

On Introduction of Amendments and Supplements to the Decree of the President of the Republic of Kazakhstan Having the Power of the Constitutional Law "On the Government of the Republic of Kazakhstan"

Unofficial translation

Constitutional Law of the Republic of Kazakhstan dated May 6, 1999 No. 379-1

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The Decree of the President of the Republic of Kazakhstan Having the Power of the Constitutional Law "On the Government of the Republic of Kazakhstan" dated December 18, 1995 No 2688 (The Bulletins of the Supreme Council of the Republic of Kazakhstan, 1995, No. 23, Art. 145; Bulletin of the Parliament of the Republic of Kazakhstan, 1997, No. 4, Art. 44) should be introduced with the following amendments:

1. The title and the preamble should be worded as follows:

"Constitutional Law of the Republic of Kazakhstan on the Government of the Republic of Kazakhstan"

This Constitutional Law of the Republic of Kazakhstan shall determine the competence, the procedure of organisation and carrying out of the activities of the Government of the Republic of Kazakhstan".

2. In Article 2, in item 1 of Article 11 and in Article 27 the words " of this Decree", "by this Decree", "this Decree" should substituted respectively by the words " of this Constitutional Law", "by this Constitutional Law", "this Constitutional Law".

3. Article 3 should be worded as follows:

"Article 3. The Formation, Structure and Membership of the Government of the Republic of Kazakhstan".

1. The Government shall be formed by the President of the Republic in the manner required by the Constitution of the Republic of Kazakhstan.

2. The Prime minister of the Republic shall contribute suggestions on the structure and membership of the Government to the President of the Republic in the ten days after the appointment of the Prime minister.

3. Ministries and other executive bodies shall form the structure of the Government.

4. The members of the Government are the Prime ministers of the Republic, his/her deputies, ministers and other officials of the Republic".

4. Should be supplemented with the Article 3-1 as follows:

"Article 3-1. Oath of the member of the Republic of Kazakhstan

1. The member of the Government of the Republic of Kazakhstan shall take to the people and the President of the Republic of Kazakhstan an oath as follows:

" I take a solemn oath before the People and the President of the Republic of Kazakhstan to devote all my energy and knowledge to the business of the economic and spiritual development of my Motherland - the Republic of Kazakhstan, to strictly respect the Constitution and the laws of the State, to follow the principles of legality and justness of the Civil and international consent in all my actions, to serve truly to the People of Kazakhstan, to strengthen statehood and authority of my country in the world community. I swear."

2. The Oath of the Members of the Government shall be taken by the president of the Republic in the order determined by him/her.

5. Article 4 should be supplemented with item 2 as follows:

"2. Resignation before the newly elected President shall be carried out by way of issuing by the Government of a written statement addressed to the newly elected President of the state and signed by the members of the Government.

The statement on the Resignation shall be issued after the newly elected President officially takes office.

The Resignation of the Government shall mean the termination of authority of its members . "

6. Item 1 of Article 5 should be supplemented with the following sentence: "Also the members of the Government, who disagree with the policy carried out by the Government or do not carry it out shall tender their resignation".

7. Article 6 should be supplemented with item 2-1 as follows:

" 2-1. The members of the Government, who disagree with the policy carried out by the Government or do not carry it out shall be subject to dismissal.

8 . A r t i c l e 7 :

In item 1 the words "if the new Government supports the Program of the previous Government, the statement on the support of the specified Program and the intention of the new Government to follow it in its activity" should be excluded;

i t e m 2 :

the words "in two-thirds" should be supplemented with the words "of votes";
the words "each of the Chambers" should be supplemented with the words "and means the expression of the vote of lack of confidence in the Government".

9 . A r t i c l e 9 :

In sub-item 2) the words "social-economic and scientific-technical" should be excluded;

Sub-item 4) should be worded as follows:

"4) in the order determined by the President of the Republic, shall participate in planning and changing of the Republican budget, shall present to the Parliament the Republican budget and the report on its performance and shall procure the performance of the budget";

In sub-item 8) the words "in the territory of the Republic of Kazakhstan" should be e x c l u d e d ;

The sub-items 15) and 17) should be excluded;

Sub-item 18) should be worded as follows:

"18) shall perform other functions imposed on him by the Constitution, the laws and the acts of the President".

10. Item 3 of Article 10 should be supplemented by the following sentence:

"The instructions of the Prime ministers should be issued on the questions of the administrative-regulatory, operative and individual character".

11. Item 2 of Article 11 should be worded as follows:

"2. The members of the Government shall be independent in taking a decision within their competence and shall be personally responsible before the Prime minister of the Republic for the work of the State bodies subordinated to them or for the area of work given to them".

12. Item 1 of Article 12:

in sub-item 2) the words "by the state committees" should be excluded;
in sub-item 4) the words "social-economic and scientific-technical" should be excluded.

13. In sub-item 1) of item 2 of Article 13 the words "by the state committees" should be excluded.

14. Article 14:

in the title of the Article the words "by the state committees" should be excluded;

in sub-item 1) the words "of the state committees" should be excluded; and

the word "control" should be substituted by the word "procure";

sub-item 2) should be worded as follows:

"2) the ministers and the heads of the other central executive bodies shall approve the Statutes on the ministries and other central executive bodies, the limits of their staff size, as well as their territorial bodies and the state enterprises subject to the general jurisdiction of them";

in sub-item 3):

the words "of the state committees" should be excluded; and
should be supplemented with the words "as well as the Department";

in sub-item 5):

the words "the chairman of the state committees" should be excluded;
should be supplemented with the words "except for the deputies of the heads of those central operating agencies, whose appointment to office and dismissal from office are carried out by the President of the Republic".

15. Article 15:

In the title of the Article, in the sub-items 1) and 3) the words "of the Republic" should be excluded;

Sub-item 2 should be worded as follows:

"upon the recommendation of the heads of the central executive bodies, shall approve the limits of staff size of the government agencies and their territorial subdivisions";

In sub-item 3) the words "the chairmen of the state committees" should be excluded.

16 . Article 19 :

in item 1 :

in sub-item 1) the words "by the deputies of the Prime minister and" should be excluded;

in sub - item 4) :

the words "of the state committees", "of the Head of the Government Apparatus", "of the representative of the state committee" should be excluded;

should be supplemented with the words "particularly who disagree with the policy carried out by the Government or do not carry it out".

17. Article 20 should be worded as follows:

"Article 20. The deputies of the Prime minister and other members of the Government of the Republic .

1. The deputies of the Prime minister shall carry out their activity in accordance with the division of responsibilities as determined by the Prime minister of the Republic.

2. The members of the Government, who are the heads of the ministries and other central operating agencies :

1) shall carry out management of the corresponding state bodies;

2) shall be independent in taking decisions within the limits of their competence;

3) shall be personally responsible before the Prime minister of the Republic for the work of the state bodies ;

4) shall be responsible for state of the affairs in the branches (spheres) of the state administration, which are managed by the appropriate state bodies, approved by the Government of the Republic of Kazakhstan.

5) shall determine the structure and the staff size of the state divisions managed by them within the limit of the staff size of these bodies as approved by the Government of the Republic .

3. The members of the Government, who are not the heads of the ministries and other central executive bodies, shall carry out their activities in accordance with the provisions about them as approved by the Government of the Republic.

18. Article 21 should be excluded.

19 . Article 22 :

in the title of the Article the words "and the state committee" should be excluded;

item 2 should be worded as follows:

" 2. Ministries shall be formed, reorganised and abolished by the President of the Republic at the suggestion of the Prime minister of the Republic";

should be supplemented with the items 2-1, 2-2 as follows:

2-1. A ministry shall have the right to take decisions independently within the limits of its competence on the questions, which are not in the competence of the Government of the Republic .

2-2. The structure of a ministry shall be approved by the appropriate ministry.

The structural divisions of the ministry shall be the government agencies, departments and authorities " ;

i n i t e m 3 :

the words "of the state committee", "of the chairman of the state committee", "by the chairman of the state committee" should be excluded;

before the words "the membership of the panel" should be inserted the words "numerical and personal " ;

in item 4 the words "by the state committee" and "by the provisions of the state committees of the Republic, signed by the chairman of the state committee" should be excluded .

20 Article 23 should be worded as follows:

"Article 23. The Central executive body that is not part of the Government"

1. The agency of the Republic of Kazakhstan formed, reorganised and abolished by the President of the Republic at the suggestion of the Prime minister of the Republic, shall be the central executive body that is not part of the Government.

2. The agency shall carry out the management of the corresponding branch (sphere) of the state administration, as well as the cross-sector co-ordination and other special executive and licensing functions within the ambit of legislation.

3. The structure of the agency shall be approved by its head-chairman and generally consist of the departments and authorities.

4. Under the chairman of the agency, the panel, which is the consultative-advisory body, shall be formed. Numerical and personal composition of the panel shall be approved by the Chairman of the agency .

5. The orders of the chairman of the agency shall be the acts of the agency.

21. Article 24 should be worded as follows:

"Article 24. Department of the central operating agency

1. The committee of the central executive body of the Republic shall be the department.

The department may have its own territorial subdivisions.

2. The department shall be formed, reorganised and abolished by the Government of the Republic at the suggestion of the appropriate central executive body.

3. The department shall carry out special operating and control-supervisory functions, as well as the cross-sector coordination or the management of the sub-sector (sphere) of the state authority .

4. Acts of the department shall be issued in the form of orders of the head of the department .

5. The structure, competence and order of interaction of the department with the other state bodies shall be determined by the Government".

22. Article 25 should be worded as follows:

Article 25. Research and informational and procedural and institutional support of the

activity of the Prime minister and the Government of the Republic

1. Research, informational, procedural and institutional support of the activity of the Prime minister and the Government of the Republic shall be carried out by the chancellery of the Prime minister of the Republic.

2. The procedure of formation, reorganisation and abolishment of the chancellery of the Prime minister, the legal status, the procedure of appointment to office and dismissal from office of the head and other government workers of the chancellery of the Prime minister shall be determined by the legislation of the Republic".

P r e s i d e n t o f

the Republic of Kazakhstan