in the disciplinary commission of the Republican notary chamber or in court.

Footnote. Chapter 2 shall be supplemented by Article 24-1 in accordance with the Law of the Republic of Kazakhstan dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

Article 24-2. Disciplinary commission of the Republican notary chamber

1. The disciplinary commission of the Republican notary chamber shall examine complaints against decisions of the disciplinary commission of the notary association, generalize disciplinary practice.

The disciplinary commission of the Republican notary chamber is an independent body of the Republican notary chamber, elected by the congress of the Republican notary chamber and accountable to it. Decisions of the disciplinary commission of the Republican notary chamber shall be binding.

The disciplinary commission of the Republican notary chamber shall include four notaries with at least five years of experience in notarial activities on the proposal of the notary association, three members of the public - on the proposal of the Ministry of Justice of the Republic of Kazakhstan.

The chairman of the disciplinary commission of the Republican notary chamber shall be a notary.

2. When examining complaints, the disciplinary commission of the Republican notary chamber shall invite to its meetings the person who filed the complaint, as well as a member of the notary association in respect of whom the complaint is being considered.

Failure to appear of the said persons duly notified of the time and place of the complaint consideration shall not prevent its consideration.

3. Based on results of consideration of the complaint against the decision, actions (inaction) of the disciplinary commission of the notary association, the disciplinary commission of the Republican notary chamber shall have the right to:

1) leave the complaint unsatisfied, and the decision of the disciplinary commission of the notary association unchanged;

2) cancel the decision of the disciplinary commission of the notary association;

3) direct the case for re-examination to the relevant disciplinary commission of the notary association and oblige the disciplinary commission of the notary association to perform certain actions.

A meeting of the disciplinary commission of the Republican notary chamber shall be deemed duly constituted if more than half of its members are present at it.

The decision of the disciplinary commission of the Republican notary chamber shall be made by open voting by a majority vote of the members of the commission present at the meeting.

The decision of the disciplinary commission of the Republican notary chamber may be challenged in court.

4. A summary of the work of the disciplinary commission of the Republican notary chamber shall be posted on the Internet resource of the Republican notary chamber.

Footnote. Chapter 2 shall be supplemented by Article 24-2 in accordance with the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

Article 24-3. Disciplinary offenses

1. The ground for imposing a disciplinary sanction is a disciplinary offense committed by a notary.

2. A disciplinary offense shall mean improper performance or non-performance by a notary of his professional duties, breaching of the requirements of the legislation of the Republic of Kazakhstan, the Notary Code of Ethics, decisions of the Republican notary chamber bodies, notary associations.

3. Only one disciplinary sanction may be imposed for committing a disciplinary offense by a notary.

Footnote. Chapter 2 shall be supplemented by Article 24-3 in accordance with the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

Article 25. Complaints concerning, or refusal to accept, notarial activities

Complaints concerning, or refusal to accept, notarial activities shall be considered by the courts in accordance with regulations of civil procedure legislation.

Chapter 3. NOTARY ASSOCIATION

Article 26. Notary association

1. Notary association is a non-profit professional self-financing organization created to express and protect the rights and legitimate interests of notaries engaged in private practice, and also to ensure compliance by private notaries with the legislation of the Republic of Kazakhstan on notaries, professional and ethical standards.

2. The activity of the notary association shall be regulated by this Law and the charter. The notary association shall be a legal entity and subject to registration according to the procedure established by the Law.

3. A notary association shall be formed in the territory of each region, city of national significance and the capital of the Republic of Kazakhstan.

4. The Republican notarial chamber shall be a non-profit, professional, self-financing organization uniting territorial notarial chambers based on their mandatory membership.

5. Person, licensed to carry out notarial activity cannot be refused membership of notary association, unless they fail to comply with the requirements of Article 6 of this Law.

Charging of membership fees by the notary associations is not allowed.

Footnote. Article 26 as amended by Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (enforced upon expiry of ten calendar days after first official publication); dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

Article 26-1. Regulatory bodies of notary association

1. The general meeting of members shall be the supreme body of the notary association.

The following shall be within the exclusive competence of the general meeting:

- 1) adoption of charter of notary association, introduction of amendments and supplements ;
- 2) election and termination of powers of the chairman of the notarial chamber, members of the board, audit and disciplinary commissions;
- 3) determination of guidelines for activity of the notary association;
- 3-1) approval of reports on the activities of bodies of the notarial chamber;
- 3-2) approval of the report on the financial and economic activities of the notarial chamber;
- 4) adoption of budget of the notary association.

Other issues and decision-making processes within the exclusive competence of the general meeting may be listed in the charter of the notary association.

2. The notarial chamber shall be managed by the board and the chairman of the notarial chamber, elected by the general meeting of members of the notarial chamber.

3. Corporate executives shall be elected by secret voting for a four-year term.

4. The government shall be a regulatory body of the notary association, and shall include not less than five persons.

5. The procedure and terms of convening meetings of the notary association, and the powers of the dean and regulatory bodies of the notary association, shall be determined by the charter of the notary association.

Footnote. Chapter 3 is supplemented by Article 26-1 in accordance with Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (enforced upon expiry of ten calendar days after first official publication); as amended by the Law of the Republic of Kazakhstan dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 26-2. Dean of notary association

1. A notary who is a direct member of the notary association for not less than five years shall be elected dean of the notary association.

The dean of the notary association shall be elected by secret voting for a four-year term.

The same person cannot hold the position of chairman of the notary association for more than two consecutive terms.

2. The dean of the notary association shall:

1) organize the work of the notary association and ensure completion of tasks assigned to the notary association;

2) manage the work of the notary association and hire and dismiss employees of the notary association;

3) represent the interests of the notary association in state bodies, public associations, and other organizations;

4) exercise other powers, provided by the charter of the notary association and not inconsistent with Kazakh legislation.

Footnote. Chapter 3 supplemented by Article 26-2 in accordance with Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (enforced upon expiry of ten calendar days after first official publication); as amended by the Law of the Republic of Kazakhstan dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 09.06.2021 № 49-VII (effective ten calendar days after the date of its first official publication).

Article 26-3. Audit commission of a notarial chamber

1. The audit commission of the notarial chamber shall be the body that exercises control over the financial and economic activities of the notarial chamber.

2. The audit commission of the notarial chamber shall be formed from among the members of the notarial chamber consisting of no more than five people. Members of the audit commission of the notarial chamber shall not be entitled to occupy any other elected position in the notarial chamber.

Members of the audit commission of the notarial chamber shall carry out their activities on a voluntary basis free of charge.

3. The audit commission of the notary association shall be elected by the general meeting of the notary association members for a term of four years.

4. The audit commission of the notarial chamber shall have the right at any time to carry out inspections of the financial and economic activities of the notarial chamber. The audit commission of the notarial chamber shall have for this purpose the right of unconditional access to all financial documentation of the notarial chamber. At the request of the audit commission of the notarial chamber, the bodies of the notarial chamber shall be obliged to give the necessary explanations in oral or written form.

5. The audit commission of the notarial chamber shall submit a report to the next general meeting of members of the notarial chamber.

6. The procedure for work, the frequency of submission of reports to the audit commission of the notarial chamber shall be determined by the general meeting of members of the notarial chamber.

Footnote. Chapter 3 shall be supplemented by Article 26-3 in accordance with the Law of the Republic of Kazakhstan dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

Article 27. Powers of notary association

1. The notary association shall:

- 1) generally manage and coordinate the activity of private notaries;
- 2) represent and protect the rights and legal interests of their members in state bodies and non-governmental organizations, assist them and work together in developing a notarial case;
- 3) ensure compliance by private notaries with the legislation of the Republic of Kazakhstan on notaries, professional and ethical standards;
 - 3-1) organize the work for private notaries to comply with the legislation of the Republic of Kazakhstan on combating the legalization (laundering) of proceeds from crime and financing of terrorism;
 - 3-2) summarize the practice of applying the legislation of the Republic of Kazakhstan on combating the legalization (laundering) of proceeds from crime and the financing of terrorism and make proposals for its improvement with the annual provision of such information to the Republican Notary Chamber in the form and within the time limits established by the authorized body on financial monitoring;
- 4) introduce applications for suspension, loss or termination of a private notary's licence;
- 5) arrange civil liability insurance obligations arising from damages caused while carrying out injure notarial activities;
 - 5-1) inform territorial bodies of justice on cases of failure by private notaries to take out compulsory civil liability insurance of and violations of other requirements of Kazakh legislation concerning compulsory civil liability insurance for private notaries;
- 6) organize internship for persons applying for the right to engage in notarial practice;
- 7) reimburse the costs of expert examinations called by a court in cases linked with its members' activity;
- 8) excluded by the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication);
- 9) examine appeals of individuals and legal entities on notarial matters;
- 10) organize the professional development of notaries;
- 11) keep records of performed notarial acts;
- 12) place on its Internet resource:

updated list of members of notary associations; Code of notary ethics;
regulation on upgrade training of notaries;

decisions taken by the general meeting of notary association members, the notary association board;

tallying up the work of the disciplinary commission of the notary association;

report on the financial and economic activities of the notary association, including information on all receipts and expenses for each specificity separately;

reports on the notary association activities;

and other necessary information about the notary association's activities.

13) make an order for the production of seals of private notaries and issue them in accordance with the requirements of the legislation of the Republic of Kazakhstan;

14) send seals and samples of private notaries' signatures to the territorial justice body.

1-1. Board of the notarial chamber shall:

1) organize the work of the notarial chamber to provide legal assistance to individuals and legal entities;

2) convene a general meeting of members of the notarial chamber, organize the execution of decisions of the general meeting of members of the notarial chamber;

3) admit members of the notarial chamber, exclude from members of the notarial chamber ;

4) submit generalized reports on the activities of the notarial chamber to the Republican notarial chamber;

5) excluded by the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication);

6) excluded by the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication);

7) make a recommendation to the licensor regarding the suspension, deprivation and termination of the license of a private notary;

8) analyze, summarize and disseminate positive work experience;

9) manage the funds of the notarial chamber in the manner determined by the charter of the notarial chamber and the general meeting of members of the notarial chamber;

10) organize accounting, financial reporting, paperwork and formation of primary statistics;

11) determine the order of disposal of the property of the notarial chamber;

12) resolve other issues of the activities of the notarial chamber, except those referred to the exclusive competence of the general meeting of members of the notarial chamber.

2. The notarial chamber, when considering compliance with the requirements of the legislation of the Republic of Kazakhstan by a private notary, shall be entitled to request from the notary to submit information on the performed notarial acts, and, if necessary, - personal explanations, including on the issues of non-compliance with professional ethics.

3. The notary association shall send information on its activity in hard copy and electronic formats to the state notary association and the territorial body of justice, according to yearly and half-yearly results.

Footnote. Article 27 as amended by Laws of the Republic of Kazakhstan dated 05.05.2003 No 408; 11.06.2003 No 437; 15.07.2010 No 337-IV (for method of enforcement see Article 2); and 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication); dated 02.08.2015 № 343-V (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication); dated 09.06.2021 № 49-VII (effective ten calendar days after the date of its first official publication); dated 01.07.2022 № 131-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

Article 28. Charter of notary association

1. The charter of the notary association shall include:

- 1) its name, aims and main types of activity;
- 2) the rights and obligations of the Board;
- 3) conditions and procedures for acquisition, suspension and forfeit of membership;
- 3-1) rights, obligations and responsibility of members;

3-2) disciplinary liability of members of the notarial chamber and the procedure for bringing to it in accordance with the requirements of this Law;

4) procedure of formation, function and duration of powers of governing bodies;

5) sources and procedure for the formation of cash and other property of the notarial chamber and directions for its use, the limits of disposal of property by notarial chambers, the procedure for monitoring the use of property by the notarial chamber;

5-1) the procedure for paying the membership dues and fees;

6) procedure for introduction of amendments and supplements to the charter;

7) procedure for reorganizing and liquidating the Board, and fate of assets following liquidation.

2. The charter of the notary association may also embody other regulations, not inconsistent with legislation.

Footnote. Article 28 as amended by Law of the Republic of Kazakhstan dated 5 May 2003 , No 408; dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 28-1. Republican notary chamber bodies

1. The Republican notary chamber bodies shall be:

- 1) the highest body -the congress of the Republican notary chamber;
- 2) executive body - the board of the Republican notary chamber;
- 3) control body - the audit commission.

A disciplinary commission of the Republican notary chamber shall be created in the Republican notary chamber.

2. In the cases provided for by the charter of the Republican notary chamber, a scientific advisory council and other bodies may be established in the Republican notary chamber, acting on the basis of the provisions adopted by the congress of the Republican notary chamber.

Footnote. Chapter 3 shall be supplemented by Article 28-1 in accordance with the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

Article 28-2. Congress of the Republican notary chamber

1. The congress of the Republican notary chamber shall be convened at least once every four years. The congress of the Republican notary chamber shall be deemed duly constituted if delegates elected from at least three-quarters of the Republican notary chamber members take part in its work.

2. The exclusive competence of the congress of the Republican notary chamber shall include:

1) adoption of the charter of the Republican notary chamber and introduction of amendments and additions to it;

2) determining the seats of the board of the Republican notary chamber;

3) election and dismissal of members of the board of the Republican notary chamber;

4) election and dismissal of the chairman of the Republican notary chamber;

5) election and dismissal of members and the chairman of the audit commission of the Republican notary chamber;

6) election and dismissal of members and the chairman of the disciplinary commission of the Republican notary chamber;

7) approval of the representation norm of delegates from notary associations to the congress of the Republican notary chamber;

8) approval of the Notary Code of Ethics and introduction of amendments and additions to it;

9) approval of the report of the audit commission on the results of financial and economic activities of the Republican notary chamber;

10) approval of the regulations of the congress of the Republican notary chamber;

11) other functions provided for by the charter of the Republican notary chamber and the legislation of the Republic of Kazakhstan.

Footnote. Chapter 3 shall be supplemented by Article 28-2 in accordance with the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

Article 28-3. Board of the Republican notary chamber

1. The Board of the Republican notary chamber is a collegial executive body of the Republican notary chamber.

2. The Board of the Republican notary chamber shall:

1) ensure the activities of the Republican notary chamber;
2) organize the execution of resolutions of the Republican notary chamber congress;
3) develop documents subject to approval by the Republican notary chamber congress in accordance with Article 28-2 of this Law;

4) approve the regulation on the internship by notary trainees in agreement with the Ministry of Justice of the Republic of Kazakhstan;

5) approve the regulation on upgrade training of notaries in agreement with the Ministry of Justice of the Republic of Kazakhstan;

6) approve the regulation on the disciplinary commission activities of the Republican notary chamber;

7) protect the social and professional rights of notaries;

8) summarize semi-annual reports of notary associations on their activities, notarial activities of notaries;

9) organize methodological support on notarial practice;

10) organize research on the quality of notarial activities;

11) organize information support of notary associations;

12) place on the Internet resource of the Republican notary chamber:

the updated list of notaries engaged in notarial activities, as well as lists of notaries of notarial associations;

regulatory legal acts of the Republic of Kazakhstan relating to notarial activities;

Notary Code of Ethics;

regulation on upgrade training of notaries;

a report on the financial and economic activities of the Republican notary chamber, including information on all receipts and expenses for each specificity separately;

information on the composition of the board of the Republican notary chamber;

tallying up the work of the disciplinary commission of the Republican notary chamber; activities and events of the notaries;

and other necessary information about the activities of the Republican notary chamber;

13) convene a congress of the Republican notary chamber, form its agenda;

14) within its competence, dispose of the property of the Republican notary chamber in accordance with the estimate and purpose of the property;

15) approve the regulations of the Board of the Republican notary chamber;

16) perform other functions provided for by the charter of the Republican notary chamber.

3. Decisions of the board of the Republican notary chamber shall be adopted by a simple majority of votes from the total number of members present at its meeting.

Chapter 3 shall be supplemented by Article 28-3 in accordance with the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

Article 29. Powers of state notary association

1. The activity of the state notary association shall be determined by this Law and its charter. The state notary association shall be registered in accordance with the procedure established by Law.

2. The state notary association shall:

1) coordinate the activity of the notary association;

2) represent the interests of the notary association and notaries in the state bodies and non-governmental organizations including foreign and international organisations;

3) participate in legislative drafting and expert activity of the Ministry of Justice of the Republic of Kazakhstan concerning notarial issues;

4) organize training of notaries;

5) take part in the development of regulatory legal acts, develop and approve methodological materials on notary issues, as well as on countering the legalization (laundering) of proceeds from crime and the financing of terrorism;

5-1) analyze, summarize the practice of applying the legislation of the Republic of Kazakhstan on combating the legalization (laundering) of proceeds from crime and the financing of terrorism on the basis of the information provided by the territorial notary chamber and make proposals for its improvement with the annual provision of such information to the authorized body for financial monitoring in the form and within the time limits established by the authorized body for financial monitoring;

6) develop and approve the Notary Code of Ethics;

6-1) excluded by the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication);

7) carry out other activity, not inconsistent with legislation and international treaties.

3. The state notary association shall annually present information on its activity, in hard copy and electronic formats, to the Ministry of Justice of the Republic of Kazakhstan.

4. A notary, who, until the day of his election, was a member of the notarial chamber for at least five years, shall be elected Chairman of the Republican notarial chamber.

The chairman of the Republican notarial chamber shall be elected by secret ballot for a term of four years.

The same person cannot hold the position of the chairman of the Republican notary chamber for more than two consecutive terms.

The election procedure and the powers of the chairman of the Republican notarial chamber shall be determined by this Law and the charter of the Republican notarial chamber.

Footnote. Article 29 as amended by Laws of the Republic of Kazakhstan dated 15.07.2010 No 337-IV (for method of enforcement see Article 2); and 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication); dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication); dated 09.06.2021 № 49-VII (effective ten calendar days after the date of its first official publication); dated 01.07.2022 № 131-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

Article 29-1. Private notarial archive

The private notarial archive shall be a branch of the territorial notary association.

The private notarial archive shall accumulate, store and use of notarial documents in accordance with Kazakh legislation concerning national funds and archives.

Footnote. Supplemented by Article 29-1, Law of the Republic of Kazakhstan dated 5 May 2003, № 408.

Chapter 4. PAYMENT FOR NOTARIAL ACTIVITIES

Article 30. Payment for notarial activities

1. Notaries working in the state notarial office and akim civil servants in cities of regional significance, rural settlements, villages and rural districts shall collect the state duties at the rate established by the Kazakhstan Tax Code for carrying out notarial activities.

2. Notarial activities carried out by a private notary shall be paid for at the appropriate level of state duty established by Kazakh tax legislation.

3. (Is excluded)

4. Civil servants of a Kazakh consular institution shall, for carrying out notarial activities, collect a consular fee according to the procedure and amounts provided for by Kazakh tax legislation.

5. Reduced payment of notarial fees for individuals and legal entities, as provided by Kazakh tax legislation, shall be allocated to these persons and upon carrying out of notarial activities by the notaries in private practice.

6. Interested persons shall reimburse the notary for actual transport costs following travel from place of work for carrying out notarial activity.

7. (excluded)

Footnote. Article 30 as amended by Laws of the Republic of Kazakhstan dated

24.12.2001 No 276; 05.05.2003 No 408; 20.12.2004 No 13 (enforced from 01.01.2005); and 16.11.2009 No 200-IV (enforced from 01.01.2010).

Article 30-1. Payment for legal and technical services within activities carried out by private notary

1. Private notaries shall collect payment for provision of auxiliary technical and legal services as provided by this Article for carrying out notarial activities:

1) upon certification of sale agreements for fixed assets (plots of land, dwelling houses, apartments, country-houses, garages, constructions and other fixed assets) in urban areas:

if one party is a legal entity: 7 monthly calculation indexes;

children, spouse, parents, full brothers and sisters, grandchildren: 2 monthly calculation indexes;

other persons: 5 monthly calculation indexes;

if the transaction is made for acquisition of immovable assets received under a residential mortgage loan: 2 monthly calculation indexes;

2) upon certification of sale agreements for fixed assets (plots of land, dwelling houses, apartments, country-houses, garages, constructions and other fixed assets) in rural areas:

if one party is a legal entity: 2 monthly calculation indexes;

children, spouse, parents, full brothers and sisters, grandchildren: 1 monthly calculation index;

other persons: 2 monthly calculation indexes;

3) upon certification of treaties for sale of motor vehicles:

if one party is a legal entity: 5 monthly calculation indexes;

children, spouse, parents, full brothers and sisters, grandchildren: 2 monthly calculation indexes;

other persons: 5 monthly calculation indexes;

4) upon certification of rent/loan agreements (except for residential mortgage loan), deposit, lease, work contract, marriage contract, division of commonly owned property, division of inherited property, alimony agreements, foundation agreements: 5 monthly calculation indexes;

5) upon certification of residential mortgage agreements: 2 monthly calculation indexes;

6) upon certification of wills: 2 monthly calculation indexes;

6-1) upon certification of consents for which the legislation of the Republic of Kazakhstan provides for mandatory notarization, - 1 monthly calculation indicator;

7) upon issue of inheritance right certificates: 2 monthly calculation indexes for each certificate issued;

8) upon issue of certificate of ownership right to share in common property and other persons having rights to jointly owned property: 4 monthly calculation indexes;

- 9) upon certification of powers of attorney for right of use and disposition of property: 2 monthly calculation indexes;
- 10) upon certification of powers of attorney for right of use and management of motor vehicles without right of sale: 1 monthly calculation index;
- 11) upon certification of powers of attorney for sale, granting, exchange of motor vehicles : 2 monthly calculation indexes;
- 12) upon certification of other powers:
for individuals - 1 monthly calculation index;
for legal entities - 2 monthly calculation indexes;
- 13) upon execution of marine protest - 5 monthly calculation indexes;
upon certification of accuracy of copies of documents and extracts from documents (per page):
- 14) for individuals – 0,05 monthly calculation index;
for legal entities – 0.07 monthly calculation index;
- 15) upon certification of authenticity of signature on documents and accuracy of translation of documents from one language to another (per document):
for individuals - 0.05 monthly calculation index;
for legal entities - 1 monthly calculation index;
- 16) upon transfer of applications by individuals and legal entities to other individuals and legal entities - 0.05 monthly calculation index;
- 17) upon issues of notarized copies of documents – 0.05 monthly calculation index;
- 18) upon issue of duplicate - 2 monthly calculation indexes;
- 19) upon certification of authenticity of signature in opening of bank account (per document):
for individuals – 0.3 monthly calculation index;
for legal entities – 0.5 monthly calculation index;
- 20) upon certification of real estate mortgage agreements, rights of reclaim and mortgage certificate for residential mortgage loans - 2 monthly calculation indexes;
upon consideration of other treaties of pledge - 3 monthly calculation indexes;
- 21) upon execution of appeal against bill and certification of non-payment of cheque: 1 monthly calculation index;
- 22) upon custody of documents and security papers – 0.5 monthly calculation index per month;
- 22-1) for the execution of the executive note:
for individuals - 0.2 percent of the amount recovered or the market value of the claimed other movable property, but not less than 0.5 monthly calculation index and not more than 50 monthly calculation indexes;

for legal entities - 1 percent of the amount claimed or the market value of the claimed other movable property, but not less than 1 monthly calculation index and not more than 100 monthly calculation indexes.

The lower limit of payment for legal and technical services when making an execution writ according to the requirements provided for in subparagraphs 6) and 7) of paragraph 2 of Article 92-1 of this Law shall be 0.5 monthly calculation indices;

23) upon certification of surety and guarantee agreements – 1 monthly calculation index per month;

23-1) when opening an envelope with a secret will and announcing a secret will - 1 monthly calculation index;

23-2) when issuing a certificate of acceptance of a secret will - 1 monthly calculation index;

23-3) when certifying the equivalence of an electronic document prepared by a notary, to a paper document (per page):

for individuals - 0.1 monthly calculation index;

for legal entities - 0.2 monthly calculation index;

23-4) when certifying the equivalence of a document made by a notary on paper, to an electronic document (per page):

for individuals - 0.1 monthly calculation index;

for legal entities - 0.2 monthly calculation index.

24) upon execution of other notarial activities, provided for by this Law and other Kazakh legislative acts: 7 monthly calculation indexes.

1-1. Expenses paid by the recoverer to the notary when making the writ of execution as a state duty and for services of a legal and technical nature shall be charged to the debtor.

2. The following shall be exempt from payment for legal and technical services by the private notary, on completion of those services:

1) individuals and legal entities, independently preparing drafts of documents, subject to notarial certification;

2) the persons, specified in subparagraphs 4), 6) and 7) of article 617 of the Code of the Republic of Kazakhstan "On taxes and other obligatory payments to the budget" (Tax Code);

3) the elderly and persons with disabilities living in special social services centers;

4) orphans and children without parental support;

5) persons with disabilities of the first, second, and third groups;

6) retirement pensioners\$

7) recoverers at the request provided for by subparagraph 9) of paragraph 2 of Article 92-1 of this Law.

3. Payment for the services of a notary for consulting is 1 monthly calculation index.

Footnote. Chapter 4 is supplemented by Article 30-1 in accordance with Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar

days after first official publication); as amended by the laws of the Republic of Kazakhstan dated 31.10.2015 № 378-V (shall be enforced from 01.01.2016); dated 25.12.2017 № 122-VI (shall be enforced from 01.01.2018); dated 21.01.2019 № 217-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 15.02.2021 № 5-VII (enforcement see Article 2); dated 27.06.2022 № 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Chapter 5. CONTROL OF NOTARY ACTIVITY: COMPETENCE OF JUDICIAL BODY REGARDING REGULATION OF NOTARIES

Article 31. Control of notary activity

1. Control of notarial activities and observance of rules of clerical compliance by state notaries and akim civil servants in cities of regional significance, rural settlements, villages and rural districts shall be carried out by the territorial body of justice.

2. Control over compliance of notaries engaged in private practice with the requirements of the legislation of the Republic of Kazakhstan and the rules of paperwork shall be carried out by the territorial body of justice.

3. Control over compliance of a notary and officials of the offices of akims of towns of district significance, settlements, villages, rural districts with the tax legislation of the Republic of Kazakhstan shall be carried out by the state revenue bodies of the Republic of Kazakhstan.

3-1. Control over compliance of a notary with the legislation of the Republic of Kazakhstan on countering the legalization (laundering) of proceeds from crime and financing of terrorism shall be carried out by the territorial body of justice.

4. Civil servants of the body of justice and the notary association must maintain secrecy of notarial activities carried out and made known during inspections of notarial activity. These persons shall be liable in accordance with Kazakh legislation for disclosure of secrets and damages caused to notaries.

5. Control over the activities of a notary shall be carried out in the manner prescribed by the Entrepreneurial Code of the Republic of Kazakhstan.

Footnote. Article 31 as amended by Laws of the Republic of Kazakhstan dated 05.05.2003 No 408; 20.12.2004 No 13 (enforced from 01.01.2005); 28.08.2009 No 192-IV (enforced from 08.03.2010); and 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication); dated 10.06.2014 № 206-V (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 07.11.2014 № 248-V (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated

05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 31-1. Control of activity of territorial notary associations

1. Control over the activities of territorial notarial chambers shall be carried out by territorial bodies of justice in the manner established by the Entrepreneurial Code of the Republic of Kazakhstan.

2. Control shall be carried out with a view to establishing compliance with the activity requirements of the territorial notary associations of the Republic of Kazakhstan:

1) concerning creation of private notarial archives and organization of the accumulation, storage and use of notarial documents;

2) concerning arrangement of civil liability insurance by private notaries;

3) is excluded by the Law of the Republic of Kazakhstan dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

3. The territorial body of justice shall send details of correction of breaches to the territorial notary association if a breach of Kazakh legislation is revealed. The territorial body of justice may bring court action with a lawsuit to enforce rectification of the breaches of Kazakh legislation if the breach is not rectified at the stated time.

Footnote. Chapter 5 is supplemented by Article 31-1 in accordance with Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication); as amended by the Laws of the Republic of Kazakhstan dated 29.10.2015 № 376-V (shall be enforced from 01.01.2016); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 32. Competence of Ministry of Justice of the Republic of Kazakhstan to regulate notaries

The Ministry of Justice of the Republic of Kazakhstan shall:

1) Manage, coordinate and control the activity of territorial bodies of justice in organizing and ensuring the legality of public services provided by notaries;

2) confirm the rules for provision of notarial activities by notaries;

3) confirm the rules on notarial clerical correspondence by agreement with the authorized Kazakh state body for management of archives and documentation, with participation by the state notary association;

4) confirm the provision concerning certification of akim civil servants carrying out notarial activities in cities of regional significance, rural settlements, villages and rural districts;

5) excluded by Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication);

5-1) excluded by the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication);

5-2) excluded by the Law of the Republic of Kazakhstan dated 05.07.2024 № 115-VIII (shall come into force ten calendar days after the date of its first official publication);

5-3) develops and approves regulatory legal acts in the field of regulation of notaries in accordance with the main goal and objective of this Law and the legislation of the Republic of Kazakhstan;

6) excluded by the Law of the Republic of Kazakhstan dated 05.07.2024 № 115-VIII (shall come into force ten calendar days after the date of its first official publication);

7) is excluded by the Law of the Republic of Kazakhstan dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty-one calendar days after the day of its first official publication);

7-1) confirm the minimum number of notaries for each notarial district;

8) excluded by the Law of the Republic of Kazakhstan dated 05.07.2024 № 115-VIII (shall come into force ten calendar days after the date of its first official publication);

9) license the activity of notaries;

10) excluded by the Law of the Republic of Kazakhstan dated 05.07.2024 № 115-VIII (shall come into force ten calendar days after the day of its first official publication);

11) make decisions to suspend or terminate a license for carrying out notary activity, and instigate suits following termination of a notary's licence;

12) excluded by the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication);

13) excluded by Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication);

14) excluded by the Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication);

14-1) confirm criteria for assessing of degree of risk;

15) is excluded by the Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (shall be enforced upon expiry of 10 calendar days after its first official publication);

16) regulation notarial activity in accordance with this Law and within its competence;

17) exercise other powers, provided by this Law, other Kazakh Laws, and acts of the President of the Republic of Kazakhstan and of the Government of the Republic of Kazakhstan.

Footnote. Article 32 as amended by Laws of the Republic of Kazakhstan dated 05.05.2003 No 408; 20.12.2004 No 13 (enforced from 01.01.2005); 15.07.2010 No 337-IV (for method of enforcement see Article 2); 05.07.2011 No 452-IV (enforced from 13.10.2011); 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official

publication); and by Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No 121-V (enforced upon expiry of ten calendar days after first official publication); dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty-one calendar days after the day of its first official publication); dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication); dated 05.07.2024 № 115-VIII (shall come into force ten calendar days after the day of its first official publication).

Article 33. Competence of territorial body of justice to regulate notaries

1. The territorial body of justice shall:

1) open and close state notary offices;

1-1) receive notifications of the commencement or termination of notarial activities in accordance with the Law of the Republic of Kazakhstan "On permits and notifications";

1-2) maintain a state electronic register of notifications;

2) consider applications by citizens and legal entities for actions by notaries;

2-1) organize control of compliance with the requirements of Article 16 of this Law by the private notary and take measures against private notaries failing to conclude a compulsory insurance policy for civil liability and violations of other Kazakh legislative requirements concerning compulsory insurance of civil liability of private notaries;

3) provide methodical and practical assistance to akim civil servants carrying out notarial activities in cities of regional significance, rural settlements, villages and rural districts;

4) monitor compliance of notaries and officials of the offices of akims of towns of district significance, settlements, villages, rural districts and the state of their paperwork with the requirements of the legislation of the Republic of Kazakhstan;

4-1) exercise control over the compliance of the notary with the legislation of the Republic of Kazakhstan on counteracting the legalization (laundering) of proceeds from crime and the financing of terrorism; 5) introduce reports on suspension, loss and termination of a notary's licence;

6) introduce reports on holding private notaries liable before the notary association;

7) check the availability and compliance of the premises chosen by the notary with the requirements of the legislation of the Republic of Kazakhstan;

8) order the production of seals of state notaries and issue them in accordance with the requirements of the legislation of the Republic of Kazakhstan;

9) excluded by Law of the Republic of Kazakhstan dated 13.01.2014 No 159-V (enforced upon expiry of ten calendar days after first official publication);

10) certify akim civil servants authorised to carry out notarial activities in cities of regional significance, rural settlements, villages and rural districts;

11) excluded by Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication).

2. The territorial body of justice, together with the notary association, shall:

1) excluded by Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication);

2) introduce report on minimal number of notaries in notarial district for approval by the Ministry of Justice;

3) excluded by Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication);

4) organize provision of notarial activities in temporary absence of the notaries in the notarial district;

5) provide methodical and practical assistance to notaries;

6) summarize notarial practice, as well as the practice of applying the legislation of the Republic of Kazakhstan on combating the legalization (laundering) of proceeds from crime and the financing of terrorism;

7) excluded by Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication);

8) excluded by Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication);

9) excluded by Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication);

10) for notaries terminating their activity in the relevant notarial district, take measures to ensure destruction of seal and transfer of documents to another notary or private notarial archive, and transferring a terminated notary's licence to the licensor in cases of termination.

Footnote. Article 33 is in the wording of Law of the Republic of Kazakhstan dated 05.05.2003 No 408; as amended by Laws of the Republic of Kazakhstan dated 11.06.2003 No 437; 20.12.2004 No 13 (enforced from 01.01.2005); 28.08.2009 No 192-IV (enforced from 08.03.2010); 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication); and 13.01.2014 No 159-V (enforced upon expiry of ten calendar days after first official publication); dated 10.06.2014 № 206-V (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 29.03.2016 № 479-V (shall be enforced upon expiry of twenty-one calendar days after the day of its first official publication); dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 09.06.2021 № 49-VII (effective ten calendar days after the date of its first official publication); dated 01.07.2022 № 131-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

Section 2.

NOTARIAL ACTIVITIES AND RULES FOR ITS PROVISION

Chapter 6. NOTARIAL ACTIVITIES CARRIED OUT BY NOTARIES AND AUTHORIZED CIVIL SERVANTS

Article 34. Notarial activities carried out by notaries

1. Notaries shall carry out the following notarial activities:

- 1) certify transactions;
- 2) certify constitutional documents of economic partnerships;
- 3) assign an inheritance trust manager;
- 4) issue a certificate on right to inheritance;

5) issue a certificate on right of ownership of share in common property by spouses and other persons having joint ownership of assets;

6) is excluded by the Law of the Republic of Kazakhstan dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

7) certify accuracy of copies of documents and extracts from them;

8) certify genuineness of signatures in documents;

9) certify accuracy of translation of documents from one language to another;

10) certify the fact that a citizen is alive;

11) certify the fact that a citizen is in a particular place;

12) certify time of presentation of documents;

13) transfer declarations of individuals and legal entities to other individuals and legal entities;

14) receive money on deposit;

15) (excluded - No 42 dated 29 March, 2000);

15-1) make executive notes;

15-2) certify dispute settlement agreements;

16) execute bill protests;

17) accept documents and security papers for storage;

18) execute marine protests;

19) provide evidence;

20) certify the equivalence of an electronic document prepared by a notary to a document on paper;

21) certify the equivalence of a document prepared by a notary on paper to an electronic document.

2. Other notarial activities carried out by notaries shall be provided by Kazakh legislative acts.

Footnote. Article 34 as amended by Laws of the Republic of Kazakhstan dated 13 November 1998 No 302; 29 March 2000 No 42; and 5 May 2003, No 408; dated 31.10.2015 № 378-V (shall be enforced from 01.01.2016); dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 15.02.2021 № 5-VII (effective from 01.07.2021).

Article 35. Notarial activities carried out by akim civil servants in cities of regional significance, rural settlements, villages and rural districts

1. Akim civil servants in cities of district significance, rural settlements, villages and rural districts, authorized to carry out notarial activities in cases of absence of the local notary, shall carry out the following notarial activities:

- 1) certify wills;
- 2) certify powers of attorney;
- 3) certify accuracy of copies of documents and accuracy of extracts from them;
- 4) certify genuineness of signatures on applications;
- 5) (excluded);

2. Other notarial activities carried out by civil servants of local executive bodies shall be provided by Kazakh legislative acts.

Footnote. Article 35 as amended by Law of the Republic of Kazakhstan dated 5 May 2003 , No 408; and 20 December 2004, No 13 (enforced from 1 January 2005).

Article 36. Notarial activities carried out by performing consular duties

1. Civil servants performing consular duties in the name of the Republic of Kazakhstan shall carry out the following notarial activities:

1) certify transactions, except agreements for assignment of fixed assets located in Kazakh territory;

2) (excluded)

3) issue certificates of right to inheritance;

4) issue a certificate on right of ownership of share in common property by spouses and other persons having joint ownership of assets;

5) certify accuracy of copies of documents and extracts from them;

6) certify the genuineness of signatures in documents;

7) certify accuracy of translation of documents from one language to another;

8) certify the fact that a citizen is alive;

9) certify the fact that a citizen is in a particular place;

10) certify time of presentation of documents;

11) transfer declarations of individuals and legal entities to other individuals and legal entities;

12) receive money on deposit;

13) (excluded - No 42 dated 29 March 2000)

14) accept documents and security papers for storage;

15) execute marine protests;

16) provide evidence.

2. Other notarial activities carried out by notaries shall be provided by Kazakh legislative acts.

Footnote. Article 36, as amended by Laws of the Republic of Kazakhstan dated 13 November 1998, No 302; 29 March 2000, No 42; and 5 May 2003, No 408.

Article 37. Attestation by civil servants of wills and powers of attorney equated to notarially certified documents

The following shall be equated to notarially certified documents:

1) wills of citizens being treated in hospitals, sanatoriums, other medical and preventive institutions, certified by the chief doctors and doctors on duty of these institutions, as well as wills of the elderly and persons with disabilities living in medical and social institutions (organizations), certified by directors and chief physicians of these institutions (organizations);

2) wills and powers of attorney of military and other persons undergoing treatment in hospitals, health resorts and other medical and preventive institutions, certified by the heads and assistant heads of medical unit, and by head and duty doctors of the said hospitals, health resorts and other medical and preventive institutions;

3) wills and powers of attorney of military personnel in home stations of military installations, units, departments and educational institutions, where no notaries and civil servants are authorized to carry out notarial activities, as well as wills and powers of attorney of workers and servants, members of their families and family members of military personnel, certified by the command officers (heads) of the installations, units, departments and facilities in question;

4) wills and powers of persons in the places of detention, certified by the heads of those places of detention;

5) wills of citizens on ocean-going or inland-waterway ships, sailing under the flag of the Republic of Kazakhstan, certified by the captains of these ships;

6) wills of citizens on exploratory and other expeditions, certified by the commanders of those expeditions;

7) powers of attorney of capable citizens, of age, in social welfare institutions, certified by the director of the institution or of the relevant body for social protection of population;

8) powers of attorney of persons, held in pre-trial detention centers, certified by the heads of pre-trial detention centers.

Wills, provided for by this Article shall be signed by the testator in the presence of a witness, who shall also sign the will.

Footnote. Article 37 as amended by Law of the Republic of Kazakhstan dated 5 May 2003 , No 408; dated 27.02.2017 № 49-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 27.06.2022 № 129-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 38. Transfer of will certified by civil servants to notary

1. Civil servants listed in Article 37 of this Law must within ten calendar days of certification of will, and immediately if this is not possible for good reason, transfer one copy of the certified will to the notary for safe custody at the permanent location of the notary for the testator's district.

2. If the testator is not permanently resident in the Republic of Kazakhstan or his/her place of residence is unknown, the will shall be transferred to a notary appointed by the Ministry of Justice of the Republic of Kazakhstan.

3. The notary must check the wills delivered for safe storage, and if non-compliance with the law is established, inform the testator and civil servant who certified the will, for proper formulation.

4. The civil servant shall be liable in accordance with Kazakh legislation for losses and damages caused to the heir(s) through late transfer of the certified will.

Footnote. Article 38 as amended by Constitutional Law of the Republic of Kazakhstan dated 03.07.2013, No 121-V (enforced upon expiry of ten calendar days after first official publication).

Chapter 7. BASIC RULES FOR CARRYING OUT NOTARIAL ACTIVITIES

Article 39. Procedure for carrying out notarial activities

The procedure for carrying out notarial activities shall be established by this Law, other legislative acts and rules for carrying out of notarial activities by notaries, certified by the Ministry of Justice of the Republic of Kazakhstan.

Footnote. Article 39 as amended by Law of the Republic of Kazakhstan dated 26.12.2011, No 516-IV (enforced upon expiry of 10 calendar days after first official publication).

Article 40. Timing of performance of notarial activities

Notarial activities shall be performed on the date of presentation of all necessary documents and payment of state duty upon carrying out of notarial activities by state notary or persons authorized by this Law to carry out notarial activities, or payment for notarial activities of private notary.

Article 41. Grounds and terms for postponement and suspension of notarial activities

1. Notarial action may be postponed on the following grounds:

- 1) Need to obtain additional information from individuals and legal entities;
- 2) sending documents for expert examination;

2. The length of postponement of notarial action may not exceed one month from date of pronouncement of regulation concerning postponement of notarial action.

3. Notarial action shall be postponed for no more than ten calendar days at the request of the interested party disputing a right or fact for certification of which another interested person shall be called on. If during this term the message of receipt of application is not received from the court, notarial action shall be postponed.

4. In case of receipt from the court of a message of receipt of application of interested person disputing a right or fact for certification of which another interested person is called on, performance of notarial action shall be suspended until the court resolves the matter.

Footnote. Article 41 as amended by Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No 121-V (enforced upon expiry of ten calendar days after first official publication).

Article 42. Identification of applicant for notarial action

1. The notary or civil servant shall identify the citizen applying for notarial action, his/her representative or the representative of the legal entity when notarial action is carried out.

2. Identification shall be based on the documents proving the identity of the applicant for notarization act.

Footnote. Article 42 as amended by the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

Article 43. Clarification of capacity of individuals and legal capacity of entity involved in transactions

Capacity of citizens shall be clarified legal capacity of entities shall be examined during certification of transactions. In case of settlement of transaction their powers shall be checked by the representatives.

Article 44. Procedure for signature of notarial documents

1. Content of notarially certified documents may be read aloud if the participants wish.

2. Transactions and applications certified by notary shall be signed by the participants before a notary.

3. If a citizen, due to physical disabilities, illness or illiteracy, cannot personally sign, at his request and in his presence, as well as in the presence of a notary, another citizen may sign a transaction, application or another document, indicating the reasons due to which the document could not be signed by a citizen who applied for a notarization act with his own hand.

Footnote. Article 44 as amended by the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

Article 44-1. Performing notarization acts in electronic form

At the request of the person who applied for a notarial act, a notary may perform notarization by issuing a notarial document in electronic form.

If a notarial document in electronic form must be signed by a person who applied for a notarization act, the person is obliged to certify the document by means of an electronic digital signature in the presence of a notary or sign it using a graphic tablet for digital signature.

The certificate of acknowledgment on a notarial document made in electronic form must be certified by means of a notary's electronic digital signature.

Footnote. Chapter 6 shall be supplemented by Article 44-1 in accordance with the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective from 01.07.2021).

Article 45. Requirements applicable to texts of certified transactions and certified documents

1. Texts of notarially certified transactions must be written or printed clearly and well defined with regard to the content of the transaction; dates and terms shall be specified in words at least once, and names of legal entities shall be unabridged with specification of location. Surnames, forenames and patronymics of citizens, and the addresses of their places of residences, shall be written in full.

2. Texts of transactions or certified documents with erasures, notices, deleted words or other unspecified corrections, and documents written in pencil, may not be certified.

3. Sheets in document containing more than one sheet shall be bound, tied and sealed.

4. Notaries shall accept electronic documents for notarization that meet the requirements of the legislation of the Republic of Kazakhstan.

Footnote. Article 45 as amended by the Laws of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective from 01.07.2021).

Article 46. Limitation of rights to carry out notarial activities

1. A notary and executives of akim's offices of a city of district scale, a township, a village, a rural district shall not be entitled for notarization in their own name and on their own behalf, in the name and on behalf of their spouse, her and his relatives (parents, children, brothers, sisters, grandchildren, grandfather, grandmother), in the name and on behalf of notary assistants, trainees.

2. In these cases, notarial activities shall be carried out by any other notary.

3. Notarial activities carried out in breach of the rules established by this Article shall be invalid.

Footnote. Article 46 as amended by Law of the Republic of Kazakhstan dated 20 December 2004, No 13 (enforced from 1 January, 2005); dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

Article 47. Production of certificate of acknowledgments, issue of certificates and pronouncement of regulations

1. Certifying acknowledgment inscriptions shall be made when certifying transactions and issuing duplicates of notarized documents, attesting the validity of copies of documents and extracts from them, the authenticity of a signature on documents, the accuracy of translation of documents from one language to another, when certifying the time of presentation of documents on the relevant documents, and when certifying the equivalence of an electronic document prepared by a notary to a document on paper and certification of the equivalence of a document prepared by a notary on paper to an electronic document.

2. Relevant certificates shall be issued for acceptance of inheritance, right of property, certification of facts of a citizen being alive and in a particular place, transfer of applications from individuals and legal entities to other individuals and legal entities, and acceptance of documents for safe storage.

3. Relevant regulations shall be pronounced when an inheritance trust manager is appointed.

Footnote. Article 47 as amended by Law of the Republic of Kazakhstan dated 5 May 2003 , No 408; dated 15.02.2021 № 5-VII (effective from 01.07.2021).

Article 48. Refusal to carry out notarial action

1. Notarial action shall be refused if:

- 1) such action is contrary to laws;
- 2) the action should be carried out by another notary;
- 3) the citizen or representative is incapable and does not have the necessary powers to apply for notarial action;
- 4) the transaction performed on behalf of a legal entity is inconsistent with the goals specified in its charter or provision;
- 5) the transaction does not comply with requirements of legislation;
- 6) the documents presented for notarial action, do not comply with requirements of legislation.

2. A well-grounded written explanation specifying reasons for rejection shall be issued by the notary upon refusal of persons applying for notarial action within ten calendar days from the date of application for notarial action.

3. Refusal to carry out notarial action or incorrect performance of notarial action may be appealed against by judicial procedure.

Footnote. Article 48 as amended by Laws of the Republic of Kazakhstan dated 05.05.2003 No 408; and by Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No 121-V (enforced upon expiry of ten calendar days after first official publication).

Article 49. Registration of notarization acts

1. All notarization actions performed by a notary shall be registered in the electronic register of the unified notarial information system.

Notarization acts performed by the executives referred to in Articles 35 and 36 of this Law shall be registered in the register of notarial acts registration.

The executives referred to in Articles 35 and 36 of this Law may register notarial acts in the register of the unified notarial information system.

2. The single notarial information system shall assign a unique number for each notarial action, which must be indicated in the paper document.

Footnote. Article 49 as amended by the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective from 01.07.2021).

Article 50. Form of registers of notarial activities (and of electronic register of unified notarial information system), notarial certificates, certificates of acknowledgment

Footnote. Title amended by Law of the Republic of Kazakhstan dated 15.07.2010 No 337-IV (for method of enforcement see Article 2).

The form of registers of notarial activities (and of the electronic register of the unified notarial information system), notarial certificates and regulations, certificates of acknowledgments of transactions and certificated documents shall be established by the Ministry of Justice of the Republic of Kazakhstan.

Footnote. Article 50 as amended by Laws of the Republic of Kazakhstan dated 05.05.2003 No 408; and 15.07.2010 No 337-IV (for method of enforcement, see Article 2).

Article 51. Issue of duplicate of notarially certified document

1. In the event of loss of a document a copy of which is stored in the notarial office or by the notary, citizens and representatives of legal entities for whom the notarial activities were carried out, shall be issued with a duplicate of the lost document.

2. Duplicate documents shall be issued in accordance with requirements of Article 3 of this Law.

Chapter 8. CERTIFICATE OF TRANSACTIONS

Article 52. Notarially certified transactions

The notary shall certify transactions for which notarial certification is required by legislation. The notary may certify other transactions if the parties so wish.

Article 53. Explanation to parties of meaning and significance of draft transaction

Notaries and civil servants carrying out notarial activities must clarify the meaning and significance of the draft transaction presented and shall check that the content reflects the parties' actual intent and is not inconsistent with the requirements of legislation.

Article 54. Certification of property alienation and pledge documents subject to registration

1. Property alienation and pledge documents subject to registration may be certified upon presentation of documents confirming right of ownership to alienated or mortgaged property.

2. excluded by the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective from 01.07.2021).

3. The notary shall establish a legal document for the land plot, whereon the alienable real estate properties are located, once the property alienation certificates are completed.

The notary shall claim the documents of title to the plot and determine the powers of the landowner (land user) on assignment of its rights when the property alienation certificates are completed.

Land plot title documents shall not be reclaimed when housing units and non-living premises located in condominium are alienated.

In noncash settlement on a transaction with real estate, the notary, with the consent of the parties, shall transfer, through the unified notarial information system, information about certification of the transaction, as well as information from the registering authority on the registration performed or on the refusal or suspension of state registration of real estate titles to a second-tier bank or to the national postal operator in which a bank account is opened in order to secure the transaction.

Footnote. Article 54 as amended by Laws of the Republic of Kazakhstan dated 05.05.2003 No 408; and 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication); dated 25.06.2020 № 347-VI (effective ten calendar days after the date of its first official publication); dated 15.02.2021 № 5-VII (effective from 01.07.2021).

Article 55. (Article 55 excluded by Law of the Republic of Kazakhstan dated 5 May 2003, No 408)

Article 56. Certification of wills

1. The notary and other civil servants carrying out notarial activities shall certificate the wills of capable citizens composed in accordance with the requirements of Kazakh legislation and personally presented to the notary by them. Wills may not be certificated through representatives.

2. Presentation of evidences confirming right to property bequeathed shall not be required upon certification of wills from testators.

Article 57. Procedure for change and revocation of wills

When an application for revocation of will, or a new will revoking or changing a previously composed will is received, the notary and other civil servants carrying out the notarial activities shall make a note on a copy of the will kept by the notary and in the register of notarial activities (and in the electronic register of the unified notarial information system). Application for revocation or change of will shall be notarially certified.

Footnote. Article 57 as amended by Laws of the Republic of Kazakhstan dated 15.07.2010 No 337-IV (for method of enforcement see Article 2); and 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication).

Article 58. Notarization of powers of attorney and consents

Footnote. The title of article 58 shall be in the wording of the Law of the Republic of Kazakhstan dated 21.01.2019 № 217-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. A notary and officials who perform notarial acts shall certify a power of attorney on behalf of one person (principal) to the name of another person (attorney).

2. Powers of attorney issued according to the sub-delegation procedure, shall be subject to notarial certification on presentation of the basic power in which sub-delegation of right is specified. The power issued according to the sub-delegation procedure shall not contain more rights than the basic power presents. Duration of powers of attorney issued according to the sub-delegation procedure shall not exceed the duration of the power under authority of which it issued.

3. Notaries shall certify consents for which the legislation of the Republic of Kazakhstan provides for mandatory notarization.

Footnote. Article 58 as amended by the Law of the Republic of Kazakhstan dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 21.01.2019 № 217-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 59. Number of copies of documents setting out context of transaction

The number of copies of documents setting out the context of the transaction certified in the notarial procedure shall be determined by the persons applying for notarial action but shall not be less than two, one of these copies being in the notary's notarial office.

Chapter 9. Issue of certificate of right to inheritance

Footnote. The title of chapter 9 is in the wording of Law of the Republic of Kazakhstan dated 5 May, 2003 No 408.

Article 60. Notification of heirs and legatees on opening of inheritance

1. Notaries receiving an advice of opening of inheritance shall be obliged to notify the heirs whose place of residence or work they know accordingly.

Notaries shall be obliged to notify the opening of inheritance by will to legatees whose place of residence or work they know, when the will contains a legate.

2. If the place of residence or work of heirs or legatees is unknown, the notary shall advise the opening of inheritance through mass media.

Footnote. Article 60 is in the wording of Law of the Republic of Kazakhstan dated 27.04.2012 No 15-V (enforced upon expiry of ten calendar days after first official publication).

Article 61. Acceptance of applications for renunciation of inheritance or issue of certificate of right to inheritance

The notary shall accept applications for renunciation of inheritance or issue of certificate of right to it in writing, according to place of opening of inheritance, in accordance with Kazakh legislation.

Footnote. Article 61 is in the wording of Law of the Republic of Kazakhstan dated 5 May 2003, No 408.

Article 62. (Articles 62-68 are excluded by Law of the Republic of Kazakhstan dated 5 May 2003, No 408)

Article 69. Places and terms of issue of certificate of right of inheritance

1. The notary shall issue a certificate of right to inheritance at the place of opening of inheritance, following written application from the heirs.

2. Certificates of right to inheritance shall be issued within the periods provided by the Civil Code of the Republic of Kazakhstan.

Article 70. Procedure of issue of certificate of right of inheritance

1. Certificates of right of inheritance shall be issued to heirs accepting the inheritance, in accordance with Kazakh civil legislation regulations.

2. (Excluded)

3. The certificate of the right to inheritance shall be issued to all heirs together or to each separately, depending on their desire for each hereditary property.

4. When a certificate of right to inheritance is issued to guardianship and trusteeship authorities in the name of a ward of court or minor or disabled heir at the place of residence of heir for the protection of his/her property interest, the notary shall advise accordingly.

5. Certificates of right of inheritance shall be issued to the authorized state body when property is transferred by right of inheritance to the state.

6. Work concerning accounting, storage, valuation, further use and realization of property made state property by right of inheritance, shall be organised by the authorized state body.

The work procedure for accounting, storage, valuation, further use and realization of property made state property by right of inheritance shall be determined by the government of the Republic of Kazakhstan.

Footnote. Article 70 as amended by Law of the Republic of Kazakhstan dated 24 December 2001, No 276; 5 May 2003, No 408; and 22 June 2006, No 147; dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 71. Conditions of issue of certificate of right to inheritance under law

1. The notary shall verify the death of testator, the time and place of opening of inheritance, the existence of relations constituting the basis for allocating the inheritance to persons applying for issue of certificate of right of inheritance under the Law, and the composition and location of inheritance property upon issue of certificate of right of inheritance under law, by demanding relevant items of evidence.

2. If one or more heirs are denied the opportunity to introduce evidence of relations as a basis for bringing inheritance, they may be included in the certificate of right of inheritance by agreement of all other heirs accepting the inheritance and introducing such evidence.

Article 72. Conditions of issue of certificate of right to inheritance under will

1. The notary shall verify the death of testator, the testacy, the time and place of opening of inheritance, and the composition and location of inheritance property, upon issue of certificate of right of inheritance under the will by demanding relevant evidence.

2. The notary shall also clarify the scope of persons, having a hereditary right to portion of inheritance.

3. The notary shall invite legatees and explain the content of the will and their right to obtain a proper share from the heirs) when a legatee is present.

Footnote. Article 72 as amended by Law of the Republic of Kazakhstan dated 27.04.2012 No 15-V (enforced upon expiry of ten calendar days after first official publication).

Chapter 10. ISSUANCE OF CERTIFICATES OF OWNERSHIP FOR SHARE IN GENERAL JOINT PROPERTY

Footnote. The title of chapter 10 as amended by the Law of the Republic of Kazakhstan dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 73. Issue of certificate of right of inheritance of share in joint property

1. The notary shall issue a certificate of right to inheritance to the person(s) with jointly owned property and wishing the certificate of right to inheritance on such share following the joint written application of persons, having a property or right of joint property.

2. The certificate of right of inheritance to share in joint property shall be issued according to location of this property.

Article 74. Issue of certificate of right to inheritance of a share in common property on application of surviving spouse

1. Certificates of right to inheritance of a share in common property shall be issued by the notary at the location of opening of inheritance following the written application of surviving spouse, with notification of heirs accepting the inheritance.

2. Certificates of right to inheritance of a share in common property may be issued for half of common property acquired during marriage by the surviving spouse, unless the marriage contract established otherwise.

3. Certificates of right to inheritance to the deceased spouse's share in their common property may be issued to the heirs of the deceased spouse following their application.

Article 75. Attachment and removal of prohibition of alienation of property

Footnote. Article 75 shall be excluded by the Law of the Republic of Kazakhstan dated 05.07.2018 № 177-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 11. CERTIFICATION OF ACCURACY OF COPIES OF DOCUMENTS AND EXTRACTS FROM THEM, AUTHENTICITY OF SIGNATURE AND ACCURACY OF TRANSLATION

Article 76. Certification of accuracy of copies of documents and extracts from them

1. Notaries or civil servants authorized to carry out notarial activities shall certify the accuracy of copies of documents and extracts from them issued by legal entities and citizens provided that these documents and their content shall not contradict legislation and have legal significance.

2. Accuracy of extracts may be certified only if the document from which the extract is made contains the resolution of several separate, unlinked issues. An extract shall reproduce the comprehensive text of the part of document concerned.

Article 77. Certification of accuracy of copy of document issued by citizen

Accuracy of copies of documents issued by citizens shall be certified by the notary in cases where the accuracy of a citizen's signature is certified on a document by the notary or civil servant authorized by this Law to carry out notarial activities.

Article 78. Certification of accuracy of copy from copy of document

Accuracy of copies from copy of document shall be certified by the notary provided the accuracy of the copy is notarially certified or the copy document is issued by the legal entity that issued the original document. In the latter case the copy document shall be made on this legal entity's headed paper and sealed and mention that the legal entity holds the original document.

Article 79. Certification of authenticity of signature on document

1. Notaries shall certify authenticity of signature on documents provided that their content does not contradict legislative acts and the exposition of transaction is not certified.

2. Notaries certifying authenticity of signature shall not certificate the facts shown in the documents, and instead only confirm that the signature is made by the particular person.

Footnote. Article 79 as amended by Law of the Republic of Kazakhstan dated 5 May 2003 , No 408.

Article 80. Certification of accuracy of translation

1. A notary shall certify accuracy of translation from one language to another if the notary speaks the relevant language.

2. If a notary does not speak the relevant language, a translation may be made by a translator, and then certified as authentic by the notary.

Chapter 12. CERTIFICATION OF FACTS

Article 81. Certification of fact that a citizen is alive

1. A notary shall certify the fact that a citizen is alive.

2. The fact that a minor is alive shall be certified at the request of his/her legal representatives (parents, adoptive parents, guardians, trustees) and by institutions and organizations in whose protection the minor is held. A certificate shall be issued to the interested persons in confirmation of that fact.

Article 82. Certification of facts that citizen is in a particular place

1. A notary shall certify the fact that a citizen is in a particular place at that citizen's request.

2. The fact that a minor is in a particular place shall be certified at the request of his/her legal representatives (parents, adoptive parents, guardians, trustees) and by institutions and organizations in whose protection the minor is held. A certificate shall be issued to the interested persons in confirmation of that fact.

Article 83. Certification of time of presentation of documents

A notary shall certify the time of presentation of document to him/her. Acknowledgment on this shall be shown on the documents with specification of surname, forename and patronymic the person presenting it.

Chapter 13. TRANSFER OF DECLARATIONS BY INDIVIDUALS AND LEGAL ENTITIES. ACCEPTANCE OF MONEY ON DEPOSIT

Footnote. Wording of title changed Law of the Republic of Kazakhstan dated 13 November 1998, No 302.

Article 84. Transfer of declarations

1. Transfer of declarations of individuals and legal entities to other individuals and legal entities shall be personally carried out by the notary on receipt or by post with return notification. Declarations may also be transferred by fax machine, computer network or other technical facilities.

2. The expenses linked with use of technical facilities for transfer of declarations shall be paid by the person at whose request the notarial action is carried out.

3. At the request of person filing the declaration, a certificate of transfer of declaration shall be issued to him/her.

Article 85. Acceptance of money on deposit

1. A notary shall receive money on deposit from a debtor for transfer to a creditor in cases provided for by legislation.

2. The notary shall notify the creditor of the receipt of money and, at his request, issue him the money due. If the deposit was made in accordance with the procedure established by part two of paragraph 1 of Article 291 of the Civil Code of the Republic of Kazakhstan, the notary shall issue money to the creditor in the manner established by the agreement between its parties.

3. Money shall be accepted on deposit by the notary at the place of fulfilment of obligations.

4. The seizure, foreclosure and suspension of expenditure operations on bank accounts where the money of individuals and legal entities is deposited on the terms of a notary deposit, shall not be allowed.

5. Money that is in a notary deposit shall not be the property of the notary and (or) his income.

Footnote. Article 85 as amended by Law of the Republic of Kazakhstan dated 13 November 1998, No 302; dated 26.07.2016 № 12-VI (shall be enforced upon expiry of thirty

calendar days after the day of its first official publication); dated 21.01.2019 № 217-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 86. Refund of money to the person who deposited it

Refund of money to the person who deposited it shall be allowed:

- 1) with the written consent of the person in whose favor the contribution has been made;
- 2) by a court decision;
- 3) if one of the parties does not fulfill its obligations, if the possibility of a refund is provided by agreement of the parties.

Footnote. Article 86 shall be in the wording of the Law of the Republic of Kazakhstan dated 21.01.2019 № 217-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 14. EXECUTION OF PROTEST OF BILL

Footnote. Title as amended, Articles 87-91 excluded by Law of the Republic of Kazakhstan dated 29 March 2000, No 42.

Article 92. Protest of a bill

Protest of a bill in non-payment, non-acceptance and failure to date shall be performed by the notary in accordance with Kazakh legislative acts concerning exchange and promissory bills.

Chapter 14-1. Fulfillment of executive notes

Footnote. Section 2 shall be supplemented by chapter 14-1 in accordance with the Law of the Republic of Kazakhstan dated 31.10.2015 № 378-V (shall be enforced from 01.01.2016).

Article 92-1. Collecting money or recovering other movable property from a debtor

1. In order to recover money or claim other movable property from the debtor, the notary shall make a writ of execution in electronic form through the single notarial information system upon presentation of the genuine document establishing the debt, on which a corresponding mark shall be made.

2. On the basis of the writ of execution, the debt shall be collected according to the following indisputable requirements:

- 1) on fulfillment of an obligation based on a notarized transaction, including fulfillment of agreements on the settlement of a dispute certified by a notary in extrajudicial dispute resolution procedure in cases established by this Law or provided for by the agreement;

2) on fulfillment of an obligation based on a written transaction, the deadline for which has arrived and non-fulfillment of the obligation is recognized by the debtor, including in response to a claim sent to the recoverer in the pre-trial settlement of the dispute;

3) on fulfillment of an obligation based on a protest of a bill of non-payment, non-acceptance and non-dating of an acceptance made by a notary;

4) on the recovery of the leased asset in accordance with the leasing agreement or the laws of the Republic of Kazakhstan;

5) on foreclosure on the subject of pledge after the expiration of the loan repayment period imposed by the pawnshop to the debtor-pledger;

6) on debt collection from owners of apartments, non-residential premises, parking spaces, storerooms, evading payments defined by sub-paragraphs 6-1), 9), 10), 12) and 12-1) of paragraph 2 of Article 42-1 of the Law of the Republic of Kazakhstan "On housing relations";

7) on the collection of debts on the basis of public contracts for actually consumed services (electricity, gas, heat, water supply and others), as well as other contracts for services in accordance with the established tariffs, the due date for which has arrived;

8) on the collection of rental payments due to non-payment within the deadlines established by the lease agreement;

9) on the recovery of accrued but not paid wages and other payments to the employee, including the recovery of mandatory pension contributions to the Unified Pension Savings Fund;

10) on execution of agreements on the disputes settlement concluded under participatory procedure.

3. The penalty (fine), interest, if any, shall be collected on the basis of an execution writ, with the exception of bank loans, upon written acknowledgement by the debtor of an unfulfilled obligation.

The writ of execution shall be executed when the debtor admits guilt in an unfulfilled obligation, confirmation by a notary of the fact of admitting guilt in an unfulfilled obligation, unless the contract provides for another penalty (fine), interest collecting mode.

Footnote. Article 92-1 as amended by the Law of the Republic of Kazakhstan dated 21.01.2019 № 217-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 29.06.2020 № 352-VI (effective ten calendar days after the date of its first official publication); dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication); dated 20.12.21 № 84-VII (enforcement, see art 2); dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

Article 92-2. Terms of execution of executive note

1. Executive note shall be made:

1) if the submitted documents confirm the indisputability of the debt or other liability of the debtor to the collector;

2) if no more than three years have passed from the day the right to claim (statement) arose.

2. If for the claim on which the executive note is issued, the legislation of the Republic of Kazakhstan establishes a different limitation period, the executive note shall be issued within this period.

3. Executive inscription on the basis of sub-paragraphs 1), 2), 3), 4), 5) and 8) of paragraph 2 of Article 92-1 of this Law is made at the place of registration or place of residence of the debtor (individual), unless another address is specified in the contract, if the debtor is a legal entity, then at the place of its registration or the location of its permanent body.

Executive inscription on the basis of subparagraphs 6) and 7) of paragraph 2 of Article 92-1 of this Law is made at the place of registration or place of residence, or at the location of the debtor's immovable property (individual), if the debtor is a legal entity, then at the place of its registration or the location of its permanent body, or at the place of location of immovable property.

Footnote. Article 92-2 as amended by the Law of the Republic of Kazakhstan dated 31.12.2021 № 100 (shall be enforced ten calendar days after the date of its first official publication); dated 15.03.2023 № 207-VII (shall be enforced sixty calendar days after the date of its first official publication).

Article 92-3. Content of executive note

Executive note must contain:

- 1) surname and initials, position of a notary making an executive note;
- 2) the name of the recoverer, his date of birth, place of residence or location, individual identification number, details of the legal entity, business identification number;
- 3) the name of the debtor, his date of birth, place of residence or location, individual identification number (if known to the applicant), details of the legal entity, business identification number;
- 4) designation of the period for which collection is carried out;
- 5) designation of the amount to be collected or items to be claimed;
- 6) designation of the amount of state duty or payment of notarial acts of a private notary paid by a recoverer;
- 7) the date (year, month, day) of making the executive note;
- 8) the number under which the executive note is registered in the register;
- 9) the signature and seal of the notary who has made the executive note;
- 10) the deadline and procedure for filing an application to cancel the executive note.

Footnote. Article 92-3 as amended by the Law of the Republic of Kazakhstan dated 21.01.2019 № 217-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 92-4. Procedure of collection under executive note

Collection under the executive note shall be carried out in the manner established by the legislation of the Republic of Kazakhstan on enforcement proceedings.

Article 92-5. Deadlines for presentation of an executive note

1. An executive note may be presented for forcible execution within three years from the date of its execution, unless otherwise provided by law.

2. The restoration of the missed deadline for presentation of the executive note shall be made in accordance with the civil procedural legislation of the Republic of Kazakhstan.

Article 92-6. Direction to the debtor of a copy of the writ of execution

Footnote. The title of Article 92-6 as amended by the Law of the Republic of Kazakhstan dated 21.01.2019 № 217-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

1. After the execution of the writ of execution, the notary no later than the next working day shall hand over or send a copy of it to the debtor at the e-mail address or at the known place of residence (location) or registration of the debtor using means of communication that ensure delivery registration.

1-1. A copy of the writ of execution shall be deemed received if it is sent to the debtor:

- 1) to the email address specified in the contract concluded between the parties;
- 2) at the last known place of residence by registered letter with notification of its delivery, including receipt by one of the adult family members, another person living with the person at the specified address;
- 3) using other means of communication that provide for the registering of delivery.

In the event that a notification is returned with a note that it is impossible to deliver it to the addressee, recipient, or in connection with a refusal to accept it, a copy of the writ of execution shall be deemed duly sent.

2. The debtor shall have the right, within ten working days from the date of receipt of a copy of the writ of execution, to send to the notary who made the writ of execution, objections to the stated demand in writing with notification.

3. The debtor's objection must contain reasons for disagreeing with the stated requirement.

Footnote. Article 92-6 as amended by the Law of the Republic of Kazakhstan dated 21.01.2019 № 217-VI (shall be enforced upon expiry of ten calendar days after the day of its

first official publication); dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

Article 92-7. Issuance of a writ of execution

Footnote. The heading of Article 92-7 as amended by the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

1. Upon receipt of a notice of delivery of a copy of the writ of execution to the debtor and in the event that the notary does not receive an objection from the debtor within the prescribed term, the notary shall issue a writ to the claimant or, at his request, direct it for execution to the appropriate justice body or to the regional chamber of private judicial executors by territory or a private enforcement officer chosen by the claimant.

2. A copy of the execution writ issued to the claimant or sent to the notary shall remain in the notary's production.

Footnote. Article 92-7 as amended by the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

Article 92-8. Cancellation and contestation of the execution writ

Footnote. The heading of Article 92-8 as amended by the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

1. The notary shall issue a resolution to cancel the writ of execution no later than three working days from the date of receipt of an objection to the stated claim.

2. The resolution to cancel the writ of execution shall not be disputed.

A copy of the resolution to cancel the writ of execution must be handed over or sent to the claimant, debtor no later than the next business day after its issuance in accordance with Article 92-6 of this Law.

In the event that, by a notary's resolution, the executed writ of execution is not canceled on the debtor's objection, it is contested in court.

Footnote. Article 92-8 shall be in the wording of the Law of the Republic of Kazakhstan dated 21.01.2019 № 217-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective ten calendar days after the date of its first official publication).

Chapter 15. ACCEPTANCE OF DOCUMENTS AND SECURITY PAPERS FOR STORAGE

Footnote. Title of chapter substituted by Law of the Republic of Kazakhstan dated 13 November 1998, No 302.

Article 93. Acceptance of documents and security papers for storage

1. A notary shall accept documents and security papers listed in an inventory for storage. One copy of the inventory shall be remained by the notary, another copy shall be issued to the person surrendering the documents and security papers for storage.

2. A notary may accept documents and security papers without inventory if they are properly packed (packing shall be under the seal of the notary, signed by him/her and the person surrendering the documents and security papers). In these cases a notary shall be responsible for safety of packing.

3. A certificate shall be issued to the person surrendering the documents and security papers.

Footnote. Article 93 as amended by Law of the Republic of Kazakhstan dated 13 November 1998, No 302.

Article 94. Return of documents and security papers accepted for storage

Documents and security papers accepted for storage shall be returned to the person surrendering them for storage or legally to an authorized body on presentation of certificate and its inventory or by a court decision.

Footnote. Article 94 as amended by Law of the Republic of Kazakhstan dated 13 November 1998, No 302.

Chapter 16. EXECUTION OF MARINE PROTESTS

Article 95. Declaration of marine protest

1. A notary shall accept a declaration by a ship's captain of an event occurring while the ship is sailing or in dock, if this is a basis for specifying the ship owner's property requirements in order to provide evidence for protection of the ship holder's rights and legal interests.

2. A notice of marine protest shall contain a description of circumstances of occurrence and the measures adopted by the captain for protecting the property entrusted to him/her.

3. A ship's captain shall be obliged to present a ship's journal and certified extract from the ship's journal confirming the circumstances listed in the notice of marine protest, in accordance with merchant shipping legislation, together with a notice or not later than seven calendar days from the date of port call or from the date of the event if it occurred in a port.

Footnote. Article 95 as amended by Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No 121-V (enforced upon expiry of ten calendar days after first official publication).

Article 96. Deadline for declaring marine protest

1. A notice of marine protest shall, in accordance with merchant shipping legislation, be filed within twenty-four hours of the ship's arrival in port.

If the event triggering the need for the notice of marine protest occurred in the port, the protest shall be made within twenty-four hours of occurrence.

2. If notice of protest cannot be issued within the established period, the reason for this shall be specified in the notice of marine protest.

Article 97. Compilation of marine protest act

A notary shall compile a marine protest act and certify it with his/her own signature and seal on the basis of the captain's declaration and materials from the ship's journal, at the request of the captain and where possible, not less than two witnesses from the list of crew.

Chapter 17. PROVISION OF EVIDENCE

Article 98. Provision of evidence necessary in a case arising in a court or other component body

1. A notary shall provide the evidence necessary in a case arising in a court or other component body at the request of the interested persons, if there are grounds for considering that presentation of the evidence will be impossible or difficult in the future.

2. A notary shall not provide evidence in a case that at the time when the interested persons apply to the notary is already in the court or other competent body.

Article 99. Activity of notary in provision of evidence

1. In order to provide evidence, the notary shall question citizens, examine the material, written and electronic evidence, and, if necessary, appoint an expert examination.

2. A notary shall be governed by the relevant regulations of Kazakh civil procedure legislation when carrying out procedural actions to provide evidence.

3. A notary shall notify the time and place for provision of evidences from the party and interested persons, but their failure to appear shall not constitute a stay of execution of action to provide evidence.

4. Evidence shall only be provided without notification of one of the parties and interested persons only in emergency cases, or when it cannot be determined who shall participate in the case in future.

5. In case of failure by a witness or commissioned expert to appear, a notary shall inform the court for the place of residence of the witness or expert for adoption of measures provided for by Kazakh legislative acts.

6. A notary shall warn citizens and specialists on penalties for false evidence or conclusion and for failing or deliberately omitting to give evidence or conclusion.

Footnote. Article 99 as amended by the Law of the Republic of Kazakhstan dated 06.26.2020 № 349-VI (effective ten calendar days after the date of its first official publication)

Article 99-1. Certification of equivalence of an electronic document prepared by a notary to a paper document

Certification of the equivalence of an electronic document to a document on paper shall mean confirmation of the identity of the content of an electronic document prepared by a notary with the content of a document presented to a notary on paper. An electronic document prepared by a notary shall have the same legal force as a paper document, the equivalence of which is certified by a notary.

It shall not be allowed to certify the equivalence of an electronic document to a document on paper on transactions concluded in a simple written form, identity documents, as well as documents issued by state bodies in electronic form in accordance with the legislation of the Republic of Kazakhstan.

To produce an electronic document to certify its equivalence to a paper document, the notary shall make an electronic image of a paper document and certify it by means of a notary's electronic digital signature.

Footnote. Chapter 17 shall be supplemented by Article 99-1 in accordance with the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective from 01.07.2021).

Article 99-2. Certification of equivalence of a paper document made by a notary to an electronic document

Certification of the equivalence of a paper document to an electronic document shall mean confirmation of the identity of the content of the electronic document submitted to the notary to the content of the document prepared by the notary on paper. A document prepared by a notary on paper shall have the same legal force as an electronic document, the equivalence of which is certified by a notary.

An electronic document submitted to a notary must be certified by means of an electronic digital signature. The electronic digital signature of the person from whom the document originates must be checked and its ownership confirmed in accordance with the Law of the Republic of Kazakhstan "On electronic document and electronic digital signature".

Footnote. Chapter 17 shall be supplemented by Article 99-2 in accordance with the Law of the Republic of Kazakhstan dated 15.02.2021 № 5-VII (effective from 01.07.2021).

Chapter 18. APPLICATION OF NORMS OF LAW OF OTHER STATES BY NOTARY. INTERNATIONAL TREATIES.

Article 100. Application of norms of law of other states by notary

1. A notary shall apply the norms of law of other states in accordance with Kazakh legislation.

2. A notary shall accept documents drawn up in accordance with the requirements of the international treaties of the Republic of Kazakhstan, and produce certificates of acknowledgments in the form established by the legislation of other states, unless otherwise provided by international treaties ratified by the Republic of Kazakhstan.

Article 101. Protection of inherited property and issue of certificate of right to inheritance

Actions linked with protection of property in Kazakh territory and left after the death of a foreign citizen or property coming to a foreign citizen after the death of a Kazakh citizen, and assignment of trustee of inheritance and issue of right of inheritance in relation to such property, shall be carried out in accordance with Kazakh legislation.

Footnote. Article 101 as amended by Law of the Republic of Kazakhstan dated 5 May 2003, No 408.

Article 102. Acceptance of notarial documents drawn up abroad

1. Documents drawn up abroad with participation by civil servants of competent bodies in other states or issued by those bodies, shall be accepted by the notary subject to their legalization by the Ministry of Foreign Affairs of the Republic of Kazakhstan.

2. Documents not legalized shall be accepted only in cases provided for by the legislation and international treaties of the Republic of Kazakhstan.

Article 103. Provision of evidence necessary for conducting cases in the authorities of other states

A notary shall provide the evidence necessary for conducting cases in the authorities of other states.

Article 104. International treaty

1. If an international treaty ratified by the Republic of Kazakhstan established rules on notarial activities different from those provided by Kazakh legislative acts for carrying out notarial activities, the rules of the international treaty shall be applied when carrying out notarial activities.

2. If an international treaty ratified by the Republic of Kazakhstan includes within the competence of a notary the carrying out of notarial activities not provided by Kazakh legislation, a notary shall carry out the notarial activities according to the procedure established by the Ministry of Justice of the Republic of Kazakhstan.

Article 105. Ensuring fulfilment of this Law

1. *(Excluded).*

2. *(Excluded)*.

3. Current regulatory legal acts regulating organization and activities of notaries prior to 1 January 1998 shall be brought into conformity with this Law and during this term shall be applied in the parts that do not contradict it.

4. *Excluded by Law of the Republic of Kazakhstan dated 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication).*

Footnote. Article 105 as amended by Laws of the Republic of Kazakhstan dated 05.05.2003 No 408; and 26.12.2011 No 516-IV (enforced upon expiry of 10 calendar days after first official publication).

*The President
of the Republic of Kazakhstan*

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