

## **On the enactment of the Civil Code of the Republic of Kazakhstan (the special part)**

### *Unofficial translation*

Law of the Republic of Kazakhstan dated July 1, 1999 No. 410-1

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1. To enact the Civil Code of the Republic of Kazakhstan (the special part) on July 1, 1999.

2. To invalidate from July 1, 1999:

1) the Civil Code of the Kazakh SSR approved by the Law of the Kazakh SSR as of December 28, 1963 (Vedomosti of the Supreme Soviet of the Kazakh SSR № 24 in 1969; № 28 in 1970; № 47 in 1972; № 27 in 1973; № 4, 26, 46 in 1974; № 11 in 1975; № 45 in 1976; № 15, 29 in 1977; № 32, Art. 315 in 1982; № 41, Art. 435; № 49, Art. 527 in 1983; № 36, Art. 447 in 1984; № 19, Art. 192; № 45, Art. 457 in 1985; № 25, Art. 242 in 1986; № 24, Art. 314 in 1987; № 2, Art. 19 in 1988; № 3, Art. 17 in 1989; № 22, Art. 274; № 50, Art. 467 in 1990; № 28, Art. 373 in 1991; Vedomosti of the Parliament of the Republic of Kazakhstan № 14, Article 277 in 1996; the Law of the Republic of Kazakhstan as of December 17, 1998 “On Alterations and Amendments to Some Legislative Acts of the Republic of Kazakhstan on Social Security Issues” published in “Egemen Qazaqstan” and “Kazakhstanskaya Pravda” newspapers as of December 25, 1998);

2) the Law of the Kazakh SSR as of December 28, 1963 “On Approval of the Civil Code of the Kazakh SSR” (Vedomosti of the Supreme Council and Government of the Kazakh SSR № 2 in 1964);

3) the provisions of the Decree of the Presidium of the Supreme Council of the Kazakh SSR as of April 25, 1964 “On the Procedure for Enacting the Civil and Civil Procedure Codes of the Kazakh SSR” (Vedomosti of the Supreme Council and Government of the Kazakh SSR № 20 in 1964; Vedomosti of the Supreme Council of the Kazakh SSR № 46, Art. 500 in 1983 ) insofar as it relates to the Civil Code;

4) the Resolution of the Supreme Council of the Republic of Kazakhstan as of January 30, 1993 “On the Regulation of Civil Law Relations During the Period of the Economic Reform” (Vedomosti of the Supreme Council of the Republic of Kazakhstan № 4, Art. 71 in 1993).

3. Until the legislative and other regulatory legal acts in force in the territory of the Republic of Kazakhstan are brought in line with the Civil Code of the Republic of Kazakhstan (the special part), legislative and other regulatory legal acts of the Republic of Kazakhstan shall be applied to the extent that they do not contradict the Civil Code of the Republic of Kazakhstan (the special part).

The regulatory legal acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan issued prior to the enactment of the Civil Code of the Republic of Kazakhstan (the special part), which, according to the Civil Code of the Republic of Kazakhstan (the special part) can only be regulated by legislative acts of the Republic of Kazakhstan, shall be in force until its enactment.

4. The Civil Code of the Republic of Kazakhstan (the special part) apply to relations that arose after its enactment.

With regard to relations that arose before July 1, 1999, the Civil Code of the Republic of Kazakhstan (the special part) applies to those rights and obligations that will arise after its enactment.

5. The provisions of the Civil Code of the Republic of Kazakhstan (the special part) on the procedure for concluding certain types of contracts and their form, and also on their state registration, apply to contracts, offers of which are sent after the enactment of the Civil Code of the Republic of Kazakhstan (the special part).

The provisions of the Civil Code of the Republic of Kazakhstan (the special part), determining the content of contracts of certain types, apply to contracts concluded after its enactment.

6. The provisions of the Civil Code of the Republic of Kazakhstan (the special part) on grounds, consequences and procedure for the termination of contracts of certain types, which are binding on parties to a contract, also apply to contracts that continue to be valid after the enactment of the Civil Code of the Republic of Kazakhstan (the special part), regardless of dates of their conclusion.

The provisions of the Civil Code of the Republic of Kazakhstan (the special part) on liability for the breach of contractual obligations, which are binding on parties to a contract, apply if relevant breaches were committed after the enactment of the Civil Code of the Republic of Kazakhstan (the special part), except for cases where contracts, concluded before July 1, 1999, provided for a different liability for such breaches.

7. In cases where a party to an obligation is a citizen using, purchasing, ordering or having an intention to purchase or order goods (works, services) for personal domestic needs, he/she shall exercise the rights of the party to the obligation in accordance with the Civil Code of the Republic of Kazakhstan (the special part), as well as the rights granted to the consumer by the Law of the Republic of Kazakhstan “On Protection of Consumer Rights” and other regulatory legal acts issued in accordance with it.

8. Articles 922 and 923 of the Civil Code of the Republic of Kazakhstan (the special part) also apply to cases where harm to a victim was caused before July 1, 1999, but not earlier than July 1, 1996, and the damage caused has not been recovered.

The effect of Articles 937-946 of this Code also extends to cases where harm to the life and health of a citizen was caused before July 1, 1999, but not earlier than July 1, 1996, and the damage caused has not been recovered.

9. The effect of articles establishing terms for filing claims, protecting violated rights and (or) bringing to responsibility of violators of the rights of participants in civil law relations is determined according to the rules of the Civil Code of the Republic of Kazakhstan (the special part) in cases where similar terms, provided for by previous civil legislation, are still in force before the enactment of the Civil Code of the Republic of Kazakhstan (the special part).

10. The provisions of the articles of Section VI “Law of Succession” apply to the succession opened after the enactment of the Civil Code of the Republic of Kazakhstan (the special part).

*President of the Republic of Kazakhstan*

*(Specialists: D.Kushenova N.Martina)*