

# Land Code of the Republic of Kazakhstan

Code of the Republic of Kazakhstan dated 20 June 2003 N 442

## Section I. Main provisions

### Chapter 1. General Provisions

#### Article 1. Land Fund of the Republic of Kazakhstan

1. Land Fund of the Republic of Kazakhstan in accordance with the purpose divided into the following categories:

- 1) agricultural land;
- 2) land settlements (cities, towns and villages);
- 3) land for industry, transport, communications, defense and other non-agricultural purposes;
- 4) land protected areas, land, health, recreational, historical and cultural destination;
- 5) forest land;
- 6) ground water resources;
- 7) reserve lands.

2. The land referred to in paragraph 1 of this Article shall, in accordance with laid down for them earmarked. The legal regime of land is determined on the basis of their belonging to one category or another, and permitted use in accordance with the zoning of land (territory).

3. On the territory of the Republic of Kazakhstan on natural conditions, divided into the following areas:

- 1) forest-steppe;
- 2) steppe;
- 3) dry-steppe;
- 4) semi-desert;
- 5) desert;
- 6) foothill-desert-steppe;
- 7) subtropical desert;
- 8)-foothill-subtropical desert;
- 9) central asian mountain;
- 10) of south siberian mountains.

#### Article 2. The assignment of land to the categories transfer them from one category to another

The assignment of land to the categories specified in Article 1 of this Code, and the transfer of land from one category to another due to changes in their purpose are made by the Government of the

Republic of Kazakhstan, local executive bodies (cities of republican status, capital) areas (cities of regional importance ), Akim district level, town, village (village), aul (rural) districts within their competence to provide and seizure of land, including for public use, established by this Code and other legislative acts of the Republic of Kazakhstan.

### **Article 3. Land ownership**

Land in the Republic of Kazakhstan is in the public domain. Plots can also be privately owned on terms, conditions and limits established by this Code.

### **Article 4. Principles of Land Legislation**

The land legislation of the Republic of Kazakhstan is based on the following principles:

- 1) integrity, inviolable and inalienable territory of the Republic of Kazakhstan;
- 2) preserve the land as a natural resource, basic life and work of the people of the Republic of Kazakhstan;
- 3) the protection and rational use of land;
- 4) environmental security;
- 5) proper use of land;
- 6) the priority of agricultural lands;
- 7) providing information on the status of land and its accessibility;
- 8) public support for the use and protection of land;
- 9) to prevent damage to land or remedy its consequences;
- 10) charges for the use of land.

### **Article 5. Tasks of land legislation**

The objectives of the land legislation of the Republic of Kazakhstan are: establishment of foundations, the conditions and limits of, modification and termination of ownership of land and land-use rights, about the rights and responsibilities of landowners and land users, regulation of land relations in order to ensure the rational use and protection of land, reproduction of soil fertility, conservation and improvement of the environment, creating conditions for equitable development of all forms of management, protection of land rights of individuals and legal entities and the State, the creation and development of the real estate market, strengthening the rule of law in the field of land relations.

### **Article 6. Land legislation**

1. Land legislation in the Republic of Kazakhstan is based on the Constitution of the Republic of Kazakhstan and consists of this Code and adopted in accordance with regulations of the Republic of Kazakhstan.

2. Relations on the use and protection of mineral resources, water, air, forests and other vegetation, wildlife, environmental objects that have special ecological, scientific and cultural value of protected areas are governed by special legislation of the Republic of Kazakhstan. K070212, Z060175

3. Implementation of the subjects of land relations of their rights should not harm the earth as a natural resource and other objects of the environment, as well as the rights and legitimate interests of others.

4. Privities of possession, use and disposal of land, as well as transactions with them are regulated by civil legislation of the Republic of Kazakhstan, unless otherwise stipulated by the land, environmental, forest, water legislation of the Republic of Kazakhstan, the Republic of Kazakhstan law on subsoil on plant and animal life , and specially protected natural areas.

5. Statutory rights of individuals and legal entities can not be limited to acts of public authorities.

6. Foreigners, stateless persons and foreign legal persons shall enjoy the rights and obligations in land relations on an equal basis with citizens and legal persons of the Republic of Kazakhstan, unless otherwise provided by this Code or other laws of the Republic of Kazakhstan.

7. Land-use right of other states on the territory of the Republic of Kazakhstan appears in accordance with international treaties ratified by the Republic of Kazakhstan.

Footnote. Article 6, as amended by the Law of RK as of January 9, 2007 N 213 (the order of entry into force See Art. 2).

## **Article 7. International treaties**

If an international treaty ratified by the Republic of Kazakhstan stipulates other rules than those contained in this Code, the rules of the treaty. International treaties ratified by the Republic of Kazakhstan, to land relations are applied directly, except in cases when an international agreement, it follows that its application requires the promulgation of legislation.

## **Article 8. Zoning of land**

1. Zoning - Define land area to establish their purpose and usage.

2. Organization of zoning on the regional level (city of republican status, capital) areas (cities of regional importance) to implement the authorized bodies of oblasts (city of republican status, capital) areas (cities of regional significance). Draft (design) zoning be approved by the representative bodies of oblasts (city of republican status, capital) areas (cities of regional significance).

Classifier earmarked land is developed on the basis of projects (schemes) zoning and approved by the local executive bodies (cities of republican status, capital), districts (cities of regional significance).

3. (excluded - by the Law of RK as of January 10, 2006 N 116

4. Target mode of using the territory defined in the zoning of the land is for the subjects of land relations binding.

5. Zoning of land held by a decision of local executive bodies and at the expense of budget funds.

#### **Article 9. Payments for land**

1. Plots of land owned, land-use or permanent primary gratuitous temporary use, subject to land tax in accordance with the laws of the Republic of Kazakhstan.

2. For lands granted by the state in temporary paid land-use (lease) fee for the use of land.

Calculation and payment to the budget payment for land use is determined in accordance with the laws of the Republic of Kazakhstan.

In granting the territory of the Republic of Kazakhstan, the land on lease to other States the fee for land use is determined by international treaties ratified by the Republic of Kazakhstan.

3. Provision of land from state ownership to private is made on a reimbursable basis through the sale of a lump sum or in installments by the decision of the local executive body area (city of republican status, capital), region (city of regional significance), mayor of the city district level, town, village (village) , aul (rural) counties within its jurisdiction to provide the land, except in cases where land ownership is provided at no charge:

1) citizens of the Republic of Kazakhstan - the owners of premises as an ideal share in the condominium facilities;

2) citizens of the Republic of Kazakhstan for the conduct of private farming, horticulture, individual housing and suburban development in accordance with paragraph 2 of Article 50 of this Code;

2-1) research centers with international participation, defined in the manner prescribed by the Government of the Republic of Kazakhstan;

2-2) of domestic enterprises listed by the Government of the

Republic of Kazakhstan;

3) in other cases stipulated by this Code and the laws of the Republic of Kazakhstan.

The fee for the provision of gratuitous (sale) of private ownership of land (hereinafter - the fee for land) or temporary paid land-use rights (hereinafter - the payment for the sale of lease rights) is calculated on the basis of land (appraised) value, calculated on the base rates of payment for plots with the use of correction factors.

4. Funds received from the sale of the state of agricultural land in private ownership, transferred to the National Fund and are used in the legislation of the Republic of Kazakhstan.

5. When you change the purpose of land, gratis for personal subsidiary farming, horticulture, individual housing and dacha construction, under a different purpose for which this Code provides pay provision of land, the land owner shall pay to the budget an amount equal to the land (estimated) value of the land under the laws of the Republic of Kazakhstan for the amended purpose.

When you change the purpose, except for land seized for public use, agricultural land plot, as well as agricultural use within the features of the settlement for its use for purposes not connected with agriculture and forestry, the owner of this land is obliged to pay budget an amount equal to the difference between the land (estimated) value under the laws of the Republic of Kazakhstan for the amended purpose, and the price at which the site was previously purchased from the state.

6. Land and land-use right in the form of state natural grants are provided to a legal entity of the Republic of Kazakhstan, is carrying out the investment project, in accordance with this Code and laws of the Republic of Kazakhstan on investments.

Decision of the local executive body of the region (city of republican status, capital), region (city of regional significance) on the provision of land as in-kind grant was adopted within its competence to make land available to the decision of the authorized body for investment.

7. When selling or leasing land owner, selling non-state land-user right to use land owned by him to others, as well as at the time they land on lease secondary users of the land size, timing and form of payment for the land determined by the agreements of sale or tenancy in accordance with the civil legislation of the Republic of Kazakhstan.

8. Land can be granted in payment of the authorized capital (property) socio-entrepreneurial corporations with the status of a national company at a price, calculated on the land (estimated) value of the land.

In this case, registration of land ownership in the socio-entrepreneurial corporations with the status of a national company, made after the state registration of authorized shares.

**Article 10. Base rates of payment for land and inventory  
(estimated) cost of land**

1. Base rates of payment for land for their provision to private ownership, leasing the state or state land lease and the fee for the sale of lease rights established by the Government of the Republic of Kazakhstan at least once a year. In this case, the rate of payment for the use of land set no lower than the rates of land tax.

Fee for sale of lease rights to establish different from the land (estimated) cost of a specific plot.

2. Cadastral (estimated) cost of a particular land is determined by the specialized state-owned enterprises, leading the state land cadastre, in accordance with the basic rates of payment for land plots allocated on a reimbursable basis to private ownership or leased by the state, with an application to them of the correction (raising or lowering) coefficients and executed an act of determining the land (estimated) value of the land approved by the competent authority areas (cities of republican status, capital), region (city of regional significance) within the jurisdiction of local executive bodies of oblasts (city of republican status, capital) areas (cities of oblast values) to make land available.

Base rates of payment for land plots allocated to private property in human settlements (towns and villages), located in suburban cities of Astana and national significance, the regional centers and resort area is doubled.

3. Cadastral (estimated) cost of the additional land granted to the citizens of the Republic of Kazakhstan in private ownership for the conduct of private farming, gardening and dacha construction beyond the established norms for the free transfer, is determined based on the basic rates of payment for land plots in rural settlements closest to the assessed sites.

4. On land located outside the line of settlements, provided (provided) to citizens and non-governmental entities for construction and the built buildings (constructions) and their complexes, including land intended for building maintenance (buildings and facilities) in accordance with their appointment, inventory (estimated) value is determined based on the amount of ten percent of the base payment rates for land plots allocated (provided) for these purposes in the cities of regional importance.

5. In determining the land (estimated) value of land referred to in paragraphs 3 and 4 of this Article shall apply correction factors for the remoteness of these areas from the centers of the service sector in accordance with paragraph 3) of paragraph 4 of Article 11 of this Code.

## Article 11. Correction factors to base rates of payment for land

1. Correction factors and border zones in the cities of district value, towns and rural settlements are approved by decision of the district representative body at the suggestion of the local executive body of the district, and in the cities of regional importance (the city of republican status, capital) - the regional (city of republican status, capital), a representative body at the suggestion of the local executive body area (city of republican status, capital).

At the same time limit (maximum) size of the step-up or step-down ratio should not exceed twice the size.

2. In determining the land (estimated) value of land provided by the state for agricultural production, apply a correction factor (increase or reduction) depending on the qualitative status of the land, its location, water availability, distance from service centers.

3. Qualitative state of the land by type of land and soil types installed on the basis of land cadastral maps, materials, soil, geo-botanical, soil reclamation and other surveys:

1) to determine the value of land used as part of arable land, depending on the reclamation condition and slope surface, the following correction factors:

reclamation of land:

Good (non-saline soil and non-stony, non branched, depth of groundwater: fresh water - more than 3 m of mineralized - more than 6 m) - 1,2;

satisfactory (slightly saline soils, weakly, stony;

depth of brackish groundwater 3-6 m) - 0,9;

unsatisfactory (soil moderately and strongly, medium and strong salt licked, stony, medium and bad; depth of groundwater mineralization over 1 g / L - less than 3 m) - 0,6;

slope surface:

1 ° - 1, 1 to 3 degrees - 0,98, 3 to 5 degrees - 0,96, 5 to 7 degrees - 0,93; more than 7 degrees - 0,86;

2) to determine the value of land used as part of the natural grassland (meadows, pastures), depending on their quality and condition of the slope of the surface area, the following correction factors:

improved hay meadows and pastures:

radical improvement, with the sowing of perennial grasses - 1,2;

Surface improvements without changing the species composition of vegetation - 1,1;

state land occupied by hayfields:

Good (land clean, without habitation, non-stony with distinct features of the zonal vegetation) - 1,2;

satisfactory (land littered, non branched, forested,

rocky with violations of the zonal structure of vegetation. These symptoms manifest themselves on the area to 40 percent of the territory) - 0,9;

unsatisfactory (land littered, non branched, forested, rocky with violations of the zonal structure of vegetation. These symptoms appear on more than 40 percent of the territory) - 0,7;

slope surface:

3 degrees - 1, from 3.1 to 6 degrees - 0,95; from 6.1 to 10 degrees - 0.9, from 10.1 to 20 degrees - 0,85; more than 20 degrees - 0,5;

state land occupied by pastures:

Good (land clean, non branched (non eating shrubs) non habituated, non-stony with distinct features of the zonal vegetation) - 1,2;

satisfactory (land littered, branched (non-eating bushes), wooded, rocky with violations of the zonal structure of vegetation, the presence of bad pastures, denuded marshes, salt-licks steppes. These symptoms manifest themselves on the area to 40 percent of the territory) - 0,9;

unsatisfactory (land littered, branched (eating bushes), wooded, rocky with violations of the zonal structure of vegetation, the presence of bad pastures, denuded marshes, salt-licks steppes. These symptoms appear on more than 40 percent of the territory) - 0,6;

slope surface:

12 degrees - 1, from 13 to 20 degrees - 0,8; over 20 degrees - 0,6.

4. To determine the value of land, depending on watering the land, its location in relation to the economic center, distance of land from the centers of the service sector, the following correction factors:

1) watering (water) Land area:

inundated - 1,2; non- ground watering - 0,8;

2) the location of the land in relation to the economic center, in kilometers:

five - 1,2; from 5 to 10 - 1 10 to 20 - 0,9; from 20 to 30 - 0,8; over 30 - 0,7;

3) remoteness of the land from service centers depending on the quality of roads:

Distance, km!	Roads with a firm Coated!	with gravel roads	Groundwater road
until 20	1,4	1,1	0,7
21-40	1,2	0,9	0,6
41-60	1,0	0,7	0,5
61-80	0,8	0,5	
81-100	0,6		
Over 100	0,5		



5. If there are several factors that increase or lower the inventory (estimated) value of the land, the coefficients are multiplied.

The total size of increase or decrease the land (estimated) value of the land for agricultural production shall not exceed fifty percent of the base payment rates established in accordance with paragraph 1 of Article 10 of this Code.

## **Article 12. The basic concepts used in the Code**

In this Code the following definitions:

1) exemption - the action of public authorities, aimed at ending a private owner or land ownership or land use rights to land on the terms and conditions stipulated by this Code;

2) special land fund - the reserve lands are formed due to land for agricultural purposes, as well as land not used for the intended purpose or used in violation of the laws of the Republic of Kazakhstan, and the land abandoned by the owners of conditional land shares and land;

3) affiliated entity - an organization that is affiliated with respect to non-governmental entity or recognized as dependent joint stock company;

4) the primary land users - those land-use right has been obtained directly from the state in the manner prescribed by Article 32 of this Code or of other primary land users in the order of alienation of this right;

5) single state register of lands - the outcome document of registration of land plots in the State Land Cadastre, containing legal, identity, economic and other characteristics;

6) the right of temporary use of land under private ownership - the right entity to own and use land plot nym arising under the contract for temporary use of land between the land owner and the temporary user (tenant or free user);

7) land - territorial space within which established the sovereignty of the Republic of Kazakhstan, natural resource, all common means of production and the territorial basis of any process of employment;

8) the right to dispose of land - legally enforceable right of the State to determine the legal fate of the land in the territory of the Republic of Kazakhstan, as well as the right to a private owner to make in respect of its land transactions not prohibited by the laws of the Republic of Kazakhstan;

9) of the local executive bodies - the legal acts of local executive bodies of oblasts (city of republican status, capital) areas (cities of regional importance), and Akim district level, towns, villages (villages), aul (rural) districts on the granting of the right on land;

10) the land rent - a payment for temporary onerous land use;

11) land ownership - legally to be able to carry out the actual possession of the land;

12) land registry - a system of information about the land, part of the state of inventories;

13) authority for land relations - a structural unit of the local executive bodies of the region (city of republican status, capital), region (city of regional significance), performing the functions of Land Affairs (hereinafter - the authority area (city of republican status, capital) District (cities of regional significance);

14) object relations of land - all land within the territory of the Republic of Kazakhstan, the individual plots of land, regardless of the fact that they are located, and the legal grounds for their tightness of individual actors, as well as rights to land plots and land shares;

15) Land law - legal for use and protection of land associated with land management, securing land plots for individual subjects, the implementation of property rights and other rights in land;

16) subjects of land relations - physical and legal persons as well as States parties to the land legal relationship and thus have rights and bearing duties in the relations;

17) land-use right - the right of individuals to own and use land, publicly owned, permanently (permanent use) or within a certain period (the temporary land use) at a charge and (or) a grant basis;

18) land - land that is or can be used in the process of economic and other activities to meet the physical, cultural and other needs of society;

19) the central authority for land management - the state body in charge of regulation of land relations (hereinafter - the central authority);

20) Classification of earmarked land - the grouping of the target land use type and kind of functional purpose (use) the territory of the area and located on it buildings and structures (premises) in accordance with the zoning;

21) land - allocated to the closed borders of the land is fixed in the manner prescribed by this Code for the subjects of land relations;

22) fee for selling the right to lease the land - one-time payment for the granted the right of temporary paid land-use land that is in public ownership;

23) private ownership of land - the right of citizens and private entities own, use and dispose of their land on terms, conditions and limits established by this Code;

24) documents of title to land - a document confirming the onset of legal facts (legal formulations), on which there are, modify or terminate the right to land, including

contracts, court decisions and legal acts of executive bodies, a certificate of inheritance, deed of separation or balance in the restructuring of non-state entities that own land in the ownership or buy the rights of temporary paid land-use;

25) an identification document for land - a document containing identifying characteristics of the land required for the maintenance of the land, legal and planning the inventory;

26) a pledge of land or land use rights - based on the pledge agreement or under the laws of the Republic of Kazakhstan a way to enforce the obligations by which the lender (mortgagee) is entitled in case of debtor's secured obligation to obtain satisfaction from the value of the mortgaged land or the land use rights prior to other creditors of the person who owns the land or the right to use (the mortgagor), with the exceptions established by the Civil Code of the Republic of Kazakhstan;

27) unauthorized occupation of land - occupation of another's land without permission from the land owner or land, as well as the occupation of land under state ownership and is not provided in the land, without a decision by the Government of the Republic of Kazakhstan or the local executive body;

28) proportion of land - to quantify a portion of participating with others in the rights and responsibilities to land, the allocation of which may be made in cases and on conditions prescribed by this Code and other laws of the Republic of Kazakhstan;

29) immigration land resources - land reserved for the provision of repatries and are part of a special land fund;

30) inventory (estimated) cost - the estimated value of the land, used for selling state land or lease rights to it, determined based on the basic rates of payment for land plots, updated periodically, according to official statistical information about the general level of inflation and a correction factor to them ;

31) Secondary land users - persons granted the right to temporary land-based contract on the secondary use of primary land, which retain the status of this;

32) condominium - a special form of property (other rights) on property in which the individual parts of property are separate (individual) property (other laws) physical and (or) legal persons, and those parts of the estate, which are not in separate ownership, including land belong to them as common property (other common law) and is not separable from the rights of property located in the separate (individual) property rights (other rights);

33) state land - the state Republican and municipal entities;

34) State natural grants - lands granted to the right of temporary grant of land use entity of the Republic of Kazakhstan for investment projects with subsequent gratuitous

transfer of property or land in the manner prescribed by this Code and laws of the Republic of Kazakhstan on investments;

35) private land users - citizens and (or) non-state entities;

36) objects of the right of property - land held in public and private property;

37), a private subsidiary farming - the type of activity to meet their own needs on land located in rural and suburban areas;

38) Easement - the right of limited use other people's trust land, including the passage, transportation, installation and maintenance of necessary communications, hunting and other purposes;

39) soil layer - the surface layer of Earth's land, especially natural formation, which has its specific structure, composition and properties;

40) the basic rate of payment - standard price of land to determine its cadastral (estimated) value in providing state of the right of private ownership of land or selling the right time paid land-use;

41) permanent land users - those entitled to land which is of unlimited duration;

42) Temporary land users - those land-use right is limited to certain period;

43) national land users - citizens of the Republic of Kazakhstan legal entities established in accordance with the laws of the Republic of Kazakhstan, including enterprises with foreign participation;

44) a conditional land share - to quantify a portion of the members of the liquidated or reorganized collective farms, workers of state agricultural organizations, transformed into not state, as well as other persons mentioned in this Code, pursuant to which the granting of rights to land, formerly part of the Land use these organizations, or sold any other rights provided by this Code;

45) foreign land users - foreigners, stateless persons and legal entities established in accordance with the laws of foreign countries (foreign entities), foreign governments, international associations and organizations.

## **Chapter 2. Competence of state bodies in the field of land relations**

### **Article 13. Competence of the Government Republic of Kazakhstan**

The competence of the Government of the Republic of Kazakhstan on regulation of land relations are:

1) To develop a state policy on the use and protection of land resources;

2) development of government programs on land management,

conservation and improving soil fertility, protection of land resources in conjunction with other activities on the environment;

3) the provision and exemption of land, including for public use, from the lands of all categories of cases involving the establishment and expansion of protected areas of national significance, the implementation of international commitments and use of land for defense purposes;

3-1) transfer of lands of specially protected natural areas in the reserve lands on the proposal of the authorized state body in the field of protected areas and adoption of its order;

4) approving forms of documents to the ownership of land and land-use right;

4-1) approval of the rules of the granting of rights to land plots for individual housing construction;

5) approval of proposals of regional representative and executive authorities on the changing boundaries of districts and towns of regional significance, as well as setting and changing the suburban areas around the cities of regional significance;

6) to approve the order of assignment of land to the Specially Protected Natural Areas and reservation of lands under these territories, the list of specially protected natural areas of national and international importance;

7) approval of the conduct of state land cadastre and land monitoring;

8) (deleted - The Law of the Republic of Kazakhstan dated January 31, 2006 N 125).

9) regulation of land relations between regions, between regions and the capital city of national importance;

10) other functions conferred on him by the Constitution and laws of the Republic of Kazakhstan and the acts of the President of the Republic of Kazakhstan.

#### **Article 14. Competence center authorized body and its territorial bodies**

1. The competence of the central authorized body include:

1) a generalization of the practice of land law and its improvement;

2) developing and submitting for approval to the Government of the Republic of Kazakhstan draft normative legal acts in the sphere of land relations;

3) monitoring the correctness of the state land cadastre and land monitoring;

4) approval of regulations on land management and the state land cadastre;

5) an examination of national programs, projects and schemes that affect the use and protection of land;

- 6) cooperation with central and local executive bodies for the regulation of land relations;
- 7) approving the form of the passport of agricultural land;
- 8) determination of the structure, composition, contents and forms of land and cadastral records;
- 9) organization of monitoring of land;
- 10) the organization conducting the state land cadastre and land preparation of the balance of the Republic of Kazakhstan on the basis of the balance of land areas (cities of republican status, capital);
- 11) prepare draft legal acts of the Government of the Republic of Kazakhstan on granting and withdrawal of land, including for public use, transfer of land, including for public use from one category to another, within its competence;
- 12) state control over land use and protection;
- 13) building permits oil and gas out of the contract area within the Kazakh section of the Caspian Sea as defined by international treaties of the Republic of Kazakhstan, in agreement with the state authorities in the field of environmental protection, use and protection of water resources, fisheries, protected areas, the use of mineral resources, emergency situations in the field of merchant shipping and carrying out foreign policy in the manner prescribed by the Government of the Republic of Kazakhstan;
- 14) control over the legality of decisions of authorized bodies of oblasts (city of republican status, capital) areas (cities of regional importance) on the appeals of individuals and legal entities;
- 15) consideration of administrative cases in the field of land legislation;
- 16) development and approval of departmental reporting forms, checklists, criteria for risk assessment, annual audit plans in accordance with the Law of the Republic of Kazakhstan "On private entrepreneurship."

2. The competence of the territorial authority on land management area (city of republican status, capital) are as follows:

- 1) state control over land use and protection;
- 2) identification of land unused and used in violation of the laws of the Republic of Kazakhstan, except as contemplated in subparagraph 20) of paragraph 2 of Article 14.1 of this Code;
- 3) issue binding orders to eliminate violations of land legislation;
- 4) consideration of administrative cases in the field of land legislation;
- 5) preparation of claims to the court for compulsory seizure of land not used for the intended purpose or used in violation of the laws of the Republic of Kazakhstan, except as

contemplated in subparagraph 2-2) of paragraph 2 of Article 16 of this Code;

6) the organization of monitoring of land area (city of republican status, capital);

7) control over the correctness of land cadastre;

8) the suspension of construction and development of mineral deposits, maintenance facilities, exploration and other activities, if carried out in violation of land legislation, the established regime of land use, and if these works are carried out on projects, not having passed the examination or received a negative opinion.

**Article 14-1. The competence of the authorized bodies of areas (City of republican status, capital) areas (cities of regional significance)**

1. The competence of the authorized body area include:

1) preparation of proposals and draft decisions of local executive body of the provision of land for mining, construction of pipelines, processing facilities of oil and gas, creating and expanding protected areas of local importance, as well as the expropriation of land for public use under development of mineral deposits (other than widespread), for the construction of pipelines, establishment and expansion of protected areas of local importance;

2) preparation of proposals and draft decisions of local executive body of the provision of land public research organizations and their experimental farms, and state seed farms and breeding centers;

3) preparation of proposals on reserving land for protected areas of all kinds;

4) approval of the land (estimated) cost of specific plots of land sold to private ownership by the state, within its competence;

5) determination of divisibility and indivisibility of land within its jurisdiction;

6) the organization of land use and adoption of land management projects on the formation of land plots;

7) management of development projects and zoning programs, projects and schemes for the rational use of land area;

8) organization of the land sales (tenders, auctions) within its jurisdiction;

9) an examination of regional, city and district programs, projects and schemes that affect the use and protection of land;

10) Finally, sales contracts and leases of land and a temporary grant of land use within its jurisdiction;

11) preparation of the balance of land area on the basis of these areas (cities of regional importance);

12) licensing the production of land management works;

13) preparing proposals for authorizing the local executive body of the use of land for exploration works in accordance with Article 71 of this Code;

14) preparation of proposals for transfer of agricultural land from one type to another;

15) issuing identification documents to land on the basis of the decision of the local executive authority of granting the right to land.

2. The competence of the authorized body of the city of republican status, capital of the territory, passed in its administrative jurisdiction, are:

1) licensing the production of land management works;

2) preparing proposals for authorizing the local executive body of the city of republican status, capital for the use of land for exploration works in accordance with Article 71 of this Code;

3) preparation of proposals for transfer of agricultural land from one type to another;

4) preparation of proposals for the reservation of lands for the establishment of protected areas of all kinds;

5) preparation of the balance of land the city of republican status, capital;

6) preparation of proposals and draft decisions of local executive body of the city of republican status, capital for the provision of land and change their purpose;

7) authorization of the presence or absence of land;

8) issuance of identification documents to land on the basis of the decision of the executive body of the city of republican status, capital of granting the right to land;

9) issuance of passports of agricultural land;

10) conclusion of contracts of sale and lease land and grant of temporary land use;

11) The registration of ownerless land;

12) prepare proposals for the expropriation of land for public purposes;

13) the definition of divisibility and indivisibility of land;

14) approval of the land (estimated) cost of specific plots of land sold to private ownership by the state;

15) Organization of land administration and approval of land management projects on the formation of land plots;

16) organization of development projects and zoning programs, projects and schemes for the rational use of land the city of republican status, capital;

17) organization of the land sales (tenders, auctions);

18) examination of programs, projects and schemes that affect the use and protection of land;

19) record keeping of land owners and land users, as well as other subjects of land relations;

20) Identification of lands not used for other purposes.

3. The competence of the competent authorities of



districts (cities of regional significance) within the boundaries of the area boundaries (line) of the city and the territory passed in its administrative jurisdiction, are:

- 1) Registration of ownerless land;
- 2) preparation of proposals and draft decisions of local executive body of the county (city of regional significance) for the provision of land and change their purpose;
- 3) preparation of proposals for the expropriation of land for public purposes;
- 4) determination of divisibility and indivisibility of land;
- 5) approval of the land (estimated) cost of specific plots of land sold to private ownership by the state;
- 6) the organization of land use and adoption of land management projects on the formation of land plots;
- 7) management of development projects and zoning programs, projects and schemes for the rational use of land areas (cities of regional importance);
- 8) management of development projects, land and economic unit of populated areas;
- 9) organization of the land sales (tenders, auctions);
- 10) examination of city and district programs, projects and schemes that affect the use and protection of land;
- 11) preparation of the balance of land areas (cities of regional importance);
- 12) record keeping of land owners and land users, as well as other subjects of land relations;
- 13) issuing identification documents for the land;
- 14) issuing certificates on the presence or absence of land;
- 15) issuing passports of agricultural land;
- 16) conclusion of contracts of sale and lease land and grant of temporary land use;
- 17) preparing proposals for authorizing the local executive body of the county (city of regional significance) for the use of land for exploration works in accordance with Article 71 of this Code;
- 18) preparation of proposals for transfer of agricultural land from one type to another.

#### **Article 15. The competence of local representative bodies and local government**

1. The jurisdiction of local representative bodies in the regulation of land relations in the territories concerned are:

- 1) approval of regional programs for the rational use of land, improving soil fertility, protection of land resources in conjunction with other environmental protection measures;
- 2) approval of plans of land and economic unit in the residential areas, including agricultural land, transferred to the village of executive bodies;

3) (excluded - by the Law of RK as of January 10, 2006 N 116);

4) hearing reports of the heads of local executive bodies and organizations on the status of the use and protection of land resources;

5) The decision of the delineation between the administrative-territorial units within the competence established by the laws of the Republic of Kazakhstan;

5-1) approval of the boundaries of suburban areas in accordance with Article 110 of this Code;

6) (excluded - by the Law of RK as of January 10, 2006 N 116).

2. Local authorities in the sphere of land relations ensure public participation in addressing local issues within the authority established by legislative acts of the Republic of Kazakhstan.

#### **Article 16. The competence of the local executive body of region (city of republican values, capital)**

1. The competence of the local executive body of the area include:

1) the development and submission for approval by the regional (city of republican status, capital), the representative body of regional (municipal) programs on rational use of land, improving soil fertility, protection of land resources in conjunction with other environmental protection measures and enforcement;

1-1) submission for approval by the local representative body of the boundaries of suburban areas of cities of regional significance;

2) provision of land for mining, construction of pipelines, processing facilities of oil and gas facilities using renewable energy sources, as well as the expropriation of land for public use under the mining of minerals for the construction of pipelines, implementation of investment projects of strategic in accordance with the Law of the Republic of Kazakhstan "On Investments";

3) provision of land for cattle passes highway temporary use of inter-regional significance;

4) permitting the use of land for exploration works in accordance with paragraph 2 of Article 71 of this Code;

5) provision of land public research organizations and their experimental farms, and state seed farms and breeding centers;

6) The reservation of lands for the establishment of protected areas of all kinds;

7) the provision and removal, including for public use, land from the lands of all categories of cases involving the establishment and expansion of protected areas of local importance, except as provided by paragraph 3) of Article 13

of this Code;

8) regulation of land relations between the areas under the jurisdiction established by this Code and other legislative acts of the Republic of Kazakhstan;

9) the provision and removal, including for public use, land in cases stipulated by Article 90 of this Code, except for forest lands;

10) co-ordination, direction and supervision of district and municipal (regional significance) of the executive bodies in the use and protection of land resources;

11) (deleted - The Law of RK as of January 10, 2006 N 116).

2. The competence of the local executive body of the city of republican status, capital in the regulation of land relations also include:

1) provision of land in private ownership and land use, except as provided for in Article 13 of this Code;

1-1) provision of land for construction of renewable energy;

2) withdrawal of land plots, including those for public use, except as provided for in Article 13 of this Code;

2-1) allocation of land to public lands in the lands of settlements, as well as exclusion from the land of common use in connection with a change of purpose;

2-2) to claim in court for compulsory seizure of land not used for the purpose;

3) development of plans of land and economic unit in the residential areas within their administrative authority, for approval by the relevant representative body and ensure their implementation;

4) submission for approval of projects (schemes) zoning representative bodies of the city of republican status, capital;

5) approval of the classifier purpose of land-based projects (schemes) zoning.

#### **Article 17. The competence of the District (Except in urban areas) executive body**

The jurisdiction of the district (except in urban areas), the executive body of the regulation of land relations within the boundaries of the district, except for land settlements include:

1) provision of land in private ownership and land use, except as provided for in Articles 13, 16, 18 and 19 of this Code;

2) withdrawal of land plots, including those for public use, except in cases stipulated in Articles 13, 16 and 18 of this Code;

3) the development and submission for approval of the representative body of regional programs on rational use of

land, improving soil fertility, protection of land resources in conjunction with other environmental protection measures and enforcement;

4) develop plans for land and economic unit in the residential areas, including agricultural land, transferred to the aul (village) of the executive bodies for approval by the relevant representative body and ensure their implementation;

5) issuance of permits for the use of land for exploration works in accordance with paragraph 2 of Article 71 of this Code;

6) formation of a special land fund;

7) (excluded - The Law of RK as of January 10, 2006 N 116);

8) submission for approval of projects (schemes) zoning district representative body;

9) approval of the classifier purpose of land-based projects (schemes) zoning.

#### **Article 18. The competence of the local executive Body of regional significance**

The competence of the local executive body of the town of regional significance in the regulation of land relations within the boundaries (line) of the city and the territory passed in its administrative jurisdiction, are:

1) provision of land in private ownership and land use, except as provided for in Articles 13, 16 and 19 of this Code;

2) withdrawal of land plots, including those for public use, except in cases stipulated in Articles 13 and 16 of this Code;

2-1) allocation of land to public lands in the lands of settlements, as well as exclusion from the land of common use in connection with a change of purpose;

3) the development and submission for approval of the representative body of city programs for the rational use of land, improving soil fertility, protection of land resources in conjunction with other environmental protection measures and enforcement;

4) develop plans for land and economic unit in the residential areas within its administrative authority, for approval by the relevant representative body and ensure their implementation;

5) issuance of permits for the use of land for exploration works in accordance with paragraph 2 of Article 71 of this Code;

6) formation of a special land fund;

7) (excluded - The Law of RK as of January 10, 2006 N 116);

8) submission for approval of projects (schemes) zoning representative body of regional significance;

9) approval of the classifier purpose of land-based

projects (schemes) zoning.

### **Article 19. Competence Akim District value, settlement or village (the village), aul (rural) districts**

The competence of the Akim of district level, town, village (the village), aul (rural) districts in the regulation of land relations within the border (line), city, town and rural settlements include:

- 1) provision of land in private ownership and land use, except as provided for in Articles 13 and 16 of this Code;
- 2) submitting proposals to the district (city) akimat on seizure of land, including for state needs;
  - 2-1) allocation of land to public lands in the lands of settlements, as well as exclusion from the land of common use in connection with a change of purpose;
- 3) (deleted - The Law of RK as of January 10, 2006 N 116).

### **Article 19-1. The competence of the administration of special economic zone**

The competence of the administration of special economic zones include the provision of land for temporary gratuitous land enrolled in a special economic zone, as well as legal persons, individual entrepreneurs and non-residents operating through a permanent establishment registered in the special economic zone in accordance with the laws of the Republic of Kazakhstan on the special economic zones.

## **Section 2. Ownership, land-use right and other property rights to land**

### **Chapter 3. Land ownership**

#### **Article 20. Types of land ownership**

1. In the Republic of Kazakhstan shall be recognized and equal protection of the public and private ownership of land.
2. Subjects of ownership:
  - entity, the state ownership of land in the territory of the republic - the Republic of Kazakhstan;
  - the subject of private ownership of land on terms, conditions and limits established by this Code, - citizens and non-state entities. In this case, the nationals be citizens of the Republic of Kazakhstan, foreigners and stateless persons, unless otherwise prescribed by this Code.

#### **Article 21. Content ownership**

1. Owner owns the rights to possess, use and disposal of

land belonging to him.

2. Law of the state as owner of the land shall state bodies in accordance with their competence established by this Code and other legislative acts of the Republic of Kazakhstan.

3. The land owner may exercise the rights of the owner on terms, conditions and within the limits prescribed by this Code and other legislative acts of the Republic of Kazakhstan.

#### **Article 22. The emergence of property rights on land**

1. Ownership of the land occurs through:

1) the provision of property rights;

2) transfer of ownership;

3) the transfer of ownership by way of universal legal succession (inheritance, the reorganization of legal entities).

2. Assignment, transfer and change of ownership should take into account the purpose of land.

3. Ownership of the land occurs on the basis of:

1) acts of governmental bodies;

2) civil transactions;

3) other reasons stipulated by the legislation of the Republic of Kazakhstan.

#### **Article 23. Ownership of land citizens and legal entities**

1. Plots of land under public ownership can be granted to private ownership to citizens and non-state entities, except for land which, in accordance with this Code cannot be privately owned.

2. In the private property of citizens of the Republic of Kazakhstan may be land plots for farm or farm, private farming, afforestation, horticulture, individual housing and cottage construction, as well as granted (granted) under construction or built-up production and nonproduction, including residential, buildings (structures) and their complexes, including land intended for the maintenance of buildings (structures, installations), in accordance with its intended use.

When the citizen who is owner of the land provided for conducting a country or farm, private farming, afforestation, gardening and dacha construction, the citizenship of the Republic of Kazakhstan ownership is subject to alienation or re-register according to the norms of Article 66 of this Code.

3. In the private property of non-state entities of the Republic of Kazakhstan may be land plots allocated (provided) for the conduct of commercial agricultural production, afforestation, under construction or built-up production and nonproduction, including residential, buildings (facilities) and their complexes, including land designed to serve

buildings (structures, installations), in accordance with its intended use.

4. In the private property of foreign nationals, stateless persons and foreign legal entities (private) may be land for the purposes specified in paragraph 3 of this Article, except land designated for agricultural and afforestation.

#### **Article 24. Ownership of agricultural land**

1. Agricultural land in state ownership, may be provided by individuals and legal entities on land use rights and (or) on the right of private property on the terms and conditions established by this Code.

Agricultural land to private property right granted to citizens of the Republic of Kazakhstan for conducting a country or farm and non-governmental legal entities of the Republic of Kazakhstan for conducting agricultural and afforestation.

Not allowed to provide agricultural land to private ownership as a state natural grants for agricultural production.

2. Granting the right of private ownership of agricultural land is based on payments.

Citizens and private legal entities that are interested in giving the right of private ownership of land (plots) for conducting a country or farm, commercial farming and afforestation can:

1) acquire private ownership of land at a price equal to the land (estimated) value of the land as determined in accordance with Articles 10 and 11 of this Code;

2) to acquire private ownership of land at a discounted price determined on its land (appraised) value.

The size of the preferential price for land in the administrative-territorial units established by the Government of the Republic of Kazakhstan.

3. Person, fully reimbursing the purchase of private property rights on land, in accordance with:

subparagraph 1) of paragraph 2 of this Article shall have the right to commit any kind of land transactions are not prohibited by the laws of the Republic of Kazakhstan;

subparagraph 2) of paragraph 2 of this Article shall have the right to commit any kind of land transactions are not prohibited by the laws of the Republic of Kazakhstan, on the expiration of restrictions on making deals with the land, purchased at a discounted price, which is two years for every ten percent reduction in inventory (estimated) value of the land. This restriction does not apply to lease the land as collateral.

4. Payment of the purchase of land referred to in paragraph 2 of this article can be made in installments up to

ten years upon written request of a person who acquires the right of private ownership of land.

Persons who have received plots of land in installments, you may not make trades (selling, leasing or gratuitous use, transfer as a contribution or contribution to the charter capital of economic entities) until full payment of the redemption price of the land. The right to make deals with the land sold in installments at a reduced price, is allowed upon the expiration of restrictions on making deals with the land provided for in paragraph 3 of this article, and starts from the moment after the full payment of the purchase price.

Mortgaging of land mentioned persons may be paying at least fifty percent of its purchase price. In this case, the subject of pledge may be only that portion of land for which the purchase price paid.

5. When the citizen who is owner of the land for agricultural purposes, the citizenship of the Republic of Kazakhstan the land be returned to state ownership or right to land must be within one year converted into a right of temporary land under lease for 10 years. When returning the land to state ownership to the owner paid the price of land on which this plot was purchased by the state, through funds from land sales.

In case of failure of the local executive body of the acquisition of land pursuant to authorization of such a plot may be sold to citizens of the Republic of Kazakhstan.

#### **Article 25. Implementation of private property rights**

1. Owner of the land shall exercise the rights of possession, use and disposal of land at their discretion without any government approval, unless otherwise provided by this Code and other laws of the Republic of Kazakhstan.

2. The owner may do on his land without changing its purpose, any transaction not prohibited by the laws of the Republic of Kazakhstan.

Owners of agricultural land realize these rights subject to the provisions of this Code.

Ownership of land is transferred to another person with all encumbrances, existing at the time of the transaction.

3. The land owner has the right to take land without changing the purpose for temporary use on the basis of an agreement on the temporary use of land. Agreement on temporary use of land is in the form of lease agreement (with the tenant) or a treaty of free use (with a donation of the user).

#### **Article 26. Public ownership of land**

1. The state owns the land plots allocated to public authorities, public organizations and institutions that are used for defense purposes, engaged in specially protected



natural areas recreation and historical-cultural, forestry and water resources, public lands in the settlements, the stock is including a special land fund, rangeland and pasture in the villages and rural settlements, as well as distant pastures and other land not transferred to private ownership.

2. Cannot be privately owned plots of land occupied by: for defense and homeland security, defense industry, state-owned, engineering facilities, communications, erected for the protection and preservation of the State Border of the Republic of Kazakhstan, customs purposes;

specially protected natural areas;

Forest Fund, except for land listed in paragraph 4 of Article 128 of this Code;

water fund, except for land listed in paragraph 2 of Article 133 of this Code;

mainline rail networks and public roads;

common areas in the settlements, except for land occupied by buildings and structures located on private property rights, and indispensable for their maintenance.

3. May not be available in the separate property of citizens and non-state entities land plots occupied by:

rangeland and pasture, used and designed for the needs of the population;

public roads, including roads, inter-farm and inter-settlement value, and also intended to access to land for public use;

watering facilities joint use (watering channels, faults, wells and watering points) Two or more landowners or land users.

4. Plots of land reserved in the prescribed manner for the development of specially protected natural areas, main railways, public roads and pipelines, power, and also designed in accordance with the approved architectural and urban planning, and (or) the construction documents for construction of administrative and social values (airports, airfields, railway stations, stations, roads, administrative buildings of government agencies, hospitals, schools, public housing, parks, boulevards, parks and other public facilities) may be granted to land users for other purposes at the right time to land their project development.

5. Not allowed denial of its own citizens and non-governmental entities of land owned by the state if, in accordance with this Code, these plots may be privately owned.

## **Article 27. Realization of the right of state property**

Plots of land owned by the state, may be:

1) sold or transferred without compensation to private property;

1-1) given in payment of the share capital (property), socio-entrepreneurial corporations having the status of a

national company;

- 2) provided for permanent or temporary land use;
- 3) implemented in other legal forms in the cases stipulated by this Code and other legislative acts of the Republic of Kazakhstan and international treaties.

#### **Chapter 4. Land-use right**

##### **Article 28. Mode of land use rights**

Land-use right is a real right. By law, the norms of land ownership as far as not inconsistent with this Code or the nature of property law.

##### **Article 29. Types of land use rights**

1. Land-use right may be temporary or permanent, alienable or inalienable, acquired for consideration or gratuitously.

2. No one shall be deprived of land use rights except on grounds established by this Code and other legislative acts of the Republic of Kazakhstan.

##### **Article 30. The subjects of land use rights**

Land users are divided into:

- 1) public and private;
- 2) national and foreign;
- 3) natural and legal persons;
- 4) permanent or temporary;
- 5) primary and secondary.

##### **Article 31. The emergence of land-use rights**

1. Land-use right arises by:

- 1) granting land use rights;
- 2) the transfer of land use rights;
- 3) the transfer of land by way of universal legal succession (inheritance, the reorganization of legal entities).

2. Assignment, transfer and transfer land use rights must take into account the purpose of land.

3. Land-use right arises on the basis of:

- 1) acts of governmental bodies;
- 2) civil transactions;
- 3) other reasons stipulated by the legislation of the Republic of Kazakhstan.

##### **Article 32. Granting land use rights**

1. Granting land use right means giving individuals the right to land directly by the state.

2. Granting land use rights to individuals and legal entities is made based on the decision of the local executive body of the region (city of republican status, capital),

region (city of regional significance), and in the special economic zones - based on the decision of administration of the special economic zone in accordance with the competence to granting the right to land.

3. When providing non-government users of the land rights of temporary land use by the authorized body area (city of republican status, capital), region (city of regional significance) within its jurisdiction are land users with lease of land or contracts a temporary grant of land use on the basis of relevant resolutions of the Government of the Republic of Kazakhstan or the local executive body of the provision of temporary land use.

In granting the administration of special economic zones of land use rights members of the special economic zone, as well as legal persons, individual entrepreneurs and non-residents operating through a permanent establishment registered in the special economic zone, the landholder is land lease based on the decision on granting the right time land use.

4. If the land is used for activities or action requiring a license or contract on subsoil use, the provision of land use rights at the station is made after obtaining a license or contract for subsoil use.

This rule does not apply to the transfer of rights to the land of the project company to carry out activities in organizing the construction of residential buildings (apartment buildings) by attracting real estate investors money in accordance with the legislation of the Republic of Kazakhstan on equity participation in housing construction.

The presence of subsoil use contract is grounds for immediate clearance of land.

### **Article 33. Transfer of land use rights**

1. Transfer of land use right means giving individuals the right to land other land.

Transfer of land use rights shall be based on civil law transactions, as well as on other grounds provided by legislation of the Republic of Kazakhstan.

Alienation of land use rights shall be based on civil law transactions (purchase, gift, exchange and otherwise).

Transfer of land use rights to another person for a certain period is based on the lease or grant a temporary land use.

Transfer and alienation of land use rights can only be done person, bought the right time paid land-use.

Does not require repayment of temporary paid land-use:

1) for the transfer of a pledge, as well as a contribution to the charter capital of an economic partnership, in return for shares of joint stock company or as a contribution to a production cooperative;

2) on land which is occupied alienable buildings

(constructions), and is designed for their operation, located in the forest land and water resources, protected areas, recreation, recreational, historical and cultural destination.

Land users do not have any independent right to change the earmarking of land for disposition and transfer of land use rights.

2. Not allowed land users making transactions on land-use rights on land:

- 1) for public use;
- 2) provide for the needs of defense;
- 3) forest;
- 4) protected areas, recreation, recreational, historical and cultural destination;
- 5) official land allotment;
- 6) of land granted to the right of temporary grant and temporary short-paid land-use;
- 7) of land granted to the right of temporary land use for the conduct of a peasant or farm and commodity agricultural production, except for a pledge, as well as a contribution to the charter capital of an economic partnership, in return for shares of joint stock company or as a contribution to a production cooperative ;
- 8) Water Fund.

2-1. Restrictions imposed by paragraph 2 of this Article shall not apply to transactions, including bail, committed by land users in respect of land use rights to land which is occupied alienable buildings (constructions), and is designed for their operation, located in the land forestry and water resources, protected natural areas, recreation, recreational, historical and cultural destination.

3. Transfer landholder land owned by him for temporary land use to another person (the secondary land user), as well as exclusion of temporary land use are made subject to the rules provided for in paragraph 4 of Article 32 and paragraph 3 of Article 37 of this Code.

#### **Article 34. The right of permanent use**

1. On the right of permanent use granted land in the following state land:

- 1) entities that owns the buildings (constructions) placed in the objects of the condominium on the right of economic management or operational management;
- 2) legal persons engaged in agricultural and forestry production, as well as for research, experimental and educational purposes;
- 3) legal persons engaged in land use on the lands of specially protected natural areas;
- 4) in other cases stipulated by legislative acts of the Republic of Kazakhstan.

2. The right of permanent land can not belong to a foreign land users.

### **Article 35. The right of temporary land use**

1. Land can be granted to citizens and legal entities on the right of temporary paid land-use (lease) or the right of temporary grant of land use.

2. The right to grant temporary land granted for a period of 5 years unless otherwise prescribed by this Code and laws of the Republic of Kazakhstan.

Interim paid land-use right may be short (up to 5 years) and long-term (5 to 49 years).

3. Deadline for temporary land use rights shall be established taking into account grants rights to the land, its purpose and zoning.

4. Termination of the executive bodies of temporary land use contracts unilaterally, except as provided in this Code, as well as in cases where the termination order specified in the treaty itself, is not allowed.

### **Article 36. The right to grant temporary land use**

1. Plots on the right to grant a temporary land use may be granted to citizens of the Republic of Kazakhstan and legal persons of the Republic of Kazakhstan:

- for transhumance (seasonal pastures);
- for grazing and haying of the population;
- state land;

- for the conduct of gardening;

- in the form of official land holdings;

- during the construction of public roads, state-owned facilities and socio-cultural purposes;

- in the recovery of degraded and disturbed land;

- the duration of the concession agreement;

- the provision in the legislation of the Republic of Kazakhstan buildings (facilities) and facilities for temporary free use;

- for the objects of religious buildings;

- in other cases stipulated by this Code and the laws of the Republic of Kazakhstan.

2. The period of temporary land grant may not exceed five years, except in cases of granting land plots in the form of official land holdings and for restoration of degraded and disturbed lands, as well as in the cases of granting land plots for the implementation of concession projects.

The period of temporary land grant of land granted under the building (room) and facilities determined by the period of temporary gratuitous use of the building (room) and facilities, including places of worship.

3. Not allowed alienation of land, located on the right of temporary grant of land use, including their transfer to the secondary land use.

### **Article 37. Right Interim paid land (lease)**

1. Interim paid the right (short and long term) land (lease) land can be granted to citizens, non-state entities and international organizations.

2. Interim paid land user (lessee), adequately perform his duties, shall, unless otherwise stipulated by legislative acts of the Republic of Kazakhstan or the contract, upon the expiration of the contract, other things being equal, priority over other persons entitled to conclude a contract for a new term. The lessee is obliged to notify the landlord of the intention to conclude such an agreement within the period specified in the contract if the contract no such period is specified, within three months before the expiry of the contract.

3. Non-governmental land users, other than those referred to in paragraph 5 of this article, bought the state the right Interim paid long-term land use right to take land owned by them (or parts thereof) for rent (sublease) or for temporary free use, and dispose of their right of temporary land use within the period of land lease contract without the consent of the owner of the land with notice of the authorized body area (city of republican status, capital), region (city of regional significance) at the location of the land, unless otherwise prescribed by this Code.

In these cases, the responsibility for land lease to the lessor gets a new landholder, except for transfer of lease rights in the collateral.

4. Upon the sale of land under state ownership, the tenant of the land has a preferential right to purchase in the manner prescribed by the civil legislation of the Republic of Kazakhstan to sell shares in common ownership a third person, except in cases where the leased land acquired by the owners of buildings, structures and structures.

5. Interim paid land-use right for the conduct of a peasant or farm and commodity agricultural production provided to citizens and non-governmental legal entities of the Republic of Kazakhstan for up to 49 years, and foreigners and stateless persons for up to 10 years.

### **Article 38. Secondary land use right (Sub)**

1. Secondary land use occurs on the basis of an agreement on the secondary use in cases where the primary land does not produce the alienation of their land use rights, but transfers to another person he owns land (or part thereof) for temporary land use with the notification of the authorized body area (city of republican status, capital) area (city of regional significance) at the location of the land.

Secondary land users is always a temporary land user without the right to transfer their rights to other land users.

2. When transferring the land into a secondary land use primary and secondary land users are responsible to the State

landholder responsibilities in full.

3. Treaty on the secondary use is in the form of lease or contract of temporary free use.

4. Secondary land user performs housekeeping on the land, and also sells other rights and obligations of the landholder (Articles 64 and 65 of this Code), subject to the conditions stipulated in the contract about the secondary use (sub).

5. Delivery of belonging to the right of temporary land use legal entities and individuals of agricultural land for agricultural production in the secondary land use is not permitted, except in cases of granting land plots in the manner of service of a land allotment in accordance with Article 41 of this Code.

### **Article 39. Features of the legal provisions of public land**

1. State land exercise of economic activity on the land, as well as implement other rights of land users, taking into account purpose of this section and the statutory purposes of the landholder.

2. State land may not alienate, as well as rent, mortgage owned by him to land.

Position of the first part of this paragraph shall not apply to cases of alienation of land use rights or its collateral associated with the alienation or mortgage of real property located in the area, except those located on lands of specially protected natural areas.

3. Right to land owned by state land cannot be subject to penalties for creditors 'claims, except in cases of foreclosure the right to land due to foreclosure by creditors' claims on buildings (structures, installations) owned by state land (paragraph 3 of Article 78 of this Code) .

4. In the event of the state land in the prescribed manner to the rental of its own buildings (structures, installations), together with the rules set forth in paragraph 3 of Article 52 of this Code, leased land, which occupied the said property and is required for its operation in accordance with established norms.

Renting land with buildings (structures, buildings), lease to another person without a lease of the building (structures, installations) are not allowed.

5. Renting state land he owns the land for temporary free land is not allowed, except to provide land in the manner of service allotments.

### **Article 40. The transition of land use rights by way of universal succession**

1. The transition of land use rights by way of universal succession means the emergence of land-use rights for a successor for inheritance by law or in the reorganization of legal entity.

2. In the case of death of a citizen who owns land on the right long-term temporary land use, land-use right is inherited in the manner prescribed by the civil legislation of the Republic of Kazakhstan. If the contract of temporary land use not otherwise provided for, in the same order of succession and the right of temporary short-term land use.

3. In the case of reorganization of legal entity owned by him to land passes to the successor in accordance with civil legislation of the Republic of Kazakhstan and the present Code.

#### **Article 41. Business allotment**

1. Call of the allotment is a special kind of long-term temporary grant of land use.

2. The list of categories of employees entitled to the allotment service, established by the Government of the Republic of Kazakhstan.

3. Call of the allotment allocated from the lands in the land of public entities employing persons who are eligible for allotment.

4. Call of the allotment provided for maintenance service residential homes, cropping, haying and grazing cattle.

5. Business allotment refers to the secondary temporary free land and granted for a period of work in connection with which it is selected. In the case of allotments on the service performed sowing of crops, the right to use official land allotment dismissed employee is terminated after the harvest.

6. Business allotment remains the same:

1) for employees terminated their employment relationship following the retirement age or disability;

2) the families of workers, designed for active military service in the Armed Forces or to come to study for the whole term of these workers on active duty or in an educational institution;

3) the families of workers killed in connection with the performance of official duties: for a disabled spouse, and elderly parents - for life, for children - to their majority.

7. The right to service the allotment as a site for the maintenance of official residential house is preserved as long as in accordance with housing legislation of the Republic of Kazakhstan retains the right to stay in the office a residential installation.

8. Provision of land in the manner of service of a land allotment is based on a contract of service of a land allotment to be concluded between the employee and the administration entity.

9. Commit any transactions in respect of land use rights official land allotment is not allowed.

#### **Chapter 5. Plot as an object of law ownership, land use rights and other rights**



#### **Article 42. Limits the right to land**

1. The right to land, unless otherwise stipulated by legislative acts of the Republic of Kazakhstan, covers located within the boundaries of the site surface soil layer, closed ponds, plantings.

Using the land owner or land bowels of the earth under the soil layer is carried out in accordance with the purpose of land and the laws of the Republic of Kazakhstan regulating relations in the sphere of subsoil use. Granting the right of subsoil use in the production of commonly occurring minerals and underground water for their own use is made simultaneously with the provision of land, under which there is widespread mineral deposits and underground water, private property or land.

2. Land owners or land users are exercising their right to land at their discretion, unless otherwise prescribed by this Code and laws of the Republic of Kazakhstan.

Land rights of land owners and land users can be restricted on the grounds established by this Code and other legislative acts of the Republic of Kazakhstan.

3. Land owners or land users in the implementation of emissions into the environment must obtain an environmental permit under the Environmental Code of the Republic of Kazakhstan.

#### **Article 43. The order granting the right on land**

1. Entitlement to the land of the land owned by the state, in the following order:

- 1) a claim for a corresponding right to land;
- 2) identification of opportunities to meet the claimed application (pre-selection of land);
- 3) development and approval of land use planning project;
- 4) The decision of the local executive body of the region (city of republican status, capital), region (city of regional significance), mayor of the city district level, town, village (village), aul (rural) district, and in special economic zones - the decision of administration Special Economic Zone on the Granting of rights to land;
- 5) establishment of land boundaries on the ground;
- 6) production and issuance of an identification document for land;
- 6-1) the conclusion of a temporary paid land-use;
- 7) the state registration of rights to land.

2. Provision of land ownership or land use by local executive bodies (cities of republican status, capital), districts (cities of regional significance), mayor of the city district level, towns, villages (villages), aul (rural) districts within their jurisdiction, as set this Code.

In the special economic zones to provide land for temporary paid land-use (rent) by the administration of

special economic zone within its competence established by the laws of the Republic of Kazakhstan.

The decision on granting the land or to refuse to grant the land taken on the advice of the commission, created by local executive bodies of the region (city of republican status, capital), region (city of regional significance) of the number of deputies of local representative body, the representatives of the authorized body area of the city republican status, capital, area (city of regional significance), as well as structural units of the akimats for architecture and urban planning and local government (if any).

The commission, created at the level of regions (cities of republican status, capital), and shall be included representatives of the territorial divisions of the authorized bodies in the field of environmental protection, agriculture and forestry, the use and protection of water resources, land resources management. At the discretion of the local executive body area (city of republican status, capital), region (city of regional significance) in composition of the commission may be included, and others.

Decision Akim district level, villages, villages (villages), aul (rural) districts to provide land or to refuse to grant the land taken on the advice of the commission, created by local executive bodies Region (cities of regional significance).

In deciding whether to grant the land in the special economic zone of the commission provided for in this paragraph is not created.

3. Individuals and legal entities interested in providing them with property rights and (or) land use on land, in an application to the local executive body of the region (city of republican status, capital), region (city of regional significance), governor of the city district level, town, village (village), aul (rural) districts for the location of the land, and in the special economic zone in the administration of special economic zones.

The statement should include: purpose of use of land, its assumed dimensions, the location, the requested right to use, the presence (absence) of other land (on land referred to in paragraph 2 of Article 50 of this Code). In the case of mining to the petition included a copy of the subsoil use contract.

Application for right to land is considered in two months from the date of its receipt, and the provision of rights to land to small business is considered a three-week period.

In this period is not included during the drafting of land project, prepared in accordance with paragraph 3 of Article 44 of this Code.

4. Authorized bodies of oblasts (city of republican status, capital) areas (cities of regional importance) at the

location of the land is determined (in the settlements with the authorities of Architecture and Urban Planning), the use of land claimed by the declared purpose in accordance with the zoning ordinance.

The term of the preparation of proposals on the possibility of using the claimed land by the declared purpose in accordance with the zoning ordinance and the preparation of the commission's conclusions on the issue of up to one month upon receipt, and when granting rights to the land to small businesses - up to two weeks.

5. Features of granting land plots depending on the purpose defined in accordance with Articles 44 and 45 of this Code.

6. Refusal to grant rights to land, except in cases of land seizures, including those for public use, in accordance with Article 84 of this Code, issued the decision of the local executive body area (city of republican status, capital), region (city of regional significance) , mayor of the city district level, town, village (village), village (rural) district, and in the special economic zone administration's decision to a special economic zone, and must be motivated, and a copy given to the applicant within seven days after the decision.

Decision of the local executive body of the region (city of republican status, capital), region (city of regional significance), mayor of the city district level, town, village (village), village (rural) districts to refuse to grant the rights to the land is taken within seven days moment of receipt of the relevant conclusions of the commission.

7. Decision of the local executive body of the region (city of republican status, capital), region (city of regional significance), mayor of the city district level, town, village (village), village (rural) district, and in the special economic zone of the administration's decision of the special economic zone to provide relevant land rights shall be based on land project with the award the applicant a copy of the decision granting the right of ownership or land use rights to land within seven days after the decision.

In cases where the provision of land is the responsibility of a superior executive body, the local executive body of the region (city of republican status, capital), region (city of regional significance), mayor of the city district level, town, village (village), village (rural) County directs land management business with its decision to a higher authority for final decision.

Decision of the local executive body of the region (city of republican status, capital), region (city of regional significance), mayor of the city district level, town, village (village), village (rural) district on the Granting of rights to land taken in the period up to one month moment of receiving land project, approved by the relevant competent

authority areas (cities of republican status, capital), region (city of regional significance), while granting the right to land to small businesses - up to seven days.

Agreement on temporary paid land-use (lease) is not later than fifteen calendar days from the date of the decision granting the right to land.

In the presence of land project allocation of land to site for removal under individual housing construction drafting land project in each plot is not required.

8. Land and lease rights to land under public ownership may be the subject of the sale at auction (auctions) with regard to the provisions stipulated in Article 48 of this Code.

9. Identification documents for land issued by the authorized bodies of oblasts (city of republican status, capital) areas (cities of regional importance) are:

when private ownership of land - act on the right of private ownership of land; P100102

with constant use - act on the right of permanent land use; P100102

Interim paid for land - act on the right Interim paid (long-term, short-term) land (lease); P100102

for temporary free use - an act for the right to grant a temporary land use. P100102

With the transfer of rights to land an identification document is passed to the acquirer or other rights holder. In the absence of changes in unidentifiable land authority, maintaining state land cadastre, the new identification document is not issued, and shall record holder.

10. (Deleted - Law of RK as of January 10, 2006 N 116).

11. Not allowed use of the land to establish its boundaries in nature (on ground) and the issuance of title documents, unless otherwise stipulated in the decision of the local executive body of the region (city of republican status, capital), region (city of regional significance), mayor of the city district level, town, village (village), village (rural) district to provide land. Failure to comply with this provision is classified as unauthorized occupation of land and provides for administrative liability in accordance with the laws of the Republic of Kazakhstan on Administrative Offences.

Transactions made in respect of land that are not furnished documents of title is not allowed.

12. Right to the land granted to persons of full age, except in cases of registration of land rights to minors to receive the data plots in the order of succession in accordance with civil legislation of the Republic of Kazakhstan. Legal representatives of minors right up to the heirs of the majority to transfer land to rent.

13. Procedure for granting land rights, legalized in accordance with the legislation of the Republic of Kazakhstan on amnesty in connection with the legalization of property is

determined by the Government of the Republic of Kazakhstan.

#### **Article 44. Land allocation for construction**

1. At purchase of land for construction of pre-made selection of land that the special commission created by local executive bodies of oblasts (city of republican status, capital) areas (cities of regional importance), Akim district level, town, village (village) village (rural) counties within its jurisdiction to make land available.

The choices of land for the construction of the facility, and where necessary, and to establish its security or sanitary protection zone are issued by the authorized body area (city of republican status, capital), region (city of regional significance) the act of choosing the land. By this act attached draft boundaries of each plot in accordance with the options of their choice.

In this case, prohibits the provision of land for construction projects without a detailed plan, and (or) development projects carried out on the basis of master plans for the settlement (or their replacing the scheme of development and building of settlements with a population of five thousand people), as well as regional projects Planning for inter-settlement areas.

2. Acts of choice land and project land boundaries submitted to the commission for its review and conclusions in accordance with paragraph 2 of Article 43 of this Code.

3. Based on the conclusions of the commission prepared a draft land management to grant land rights.

As part of land project specified area provided the land, its borders and location, adjacent land owners and land users, as well as encumbrances and easements granted land.

In the case of the alleged seizure, expropriation, including redemption, for the public use of land attached estimates of losses of land owners and land users (tenants), losses of agricultural and forestry production, depending on the seized land.

4. Based on land project authorized body area (city of republican status, capital), region (city of regional significance) at the location of land prepared a draft decision of the local executive body for appropriate land rights.

5. At purchase of land for construction of oil and gas transporting infrastructure related to transportation of oil pipelines, followed by storage and transshipment of oil and gas to other modes of transportation, the act of choice land and land project also coordinated with the state authorities of the Republic of Kazakhstan in oil and gas transporting infrastructure.

5-1. Construction of residential homes, including individual, on agricultural lands is allowed only after the transfer of the land in the category of land settlements in

accordance with the approved master plan of the settlement (or other project documentation, which replaces the master plan for small villages) and only if the project detailed plan and construction project in these areas. In this case, compensation for losses of agricultural production is carried out in accordance with Article 105 of this Code.

6. The applicant or his agent to provide the required land allotment agreement on their own.

In the case of the territory selected for placement of the construction, there are houses, other buildings and structures, as well as engineering services and green areas to be demolished or transfer (including the fall in land acquisition in a sanitary protection zone of industrial enterprises) The customer is further agreement concluded with each of the property owners, the conditions of compensation for damages to the owner.

The agreement shall specify the terms and conditions of alienation, transfer of existing buildings, utilities, green spaces, the obligation to reimburse the developer for all losses associated with the demolition of property.

7. Draft decision of the local executive body of the region (city of republican status, capital), region (city of regional significance), mayor of the city district level, town, village (village), aul (rural) districts granting the right to land must contain:

Name of the legal or natural person who is granted the right to land;

the purpose of the land;

land area;

kind of land rights, encumbrances, easements;

redemption price of the land or land use rights in the case of providing the site for a fee, the terms and conditions of contracts of sale of land;

surname, first name, middle name (if any) of an individual or legal entity who has the seizure, expropriation for public needs, including through redemption of land, with their sizes;

other conditions.

For small businesses earmarked land for the construction regardless of the activities set as maintenance of buildings (buildings and structures).

8. At purchase of land for individual housing application (petition) of the citizens are taken to a special account and are satisfied as training grounds for removal, or if there are free areas used for individual housing construction. In granting land plots for individual housing construction, free of charge is taken into account the presence or absence of a citizen of land rights which were granted by the state for individual housing construction. Information about the presence or absence of a citizen of such land are represented by the authorized body of the city of republican status,

capital, area (cities of regional importance) to the commission for the local executive body for the preparation of findings and decision by the local executive authority to grant land.

Local executive bodies of the city of republican status, capital, area (city of regional significance), mayors of settlements, villages (villages), aul (rural) districts are required to make available information on the training grounds for removal and the waiting list to receive land for private housing construction through their placement in special information stands and (or) by publication in the media at the state and Russian languages at least once a quarter.

#### **Article 45. Provision of land, non-construction**

1. Based on statements by the person interested in the provision of land, owned by the state, in property or land, the authority area (city of republican status, capital), region (city of regional significance) (in settlements with the authorities of Architecture and Urban Planning) defines the use of the claimed land by the declared purpose in accordance with land management and town planning regulations. Suggestions about the use of the land granted to the commission for its review and conclusions in accordance with paragraph 2 of Article 43 of this Code.

2. Based on the conclusions of the commission prepared a draft land use planning and the draft decision of the local executive body of the region (city of republican status, capital), region (city of regional significance), mayor of the city district level, town, village (village), aul (rural) districts for appropriate law the land.

#### **Article 46. Land allocation to repatriates**

1. Allocation of land plots for private farming, gardening and dacha construction repatriates carried out on the right of temporary land grant from the lands of rural settlements, agricultural, immigration Land Fund, a special land fund and reserve land.

2. Allocation of land plots for commercial agricultural production repatriates the right of temporary land use is from agricultural land, special land fund, immigration land fund and land reserve.

3. Following the acquisition of citizenship of the Republic of Kazakhstan provision of land transferred to their private property on the terms and conditions established by this Code.

4. On lands granted repatriates not apply provisions of Article 48 of this Code.

#### **Article 47. Acquisition of rights to land areas that are State-owned**

1. Provision of land, owned by the state, the property of citizens and non-governmental entities have the right to acquire land in private ownership, performed on a reimbursable basis.

Provision of land in the ownership of citizens and non-governmental entities may be free of charge in cases stipulated by this Code and other legislative acts of the Republic of Kazakhstan.

2. Persons interested in purchasing land, applied to the local executive body of the region (city of republican status, capital), region (city of regional significance), governor of the city district level, town, village (village), aul (rural) district of the location land, which is considered in the order defined in Articles 43-45 of this Code, depending on the purpose of the land.

3. If you intend to buy natural or non-state entity to private ownership of land, formerly granted to him in the land, the person submits an application to the local executive body of the region (city of republican status, capital), region (city of regional significance), governor of the city district level, village , aul (village), aul (rural) counties.

The application shall be accompanied by:

a document certifying the right to land, or a copy of the document notarized;

A copy of the taxpayer;

tax authorities on the presence or absence of debts to the budget (tax on land and (or) fees for land use);

Help from the center of the absence of real estate encumbrances on the land, preventing the conclusion of transactions;

A copy of state registration of legal entities.

The authorized body area (city of republican status, capital), region (city of regional significance) at the location of the land plot identifies the land to the land records, claims inventory (estimated) value of the land and prepare a draft decision on granting the right of private ownership of land.

The decision on granting of land ownership must be made within one month from the date of land-user application in writing to the local executive body.

The authorized body area (city of republican status, capital), region (city of regional significance) at the location of the plot is, and signed with the buyer a contract of sale of land.

4. In cases where the buyer has received the land, not acting on it payable at a fixed contract term, the seller may require payment of the transferred land or return it.

In cases where the buyer does not pay duty on transfer of land within the specified contract period, and otherwise provided by contract, subject to payment of penalties on the



overdue amount from the date when the site was to be paid before the date of payment section of the buyer. The size of the penalty calculated based on the official refinancing rate of the National Bank of Kazakhstan.

5. Contract of sale of land and the document on payment of the redemption price of the land are the basis for issuing the identification document of the land.

When selling the land in installments in the identification document for land, issued by the buyer under the sales contract, a relevant record of the ban on transactions, except for a section in the collateral.

#### **Article 48. Acquisition of rights to land plots that are in state property, during tenders (auctions)**

1. Provision of land or the right to lease land owned by the state and not available in land use, carried out during tenders (auctions), except in cases where the land or the right to lease the land provided by:

- 1) for the implementation of strategic investment projects;
- 2) foreign governments and international organizations in accordance with international treaties;
- 3) state land of the Republic of Kazakhstan;
- 4) persons who have won the competition (tender) for the construction of facilities conducted by state authorities, and when such a construction requires the provision of land directly to such persons;
- 5) natural and legal persons for the operation and maintenance of buildings (structures, installations) owned by him on the ownership and (or) other proprietary rights, including the expansion and renovation of buildings (structures, installations) on the adjacent territory, in accordance with the architectural -urban development and (or) the construction documents, approved in accordance with the legislation of the Republic of Kazakhstan on architecture, urban planning and construction activities;
- 6) participants condominium for operation and maintenance of the condominium;
- 7) for the use of rangeland and pasture in order to meet the needs of the population on the content of their own yard, and gardening;
- 8) for the purpose of subsoil on the basis of a contract concluded in accordance with the laws of the Republic of Kazakhstan "On Subsoil and Subsoil Use;
- 9) as a state natural grants on the basis of a contract concluded in accordance with the laws of the Republic of Kazakhstan on investments;
- 10) from the land of special economic zones, industrial zones;
- 11) for the needs of rail, road, maritime and inland

waterway, air and pipeline transportation for the needs of communications and energy, as well as for the construction of other objects of state significance;

12) under the common amenities designed to meet the needs of the population (water pipes, heating, sewage treatment and other engineering and communication networks and systems), as well as a facility for special purposes in accordance with paragraph 10) of paragraph 3 of Article 107 of this Code;

13) for the establishment of zones with special conditions for use of the land in accordance with Article 121 of this Code;

14) for the conduct of private farming, horticulture, individual housing and suburban development in accordance with paragraph 3 of Article 9 of this Code;

15) for the construction of facilities provided by state and regional programs, investment projects, providing public interest and achieving socially important goals;

16) research centers with the participation of international and domestic enterprises in accordance with paragraph 3 of Article 9 of this Code;

17) the concessionaire for the implementation of concession projects;

18) socio-entrepreneurial corporations with the status of a national company, for investment and innovation projects.

Agricultural land on which expires the period of temporary land use, put up for auction (auctions) only in the event of temporary land user to conclude an agreement on the temporary land use for the new term.

2. Foreigners and persons without citizenship - the winners of tenders (auctions) land plots for commercial farming, afforestation, a subsidiary agriculture granted temporary land under lease for up to ten years.

3. Plot of land intended for sale, put up for auction after:

determine the boundaries of the land;

determine the purpose of the land and its land

(appraised) value;

definition of technical specifications for connecting objects to the construction of engineering networks and technical support;

decision to conduct tenders (auctions);

publish notice of the tenders (auctions).

4. As the seller of the land or the right to lease the land stands the local executive body.

As an organizer of tenders (auctions) serves the owner or is under contract with a specialized organization.

5. Owner of the land determines the form of tenders (auctions), the initial price of the auction and the amount of the deposit.

6. The procedure of organizing and conducting tenders

(auctions) for the sale of land or the right to lease the land determined by the Government of the Republic of Kazakhstan.

#### **Article 49. Acquisition of rights to land plots that are in state property, when they hire purchase**

1. Upon the sale of land under state ownership, in installments the buyer must make payment within the time stipulated by the contract of sale.

2. When the buyer does not perform the contract within a specified period of the next payment for the sold land in installments, the seller, unless otherwise stipulated in the contract, the right to withdraw from the contract and demand the return of the sold land, except in cases where the amount of payments received from the buyer, more than half of the purchase price of land.

3. In respect of land sold in installments, you may not make trades until full payment of the purchase price. Pledge of land sold on credit is allowed for payment of at least fifty percent of its purchase price.

4. Restrictions on transactions with land sold in installments, are reflected in the contract of sale of the land and in the identification document of the land. Document on payment of the redemption price of land is the basis for removal of restrictions in the contract of sale and in the identification document of the land.

#### **Article 49-1. Procedure for change in the target destination of land**

1. Changing the purpose of land by local executive bodies (cities of republican status, capital), districts (cities of regional significance), mayor of the city district level, villages, villages (villages), aul (rural) districts within their jurisdiction by granting rights to land established by this Code.

1-1. Changing the purpose of land is permitted on the basis of its legal regime, membership in a particular category of land listed in article 1 of this Code, and permitted use in accordance with the zoning of land.

2. Individuals and legal entities interested in changing the purpose of land, submit the application to the local executive body of the region (city of republican status, capital), region (city of regional significance), governor of the city district level, town, village (village), aul (rural) County at the location of the land.

3. Request to change the purpose of land considered in the period up to thirty days from the date of its receipt.

4. Decision to change the purpose of land taken on the advice of the commission established in accordance with paragraph 2 of Article 43 of this Code.

5. A copy of the decision of the local executive body of the region (city of republican status, capital), region (city of regional significance), mayor of the city district level, town, village (village), aul (rural) district of consent or refusal to change the purpose of land handed over applicant within seven days after its adoption.

Refusal to change the purpose of land must be motivated.

6. When you change the purpose of the land and (or) the land owner, land user term renewal of identification documents is no more than fifteen calendar days.

#### **Article 50. The norms of granting land plots**

1. The size of land plots to citizens and legal entities for non-agricultural purposes, are defined by the legislation approved in the Republic of Kazakhstan norms allotment of land for these activities or in accordance with the architectural and urban planning, and (or) the construction documents.

2. Plots, with the exception of the listed land offered for sale at auction (auctions), in accordance with paragraph 1 of Article 48 of this Code shall be granted to citizens of the Republic of Kazakhstan for free in private ownership in the following sizes:

1) for ancillary facilities (including the homestead and field plots) in rural areas - 0.25 hectares of rain-fed and 0.15 acres of irrigated lands;

2) for individual housing construction - 0.10 acres;

3) for gardening and cottage construction - 0,12 hectares.

Re-free provision of land for these purposes is not allowed.

Depending on the availability of land in the rural settlements of land for individual housing construction and maintenance of private farming is given a single array within the norms of land provided for these purposes.

3. Limit (maximum) size of land referred to in paragraph 2 of this article, which can be privately owned, established by joint decisions of regional (cities and the capital) and executive bodies, depending on local conditions and peculiarities.

4. The Government of the Republic of Kazakhstan on the basis of a joint proposal by the oblast (city of republican status, capital) and executive bodies set limit (maximum) size of agricultural land within a single administrative district (city), which may be:

on the right of private property by a citizen of the Republic of Kazakhstan for conducting a country or farm, non-state legal entities of the Republic of Kazakhstan and its affiliates to conduct commercial agricultural production;

the right of temporary land use by foreigners, stateless persons and foreign legal entities for the conduct of commercial agricultural production.

5. In view of rational use of agricultural land by joint decisions of the regional representative and executive bodies set minimum size of agricultural land, depending on local conditions and use of these lands, provided the property or land.

#### **Article 51. Divisible and indivisible land**

1. Land may be divisible and indivisible. Dividend is a plot of land which, without changing its purpose and without violating the fire, sanitary, environmental, construction and other mandatory rules and regulations can be divided into parts, each of which forms an independent after the partition of land, otherwise it is indivisible.

2. Indivisibility of the land is reflected in the identification document.

3. When the deal with part of the dividend of land in this part of the established order must be pre-allocated in a separate plot. In other cases the subject of the transaction may be determined by its description in the contract or printed on the identification document the incidence establishes a right to part of land (rent, free use, servitude and other).

#### **Article 52. The right to land and the right on the building located on it (Buildings, constructions)**

1. Ownership of the building (construction) entails a procedure established by law the right of ownership of the land, which is occupied by these buildings (structures), except as provided in this Code. Right of economic management or the right of management of public entities in the building (structure) entails in the prescribed manner the right of permanent land use on the land specified object.

These rights are inseparable from each other.

2. When the right of ownership or the right of economic management or the right of operational control to buildings (structures, installations) and other immovable property to the purchaser passes ownership, as defined by this Code of cases, the right of permanent or temporary long-term land use on the entire plot of land or its specific part, highlighted the alienation of buildings (structures, installations) in a separate plot of land, or share in common ownership on plot of land in total land use law, if the land is not split or in connection with indivisibility not be shared.

When the section of land the purchaser of the building (structures, installations) is allocated the portion of the dividend of land which is occupied by buildings (structures) and is required for its operation. By agreement of the parties to the acquirer of the building (structures, installations) can be transferred much of the land than is necessary for the operation and maintenance of buildings (structures, installations).

If the specified area is indivisible, or specially designed for maintenance of buildings located on it (buildings, constructions), which are the subject of alienation, he transferred to the buyer of real estate completely.

3. Alienation of rights of ownership or right of permanent or temporary land use rights to land which is occupied by buildings (constructions), and is intended to operate them, without an appropriate disposition of this property, as well as the alienation of property without the proper disposition of land that is occupied this property are not allowed.

4. Filing for temporary use land user of its own buildings (structures, installations) implies the surrender of the temporary land use for the same period the land occupied by these buildings (constructions) and intended for their use.

Renting land with buildings (structures, installations) and intended for their use, temporary land use to another person without proper delivery of the temporary use of this property is not allowed.

5. If the land user has no right to dispose of his land-use right to others, he is also entitled to dispose located at the site of the building (structures, installations), unless otherwise prescribed by this Code.

6. In cases where the temporary land user in the manner prescribed by paragraph 5) of paragraph 1 of Article 64 of this Code, acquires ownership erected on the land with the permission of the owner of the land and in the presence of coordination of the services building (structures, installations), upon the expiration of contract land to be returned. Agreement of the parties may establish a different order of realization of the rights of the owner of buildings (structures, installations), raised in a foreign land.

### **Article 53. Common ownership of the land plot or a general land use**

1. Plot of land, owned by two or more persons shall belong to them as common property.

2. Common ownership of land occurs in the cases stipulated by legislative acts of the Republic of Kazakhstan, in the indivisibility of land (Article 51 of this Code), as well as the voluntary union of the owners of their land in one area.

3. Land may be in common ownership with the definition of share of each of the owners (share ownership) or without specifying the shares (joint ownership).

4. General land use right there on the grounds provided for in paragraphs 1, 2 and 3 of this article.

5. Land shares in land which is in common ownership or common share participation land use, are subject to an

independent land rights and duties, if the laws of the Republic of Kazakhstan does not provide otherwise.

6. Procedure of land use, common property (common land), defined by the contract between the parties to the common property (common land). If no agreement between the order of usage is determined by the court. Agreement of the parties or the court's decision on how to use the land to be registered in the authority responsible for state registration of rights to immovable property.

#### **Article 54. Procedure of land use of agricultural land, common property or general use**

1. The procedure to use the land for agricultural purposes, common property (common land), adopted by the General Meeting participants shared ownership (equity in land use). Notification of the participants shared ownership (equity land) on an upcoming meeting is not less than one month before the date of the meeting in writing on receipt.

2. Subject to adequate notification meeting is considered competent if attended by at least 50% of the equity ownership (equity in land use) or their representatives. Decision is made by simple majority vote at a meeting of participants in share ownership (equity in land use) and registered in the minutes. The protocol signed by all present participants shared ownership (equity land), or their representatives.

#### **Article 55. Transactions with land shares in the lands of agricultural target, located in a common shared property**

1. In transactions aimed at the alienation of shares in the common right of common ownership, a land plot of land on account of shares is not required.

2. The seller of a land share is obliged to notify in writing the remaining participants in share ownership plans to sell its share of a third person with the price and other terms on which he sells it.

If the rest of the common ownership within a month from the date of notification in writing waive the purchase or acquire the share sold, the seller may sell their shares to any person.

#### **Article 56. The procedure for determining the land share in common ownership or share participation in the general land use**

1. If the size of land shares of the co-owners (the total equity in land use) to the site can not be determined under the laws of the Republic of Kazakhstan and is not established by agreement of all participants, land shares are considered equal.

2. Agreement of all the co-owners (total equity of land

use) can be set procedures for determining and changing their land shares, depending on the contribution of each in the acquisition and mastery of the total land plot.

**Article 57. Section of land plot located in common ownership (general Share Participation land), and separating of it shares**

1. If no participants in common ownership (total equity in land use) an agreement on the method and conditions of the division of land, each party may require the partition of their land share of total land in kind (on site), except as provided for in paragraph 2 of Article 62 of this Code and in other cases stipulated by legislative acts of the Republic of Kazakhstan.

2. If a land share in kind is not allowed by the legislative acts of the Republic of Kazakhstan or impossible without disproportionate damage to the land plot and all that is strongly linked with him, catching the proprietor (land) is entitled to pay him the value of his land share other parties share ownership (general land use ) or sell it to another person in accordance with rules established by paragraph 2 of Article 55 of this Code, except when the proportion of land located in the condominium object.

**Article 58. Section of land located in the joint ownership (Total joint-use)**

1. Section of land located in the common property (common joint-use) may be made subject to the prior definition of a land share of each participant.

2. When the section of land located in the common property (common joint-use), the share of each participant is considered equal unless otherwise provided by legislative acts of the Republic of Kazakhstan or the agreement of the participants.

3. Conditions and procedure section of land located in the common property (common joint-use), determined in accordance with Articles 56 and 57 of this Code, unless otherwise follows from the nature of relations between the parties.

**Article 59. Inadmissibility of the section of land which recognized as indivisibility**

1. If, in accordance with Article 51 of this Code, the land declared indivisible, its section and isolated from his land share in kind is not allowed.

2. Be allocated to equity or joint property (land) in this case is entitled to payment of his share of the value of his land by other parties to the common property (common land) to the land or sell it to another person in accordance with rules established by paragraph 2 of Article 55 of this Code,



except for objects of a condominium.

#### **Article 60. Matrimonial property on land**

1. The legal regime of ownership of land or land use rights owned by spouses, determined in accordance with the rules laid down by civil and matrimonial law of the Republic of Kazakhstan regulating property relations between spouses.

2. Land and land shares owned by spouses before marriage, and they have received through inheritance as a gift, are in the property (land), each of them.

Plots of each spouse can be recognized by their joint ownership (joint land-use) if it is established that during the marriage at the expense of marital property investments have been made, the higher value of the land, unless otherwise stipulated by the agreement between the spouses.

3. The procedure for determining spouses' shares in joint ownership (joint-use) for the section of land is established by Article 58 of this Code.

#### **Article 61. Ownership of the property, located in the general area**

1. The owner of the property, located in the general area, has the right to possess, use and dispose of the property at its discretion, including bear appropriate buildings (structures, installations), if it does not contradict the terms of the general land use established by legislative act of the Republic of Kazakhstan or contract.

2. When the right of ownership of the property, located in the general area, to another person is, unless otherwise prescribed by this Code, shall acquire the right to land at the same level as the previous owner of the property.

#### **Article 62. The right to land at home, in which there are several apartments and (or) non-residential premises, and in other condominium facilities**

1. Land area required for placement, operation, maintenance apartment building or other object of the condominium, becomes the established order in the common shared property owners of premises located in the condominium object.

Participants condominium - public land users, which areas belong to the right of economic management or operational management, to acquire land in the prescribed manner the right of the total permanent land use, unless otherwise prescribed by this Code.

The right to land condominium participants who in the Republic of Kazakhstan land can not belong to the ownership or the right of permanent land use is determined in accordance with paragraph 7 of Article 6 of this Code.

The division of land, part of the condominium object is allowed with the written consent of all participants in a condominium subject to sanitary, environmental, fire, building and other regulations.

2. The share of each owner of premises (other owner) in the common property cannot be separated from the separate (individual) property (other real right) on the premises belonging to him. The size of the share, unless otherwise established by agreement from condominium owners, defined as the ratio of residential floor space and the area of non-residential premises in the separate (individual) property rights (other proprietary right) to the amount of usable areas for all residential and nonresidential areas of all the premises of this facility condominium. This proportion cannot be isolated in nature (perfect share).

Procedure for use of land located outside (beyond) the basement of the building, determined by agreement of members of the condominium with a condition of observance of public interest, sanitary, environmental, fire protection, city planning and other regulations.

3. Plot with buildings (structures) can be provided in the separate property of the participants in the condominium where the need for technological needs of the operation of non-residential premises on condition that this land will be located outside the contour of the building (structures, installations) and its use will not conflict with the exploitation of land, part of the condominium object, as well as sanitary, environmental, fire, building and other regulations.

4. The transfer of ownership to an apartment (room) to another person shall transfer to the acquirer of the apartment (building) the proportionate share of the right to land (land).

5. For managing common property and its operation, proper maintenance of the entire house (building, equipment) and house land (lands), the participants elect the condominium form of property management of condominium in accordance with the laws of the Republic of Kazakhstan.

6. The right to land, which is in common ownership condominium participants (general use), as well as payments for the land in a manner and under conditions stipulated by the legislation of the Republic of Kazakhstan.

7. In the garage, country and other consumer cooperatives, the rights of participants in the land, common property, the rules of the condominium.

### **Article 63. The foreclosure on the land, privately owned, and land-use right**

1. Plot, a privately owned, as well as the right of permanent and long-term temporary land included in the assets

of individuals and entities to which they are responsible for its obligations, including in cases of bankruptcy, unless otherwise stipulated by the legislation of the Republic of Kazakhstan.

Can not be levied on land listed in paragraph 2 of Article 26 of this Code, also owned by state land, except as provided for in paragraph 3 of Article 39 of this Code.

2. Foreclosure on land and on the right of permanent and long-term temporary land use in the procedure prescribed by civil and civil procedural legislation of the Republic of Kazakhstan, and is registered in the authority responsible for state registration of rights to immovable property.

## **Chapter 6. Rights and responsibilities of land owners and land users when using land**

### **Article 64. The rights of land owners and land managers to use land**

1. Land owners and land users, unless otherwise prescribed by this Code and other legislative acts of the Republic of Kazakhstan have the right to:

- 1) to independently manage the land, using it for purposes arising from the use of land;
- 2) ownership, economic management, operational management for crops and planting of agricultural and other crops and plantations produced agricultural and other products derived from the use of land and income from its realization;
- 3) for use in a prescribed manner without the intention of subsequent transactions for the needs of their farms available on the land, sand, clay, gravel and other common minerals, peat, planting, of surface and groundwater, as well as the operation of other useful properties of the earth;
- 4) to recover damages in full for expropriation, including redemption, land for public purposes;
- 5) build on the right of ownership, economic management, operational management of residential, industrial, domestic and other buildings (structures, installations) in accordance with the purpose of land taking into account the zoning of land;
- 6) to irrigation, drainage and other land reclamation, construction of ponds and other water bodies in accordance with established construction, environmental, sanitary and other special requirements.

2. Powers envisaged by subparagraphs 2), 3), 5) and 6) of paragraph 1 of this article, for temporary land may be restricted by the act granting the land or lease agreement (the agreement for temporary free use).

## **Article 65. Duties of owners of land plots and land users to use of land plots**

1. Land owners and land users are obliged to:

1) use the land according to its end use, and for the temporary use - in accordance with the act granting the land or lease agreement (contract grant temporary land use);

2) to apply the technology of production, appropriate sanitation and environmental requirements, to prevent harm to human health and the environment, the deterioration of sanitary-epidemiological, radiological and environmental conditions as a result of their ongoing business and other activities;

3) implement measures to protect the land under Article 140 of this Code;

4) timely pay land tax, fees for land use and other mandatory legislation of the Republic of Kazakhstan and contract payments;

5) comply with the order of use of wildlife, forest, water and other natural resources, ensure the protection of historical and cultural heritage and the other located on a plot of the objects protected by the state, according to the laws of the Republic of Kazakhstan;

6) for the implementation of economic and other activities on the land comply with construction, environmental, sanitary and other special requirements (norms, rules, regulations);

7) timely submit to the authorities established by the land legislation of the Republic of Kazakhstan state information and use of land;

8) does not violate the rights of other owners and users;

9) to prevent pollution, littering, degradation and deterioration of soil fertility, as well as the removal of topsoil for sale, or transfer it to others, except when such withdrawal is necessary to prevent the irretrievable loss of topsoil;

10) ensure the provision of easements in the manner prescribed by this Code;

11) reported to the local executive bodies of the identified waste production and consumption, not their own.

2. Temporary land users may have other duties stipulated by agreements on the temporary land use.

3. Land owners and land area have all duties, encumbering the land (its intended use, the provision of easements, the payment of taxes and other obligatory payments, etc.), unless otherwise provided in this Code.

4. Purpose and mode of use of land, easements and other conditions of use established on the basis of normative legal acts could not be independently altered land owner or land.

## **Article 66. The rights and obligations of owners of land**

**plots and land users, that the right to land into force of this Code can not belong**

1. In cases where for reasons stipulated by legislative acts of the Republic of Kazakhstan, a person acquires the land law, which it (a person) cannot be in accordance with standards established by this Code, this right is subject to a period of one year estrangement with regulations established by civil legislation of the Republic of Kazakhstan, or should be renewed within the specified time in the land title, which is in accordance with this Code, such an entity may belong.

2. The alienation of land owned by or use in connection with the disposal of buildings (structures, installations) a person who has alienated the right to land can not belong, it must be converted into the right of purchasers who, in accordance with this Code and other legislative Acts of the Republic of Kazakhstan may belong to such person.

**Chapter 7. Easements**

**Article 67. Grounds for an easement**

1. In the cases stipulated by this Code and other legislative acts of the Republic of Kazakhstan, the owner or land user must provide to interested individuals and entities entitled to a limited target to use the land to which he belongs to the ownership or land use.

2. Limited right to use someone else's trust land (easement) may occur:

- 1) directly from the legal act;
- 2) based on the agreement of the person concerned with the owner or land;
- 3) through an act of the local executive body;
- 4) pursuant to a court decision;
- 5) in other cases stipulated by legislation of the Republic of Kazakhstan.

3. If the legal act provides for the establishment of an easement on the basis of an agreement of the person concerned with the owner or land, denial of the past to conclude such an agreement or contract terms offered by the owner or land may be challenged in court by the person concerned by bringing an action against the owner or land user.

4. If the legal act provides for the establishment of an easement through an act of the local executive body, the act may be challenged in the courts are interested in establishing an easement person, owner or land.

**Article 68. The right to find the individual on other people's land plots and pass through them**

1. Individuals have the right freely, without any

permission to be on is not closed to public access land.

2. If the land plot, located in someone's private property or land not fenced or if the private owner or land not otherwise marked the entrance to the site without his permission is not allowed, any person may pass through this area, if it does not harm private owner or land user.

#### **Article 69. Right of limited use adjacent or other land**

1. Private owner or land user may demand from the subject of private ownership or land use on adjacent land, and where necessary - on the subjects of the right of private property or land and other land grant of the right of limited use these sites (private easement).

2. The right to limited use of adjacent or other land (private easement) may be established to ensure:

1) pass and travel through the adjacent or other land if another path of the private owner or land to your site is impossible, extremely difficult and requires a disproportionate expenditure;

2) laying and operation of necessary transmission lines, communications, water supply, drainage, heating, irrigation and other needs of the private owner or land that can not be achieved without the establishment of an easement to the adjacent or other land.

3. Private easement to the adjacent or other land shall be determined by agreement with the subjects of private property rights or land on these sites.

Entity, the limited use of land must compensate the private owner or land user all the losses associated with the easement.

4. On the basis of regulations of the local executive authorities may be established public easements in cases where it is necessary for the interests of the state and the local population, without exception land.

Public easements may be established for:

1) the passage or transit through the land to public facilities, cemeteries, funerals, and other cult objects;

2) use of land for the repair utilities, engineering, electrical and other lines and networks, as well as objects of transport infrastructure;

3) placement on the land, carved and geodetic signs and entrances thereto;

4) water intake and watering;

5) driving cattle across the land;

6) use of land for hunting, fishing in the area located on a closed water body, collecting wild plants on time and in the prescribed manner;

7) the temporary use of land for prospecting, research and other works;

8) free access to the coastal strip;

9) use the land for cultural events by the public authorities;

10) in other cases related to public and state interests.

5. The owner or land user of land encumbered by a private easement is entitled to a fee commensurate with the persons in whose interest is set servitude, except as otherwise provided by legislative acts of the Republic of Kazakhstan.

6. In establishing a servitude on land, state-owned and not provided in the land, the fee for an easement to the budget.

7. The owner or land user of land encumbered with a public easement, the right to require the public body that created the public easement, the proportionate fee, if the establishment of an easement leads to considerable difficulties in the use of the land.

In cases where the establishment of a public easement leads to the inability to use the land, the land owner or land user may demand withdrawal, including redemption, he has given the land with compensation of public authority that established a public easement, damages in full at the time of termination ownership or land use or provision of equivalent land or cannot - the other land to offset its cost or the rights to it in price and reimbursement of incurred losses.

#### **Article 70. Cattle passes the temporary road (seasonal) use**

1. Cattle passes highway temporary (seasonal) use may be established by district (the district) or regional (in the territory of two or more districts), the executive in consultation with the private owners or land users of land which runs track, without withdrawal of land from private owners or land users.

2. Livestock owners are responsible to private owners or land users responsible for damages caused during transhumance on the highway.

#### **Article 71. Land use for survey work**

1. Individuals and legal entities carrying out geological, geophysical, prospecting, surveying, soil, geobotanical, land, archaeological and other survey work, may carry out these works without withdrawal of land from private owners or land users.

2. Permission to use the land for the works referred to in paragraph 1 of this article, indicating its validity issue district and city executive bodies, and for work on arable land, improved grasslands and pastures, on land, permanent crops, as well as lands of specially protected areas and forest lands - regional (cities of republican status, capital), the executive bodies.

3. Dates, place these works, the responsibilities for damages and enforcement of land in a condition suitable for use for their intended purpose, as well as other conditions determined in the agreement prospector with private owner or land user or authority areas (cities of republican status, capital ), region (city of regional significance) at the location of the land (on reserve lands, the lands of other categories in which there are no land owners and land users).

4. Reduction of land used for exploration, in a condition suitable for its intended purpose, defined by the contract between the private owner or land and prospector, given that work to bring sites into usable for its intended use shall be in status during the survey work and if this is impossible, no later than one month after the completion of works, excluding the period of soil freezing.

#### **Article 72. Other easements**

In the cases stipulated by legislative acts of the Republic of Kazakhstan and the parties' agreement may be inferred other easements, except those specified in this Code.

#### **Article 73. Preservation easement on the transition rights to land**

1. Easement is preserved in case of transfer of title to land or land use rights land, encumbered by a servitude to another person.

2. Easement cannot be an independent subject of transactions, including purchase and sale of collateral. Easement can move on to other persons only with the law, to ensure that established easement.

#### **Article 74. Termination of Easement**

1. The action of an easement is terminated by the refusal of the right holder, long disuse (3 years), the expiration of the term for which he was set on the basis of agreement between the parties on the basis of court decision on any other grounds provided by legislation of the Republic of Kazakhstan.

2. Public easement may be terminated if there is no public use for which it was established by a decision of the local executive body of the abolition of servitude.

3. In unilateral action of an easement is terminated for reasons stipulated by legislative acts of the Republic of Kazakhstan and the parties' agreement.

4. Easement through the courts may be terminated at the request of the private owner or land in connection with the improper use of its owner, as well as the absence of grounds on which it was installed.

5. In cases where the easement is set for a fixed term shall expire upon expiration of the deadline, unless otherwise



agreed by the parties. In cases where an easement on the basis of the contract is set before the demand or for an indefinite period, the action of an easement is terminated after one month from the date of request of the holder of real estate encumbered by easement, the termination of an easement.

#### **Article 75. Registration of an easement**

1. State registration of the legal cadastre to be the emergence, change and termination of easements that provide the right holder the right to limited use of the target foreign land, unless otherwise stipulated by this article, and legislation of the Republic of Kazakhstan on state registration of rights to immovable property.

2. When registering an easement to the documents on which there was an easement is attached plan of land with the map boundaries of the scope of an easement, a certified person granting such an easement. If the easement applies to the entire land area, providing a plan of land not required.

3. Not subject to state registration of easements arising under the regulations, as well as other easements that are not objects of registration in accordance with the legislation of the Republic of Kazakhstan on state registration of rights to immovable property.

### **Chapter 8. Mortgagees and land use rights**

#### **Article 76. Subject of mortgage**

1. The subject of pledge may be land owned by the mortgagor on the right of private ownership or use rights.

2. To pave the land and land-use rights, the rules on mortgage of real estate, unless otherwise stipulated by the legislation of the Republic of Kazakhstan.

3. In the case of treatment of mortgaged land or the land use rights in foreclosure with respect to persons who are entitled to the land can not belong to the force of this Code, the rules set out in Article 66 of this Code.

#### **Article 77. Limitations of mortgage of land and land use rights**

1. Pledge of land and land use rights shall not be allowed in cases where transactions in respect of land or land-use rights is prohibited (paragraph 2 of Article 33 and Article 36 of this Code).

2. Not be allowed bail of land or land use rights on the part of the land, if this part cannot be in accordance with the purpose used as a standalone site.

Not be allowed bail of a dividend of land or part thereof, or land use rights at the whole plot or part thereof without the simultaneous pledge buildings (structures,

installations) situated on the collateral provided by a plot or provided by a pledge of its parts.

Not be allowed bail undivided land or land-use rights to undivided land without a simultaneous pledge the on buildings (structures, installations).

Pledge of buildings (structures, installations) without a simultaneous pledge of a dividend of land or land use rights on the part of the dividend of land occupied by these buildings (structures) and needed to use it, or without a simultaneous pledge of undivided land or land-use rights for the entire undivided land on which the buildings (construction) is not allowed.

In establishing a lien on the part of the land must be complied with the requirements under paragraph 3 of Article 51 of this Code.

3. Pledge of temporary land use in the form of long-term lease of the land allowed for the duration of the lease.

Pledge right short-term Interim paid and temporary grant of land use is not allowed.

#### **Article 78. The pledge of land or rights of land-use, where there are buildings (buildings, constructions)**

1. Pledge of buildings (constructions) situated in the divisible land, means that both pledged portion of the dividend of land or land-use right to the dividend portion of the land which is occupied by buildings (structures) and is required for its maintenance, unless the agreement parties to the pledge is not available longer than this, part of the land or land-use right to part of the land or the entire plot of land or land-use right for the whole plot.

Pledge of buildings (structures, installations) located on the undivided land or on land specifically designed to serve the property located on it, means that both pledged the entire plot of land or land-use right for the whole plot.

With a pledge of buildings (constructions) should consider the cost of the relevant land or a divisible part of a land-use rights to land or divisible part.

2. If the undivided land with buildings (structures, installations) that are in common ownership (otherwise the general Property Act), the pledge of the building (buildings, constructions) mean that both pledged the land required for the location, operation and maintenance of the building (structures, facilities). If the collateral in these cases is part of the building (structures, installations), allocated in accordance with the legislation of the Republic of Kazakhstan, or share a right to common property, bail is set at the same time to share in the area, the corresponding area of the building (structures, installations) passed in the pledge. Pledge of premises in the site condominium, meaning that collateral is the share of the common property and land, as

determined in accordance with Kazakhstan legislation governing the relationship between the parties to the condominium.

3. Public land users the right to pledge their rights of permanent land use only if they pay a mortgage of the building (structures, installations) are located in this area and that part which is occupied by these buildings (structures) and is designed to its services (paragraph 2 of Article 39 of this Code).

#### **Article 79. The order of mortgagees and land use rights**

1. Pledgers can be physical and non-governmental entities that have land in private ownership or the right of temporary onerous long-term land use.

Public land users the right to pledge their rights of permanent land use on the terms and conditions established by this Code.

2. Pledgee may be individuals or legal entities.

3. Pledge of undivided land, located in the joint ownership or joint use, in general, is allowed with the written consent of all participants in the common ownership or common land.

The co-owners on the land or the total equity of land use right to lay their share without the consent of the other participants in the common ownership or common land.

4. Persons having the right of common ownership of land, can lay the land based on decisions of the general meeting of members of the common property.

Mortgaging of land purchased from the state to private ownership in installments, may be on the terms and conditions established by paragraph 4 of Article 24 of this Code.

5. To pledge land or land-use rights, natural and legal persons represent a potential mortgagee:

title and identification documents for the land;  
participants written approval of common ownership or common joint land, certified by a notary;  
details of the legal inventory of registered title (encumbrances of rights) of land.

When sending in a pledge of land or land-use rights to it for general land should reflect that portion which is provided by pawning.

6. (Excluded - Law of RK as of January 10, 2006 N 116).

7. After reaching a bilateral agreement on the value of land or land use rights in the provision of basic obligations constitute the contract of pledge of land or land use rights between the mortgagor and mortgagee in duplicate.

8. The contract on the mortgage cannot provide for transfer of land or land-use rights to the creditor or other third parties, restricting the right of the mortgagor, and (or) third parties to use the owned land or land as laid down under a contract of mortgage, in accordance with its purpose,

as well as removed from the site fruits and revenues.

9. (Excluded - The Law of RK as of July 6, 2007 N 279).

10. Title and identification documents for the land transferred to the mortgagee or trustee, unless otherwise stipulated by the contract of pledge.

11. The right of pledge of land or land use rights arises from the state registration of pledge in the bodies that register rights to immovable property and transactions with them, at the location of land.

12. In case of default by the debtor of the principal obligation mortgagee may satisfy their requirements in accordance with civil legislation of the Republic of Kazakhstan.

### **Article 80. Registration of mortgage of land or land use rights**

The pledge of land or land use rights subject to state registration in the manner prescribed for the registration of immovable property and transactions with them.

## **Chapter 9. Termination of property rights, land use rights and other rights on land**

### **Article 81. Grounds for termination of private ownership of the land or land use rights**

1. Private ownership of land or land-use right is terminated when:

1) alienation of the land owner or land user of land use rights to others;

2) the refusal of the owner of the rights of property or land from land-use rights;

3) loss of ownership of land or land use rights in other cases stipulated by legislative acts of the Republic of Kazakhstan.

2. Withdrawal, including the redemption of land from the owner and the land use rights for land users, without their consent is not permitted, unless:

1) the foreclosure on the land or land-use right for the obligations of the owner or land;

2) expropriation, including redemption, land for public purposes;

3) The forced removal of the owner or land plot is not used for the intended purpose or used in violation of the laws of the Republic of Kazakhstan, in the cases stipulated in Articles 92 and 93 of this Code;

4) The expropriation of the land owner or land area affected by radioactive contamination, with the provision of equivalent land;

5) seizures.

3. In addition, land-use right can be terminated for the following reasons:

1) the expiry of the period for which land was granted;  
2) the early termination of land lease contract or a contract of temporary land grant, except in cases where land is in the mortgage;

3) termination of employment, in connection with which the land user has been granted official allotment (Article 41 of this Code).

### **Article 82. Waiver of right of private property or land use rights**

1. The owner or land user may opt out of the ownership of the land owned by him or on land-use rights, declaring this or committing other acts, some evidence of their removal from their rights to land without the intention to preserve these rights.

Waiver of temporary land use rights or temporary use on land, privately owned, according to the procedure established for the termination of the lease or contract of temporary free use.

2. In the case of a land owner or land user action is some evidence of their abandonment of ownership or land use (departure, prolonged disuse of the site and others), this section shall be registered as ownerless property authorized bodies of the city of republican status, capital, area (cities of regional value) with the notice the authority conducting the state registration of rights to immovable property.

After one year from the date of taking the register as ownerless property relevant executive authority may apply to the court for recognition of land received in the state ownership. Vacant land, not recognized by the court admitted into state ownership, may be readmitted into the possession, use and disposal of abandoned him by the owner or land either acquired the property or land by virtue of acquisitive prescription.

At the time spent on the account as ownerless property of such a plot may be loaned land to another person.

3. In case of voluntary renunciation of the right of private ownership of land or land use right basis for making land registration as ownerless property is a notarized written statement of the land owner or land.

The land owner or land user has the right to re-gain the specified land ownership or land use within one year from the date of his capture on record as ownerless property.

After one year from the date of taking the register as ownerless property relevant executive authority may decide to declare the land received in the state ownership.

### **Article 83. Foreclosure on land site or on land-use right the obligations of the owner or landholder**

When the foreclosure on land or on land-use right for the obligations of the owner or land (Article 63 of this Code), the ownership of land or land-use right is terminated by the owner or land since the emergence of property rights to the seized land or land-use rights for the person to which the right of ownership or land use changes in the manner prescribed by the legislation of the Republic of Kazakhstan.

At the request of the mortgagor the court for good cause (natural disasters and other emergencies), as well as in the case of a pledge of agricultural land has the right solution to the foreclosure on the mortgaged land (land-use right) to delay its implementation for up to one year.

### **Article 84. Expropriation of land for public and state use**

1. Plot in exceptional cases may be forcibly alienated for state needs by the court if you can not no other way to meet those needs and provided equal compensation of property.

2. Exceptional cases for the compulsory acquisition of land for public use are:

- 1) an international obligation;
- 2) provision of land for defense purposes, and specially protected natural areas, recreation, recreational, historical and cultural facilities, the establishment and functioning of special economic zones;
- 3) the discovery and development of mineral deposits (other than widespread);
- 4) construction of roads, power lines, communication lines, pipelines, engineering and communication networks, public communities, as well as other objects of state significance;
- 5) demolition of dilapidated housing and emergency, threatening collapse (caving);
- 6) execution of master plans for settlements in the construction of the facilities subject to the list of exceptional cases established by this article, as well as construction of facilities provided by state and regional programs and investment projects to ensure the public interest and achieving socially important goals.

3. The laws of the Republic of Kazakhstan may provide other exceptional cases of expropriation of land for public use, except as outlined in paragraph 2 of this article.

4. Expropriation for public use of land granted for temporary land use, if granted the right not purchased by the state land user, shall without compensation of land use

rights. Land users reimbursed losses in full, and at their request may be granted to another land.

#### **Article 85. Ransom of land plot**

1. Expropriation of land for public use from the owners and private land, if land-use right by them were purchased, according to the procedure of redemption in accordance with this Code, and in part not regulated by them, other laws of the Republic of Kazakhstan.

2. The owner of the land or non-state land user must be no later than one year prior to the upcoming redemption of such a section in writing notified the body that made the decision to purchase, unless otherwise stipulated by the laws of the Republic of Kazakhstan.

Redemption of land before the expiration of the year from the date of receipt of the owner or non-landholder such notification only with the consent of the owner or private landholder, unless otherwise stipulated by the laws of the Republic of Kazakhstan.

#### **Article 86. The rights of the owner or private landholder land for Expropriation for public use**

The owner of the land user or non-state land for expropriation for public use, after receiving notification of the decision to repurchase up to an agreement on price or a court decision on the repayment of such a plot owned by him may exercise the right to land and make the necessary expenditure to ensure Use of this site in accordance with its designated purpose. In this case, the land owner or land user bears the risk of non-state classification for his costs and losses associated with new construction, expansion or renovation of buildings (structures, installations) on this plot of land in the period.

If the land owner or land user after the non-governmental expropriation for public use of the land cannot be used to continue the remainder of the intended purpose, then bought out the entire plot.

#### **Article 87. The price for the redeemed land**

1. The price for the land, redeemable for expropriation for public needs, timing and other terms of repayment are determined by agreement with the owner of the land or non-governmental stakeholders.

Price for agricultural land (excluding losses), the owner of the land acquired by the state in accordance with subparagraph 2) of paragraph 2 of Article 24 of this Code and redeemable for expropriation for public use is determined for the amount paid by the state.

In case of partial payment of the amount of land

(excluding losses), sold by the State in installments, and bought it for expropriation for public needs redeemed the land price determined in the amount paid by the amount.

2. In determining the price for the redeemed the land by expropriation for public purposes it includes the market value of land or rights thereto, and the on immovable property at the time of cessation of ownership or land use, as well as all losses in full, caused by the land owner or non-land user in connection with the compulsory acquisition of land, including the losses that it incurs in connection with the early termination of obligations to third parties.

The market value of land determined in accordance with Kazakhstan legislation on valuation activities.

3. By agreement with the owner of the land or non-land user may be provided instead of land redeemed for expropriation for public needs, another plot of land provided by offsetting the cost of land or rights to it in the redeemed value of the land or rights to it in the market value at the time of cessation of ownership or land use.

In cases where the expropriate for public purposes land or a right to it must have been purchased by the state, but the ransom was not produced, the market value of the land is not included in the price, in agreement with the private landholder may be granted instead of the other land of equal site.

#### **Article 88. Redemption of land by court order**

If the owner or non-state land user disagrees with the decision to purchase his land for public needs, or with no agreement on the price of the redeemed land or other terms of redemption, the local executive authority which decided on redemption may bring a lawsuit on redemption of the land.

Such action may be brought after one year but not later than two years from the date of the owner of the land user or non-site notification referred to in paragraph 2 of Article 85 of this Code, unless otherwise provided by legislative acts of the Republic of Kazakhstan.

The land owner or land user has the right to non-state challenge in court the decision of the local executive body of the redemption of his land (land use rights).

#### **Article 89. Withdrawal of land from state land for public use**

Seizure of land from state land for public needs is based on a unilateral decision by the executive body which carries out the removal.

Such a decision may be appealed to a higher authority or by the courts. Filing an appeal suspends the execution of the decision on seizure.



## **Article 90. Restriction of individual seizures of land categories**

Withdrawal of irrigated agricultural land, the land of experimental fields of research and education of agricultural, biological and irrigation and drainage, fishery profile, Forestry and Water funds allowed only in exceptional cases involving the establishment and expansion of protected areas, implementation of international obligations, the detection under section deposits of valuable minerals, building roads, power lines, communication lines and pipelines, engineering and communication networks, public communities, as well as objects of state significance, in the absence of other possible options for their placement.

## **Article 91. Temporary withdrawal of land in cause of emergency**

1. In the event of disaster, martial law, accidents, epidemics, epizootics and other emergency situations, the land in the public interest by the decision of local executive bodies may be temporarily withdrawn from the owner or land with compensation for his losses. Assessment, on which the owner or land user offset losses may be challenged in court.

2. Upon termination of an emergency land to be returned to the owner (land), and there is a dispute he is entitled to its return to the court.

3. If you cannot return to the land owner or land user reimbursed for the cost of land or land-use rights.

4. The order of requisition of property, including real estate, the temporary seizure of land by the norms of civil legislation of the Republic of Kazakhstan.

## **Article 92. Forced withdrawal of land plot from the owner and landholder not used for intended purpose**

In cases where the land intended for farming or housing or other construction, is not used for appropriate purposes within two years (unless a longer period is provided by the laws of the Republic of Kazakhstan), then such land shall be subject to forced removal from the owner and land user in manner specified in Article 94 of this Code. During this period does not include the time required for the development of such a plot, and the time within which the plot could not be used for the intended purpose because of natural disasters or due to other circumstances precluding such use. Conditions and terms of development plots set in the order determined by the Government of the Republic of Kazakhstan.

## **Article 93. Forced withdrawal land plot from the owner**

**and landholder used in violation of laws Republic of Kazakhstan**

In cases where the use of land is carried out in gross violation of the rules of rational use of land established by this Code or other laws of the Republic of Kazakhstan, in particular, if the land is not used in accordance with the purpose or its use significantly reduces the fertility of agricultural lands or significantly deterioration of ecological conditions, after application of penalties under the legislation of the Republic of Kazakhstan on Administrative Offences, a plot of land subject to compulsory withdrawal from the owner or land in the manner provided in Article 94 of this Code.

In the cases stipulated by part one of this article, the land owner or land user is required to reimburse the State for damage in accordance with civil legislation of the Republic of Kazakhstan, except in cases arising under force majeure circumstances (force majeure).

**Article 94. The order of compulsory retirement of land the site is not used for any purpose used in violation of laws Republic of Kazakhstan**

1. Requisitioning of land from the owners and users of land referred to in Articles 92 and 93 of this Code shall be made in court at the suit of the territorial authority on land management area (city of republican status, capital) at the location of the land.

2. A claim for compulsory seizure of land in the case provided for in Article 92 of this Code may be instituted only after written notice of the owner or land user of the need to use the land for the purpose, made no less than a year before suing, and provided that during this time the land owner or land user has not taken the necessary steps to use this site for its intended purpose.

3. A claim for compulsory seizure of land in the case provided for in Article 93 of this Code may be instituted only after the application of penalties under the legislation of the Republic of Kazakhstan on Administrative Offences, and written notice of the land owner or land user of the need to eliminate violations of the law of the Republic of Kazakhstan, made no less than three months prior to the presentation of the claim and provided that during this period land owner or land has not been resolved violations of the law of the Republic of Kazakhstan to use the site.

If a violation of the law of the Republic of Kazakhstan land owner or land user was to use this site inappropriately, the territorial authority on land management area (city of republican status, capital), region (city of regional significance), mayor of the city district level, town, village

(village), aul (rural) district to a claim of compulsory withdrawal must submit proposals to the local executive body of the region (city of republican status, capital), region (city of regional significance), governor of the city district level, town, village (village) aul (rural) districts for the location of the site to change its purpose at the request of land owner or land. Claim in this case can only be brought under negative decision on changing purpose of this site.

4. In the case of forced removal from land owner or land by the court on the grounds specified in Articles 92 and 93 of this Code, the ownership of land or land-use right (with respect to the state treasury lease rights to land) is sold at auction (tenders auctions) in the manner prescribed by the civil procedural and executive legislation of the Republic of Kazakhstan.

Proceeds minus the cost of compulsory seizure of land paid to former land owner or land user. When it is impossible the implementation of such land or land use rights on him after less than three tenders (auctions) within one year the land shall be entered by the court in a special land fund.

#### **Article 95. Confiscation**

In the cases stipulated by legislative acts of the Republic of Kazakhstan, the land can be freely withdrawn from the owner or land in court as a sanction for committing a crime or other offense.

Not subject to confiscation needed to convict and those dependent on him, land belonging to the convict on the right of private property or which it shares in common ownership, which accommodate a house and outbuildings, as well as land plots necessary for the conduct of private farming according to the list provided for the criminal-executive legislation of the Republic of Kazakhstan.

The confiscated land returned to state ownership. Implementation or continued use of such land, or land use rights, which is subject to forfeiture may be made in accordance with the legislation of the Republic of Kazakhstan.

#### **Article 96. Score plot termination of ownership or land use rights**

Upon termination of ownership or land use land or land-use right is assessed at market value.

### **Section 3. Categories of land**

#### **Chapter 10. Agricultural land**

## Article 97. The concept and composition of agricultural land

1. Agricultural lands are lands granted for agricultural purposes, or intended for these purposes.

2. As part of the agricultural lands allocated agricultural land and land occupied by on-farm roads, communications, closed bodies of water, land reclamation network, buildings and structures necessary for the functioning of agricultural and other lands (salt licks, sand, steppes and other miscellaneous land, interspersed with a tracts of agricultural land).

3. Agricultural lands are subject to special protection. The use of these lands for purposes not related to agricultural production, is allowed in exceptional cases (Article 90 of this Code).

On land provided by individuals and legal entities for agricultural production, farm or farm, and field allotments private farming is not allowed the construction of facilities not related to agriculture, including residential houses (including the solo). In this case, the construction of livestock farms, temporary buildings and domestic buildings for seasonal work and pastures for cattle grazing on agricultural lands cannot use valuable agricultural land, which includes all kinds of irrigated agricultural land, arable land, fallow and the land occupied by perennial plants.

3-1. Not allowed partition of agricultural land, owned or land-use areas, areas which are below the minimum established in accordance with paragraph 5 of Article 50 of this Code.

4. To agricultural land include: arable land, fallow, land, permanent crops, hay fields and pastures.

Arable land - land that systematically processed and used for sowing of crops, including perennial grasses, as well as fallow. For arable land does not include hayfields and pastures occupied by pre-sowing crops (for a period not exceeding three years), tilled to a radical improvement, as well as between rows of gardens, used for sowing.

Deposit - the land, which had previously been a part of arable land and more than one year, beginning in the fall, is not used for planting crops, and is not prepared under par.

Perennial plantations - land used for artificial tree, shrub perennial plants designed to produce a crop of fruit and berries, technical and medicinal products, as well as for decorative areas.

Natural hayfields and pastures - land, systematically used for haying and grazing animals.

Hay meadows and pastures radical improvement - areas of grasslands and pastures, which was created by tinned new grass.

Flooded pastures - pastures, in which there are water

sources (lakes, rivers, ponds, digging irrigation canals or watering, pipe or water wells) to provide water of good quality suitable livestock.

5. Farmland can be irrigated and rainfed.

For irrigated agricultural land are land suitable for agricultural use and irrigation, with a permanent or temporary irrigation system connected to a source of irrigation, water resources, which provide irrigation of the land sink no lower than 75 percent of security in the optimal timing for the project or the current standards for irrigation rates current efficiency of the system.

Liman irrigation lands are areas where there are water-retaining walls, water-regulating dams and other waterworks, ensuring retention and redeployment to the area of these plots of melt water and spring floods, and water fed from irrigation or watering of channels for soils.

6. Agricultural land available:

1) in private ownership to citizens of the Republic of Kazakhstan for the development of private farming, gardening and dacha construction;

2) to private property or land to individuals and legal entities of the Republic of Kazakhstan for conducting a country or farm, commercial farming, afforestation, research, experimental and educational purposes, of a subsidiary agriculture, horticulture and animal husbandry;

Term of the land by right of land use for these purposes is not less than five years, providing the land for less than five years without the consent of the applicant interested in obtaining one;

3) for foreigners and stateless persons in temporary land under lease for 10 years.

7. In order to state control over the quality of agricultural land transferred to the land use and ownership of citizens and legal entities is a passport of agricultural land on the basis of materials of soil, soil reclamation, geobotanical surveys and soil evaluation at the expense of budget funds.

The form of the passport of agricultural land approved by the central competent authority for land management.

Organization of work on the passport of the land and its issuance of implementing the competent authorities of the regions (cities of republican status, capital) areas (cities of regional importance) at the location of the land.

## **Article 98. Order of transfer of agricultural land from one type to another**

1. The need for translation (transformation) of agricultural land from one type to another is justified by natural factors, the economic expediency of their further use in other lands.

2. The basis of the translation work of agricultural land from one type to another may be the application of the land owner or land, filed the appropriate local executive bodies on the location of the land, as well as an initiative of the local executive body.

3. Funding for land management works to transfer agricultural land from one type to another, mandated by the local executive body, is due to the budget, and at the request of land owners and land users - at their means.

4. Translation of agricultural land from one type to another can be done on land, a group of sites, irrigation, land use.

Availability of agricultural land, land-reclamation conditions that require their translation into other types of land, previously established based on a review of available planning and cartographic materials, projects, land management, reclamation of construction, materials, soil, land reclamation, geo-botanical surveys, surveys of salt, the data of land cadastre, land inventory.

5. The grounds for the transfer of more valuable agricultural land in the less valuable are:

for arable land - Inconsistency agroindustrial soil characteristics of land to their actual use, high levels of contamination by toxic substances;

for perennial plantings - the age limit for plantations, their sparse growth of threes, poor species composition, unfavorable soil characteristics of land reclamation;

for hay - desertification, degeneration of the meadow vegetation, deterioration of reclamation status of lands;

for pastures - bad condition.

When transferring the irrigated land in rainfed addition to meeting the above factors are taken into account the loss of communication with a source of irrigation, non watering, technical state of on-farm irrigation systems, and for land irrigation lagoon - termination of flooding due to drainage or lack of redistribution of water resources, the technical condition of buildings.

If necessary, the local executive authorities may impose, and other indicators of transfer of valuable agricultural land in the less valuable: the minimum productivity of agricultural lands, the level of salinity, alkalinity, soil contamination and other criteria affecting the qualitative characteristics of land.

6. Proceedings of the transfer of farmland from one species to another must include:

An explanatory note with the conclusions and proposals; explication of land that were being transferred from one species to another;

the act of drawing and field survey with the mapping of identified agricultural lands, subject to transformation; qualitative characteristics of land;

information about the technical condition of irrigation networks, liman irrigation, watering facilities and fixed assets.

7. Proceedings of the transfer of farmland from one species to another are transferred to the authority area to summarize the area, aligning them with the district authorities of Agriculture and Water.

8. The authorized body area with the conclusion drawn up taking into account suggestions bodies listed in paragraph 7 of this article, send the materials for translation:

less valuable agricultural land from one species to another - in the regional executive authority for final decision;

irrigated land in the irrigated, non-irrigated arable land in other less valuable species of agricultural land - in the authority area to coordinate with the regional authorities of Agriculture and Water Resources, Environment.

9. According to the results matching authority area summarizes material for the whole region and with its conclusion directs them:

Translation non-irrigated arable land in the less valuable types of agricultural land - in the regional executive authority for final decision;

Translation of irrigated arable land in the irrigated land types - to agree to a central authority.

10. Central authority for land management agrees submissions on translation of irrigated arable land in non-irrigated land species with the central competent authorities for agriculture, the environment and with their generalized conclusion directs the regional executive body for a final decision on the matter.

11. Decision to transfer less valuable agricultural land into more valuable Takes (city) executive body, taking into account the proposals bodies listed in paragraph 7 of this article.

## **Article 99. The use of irrigated engineering prepared land**

1. By engineering and irrigated lands are trained engineers planned land, specially prepared for cropping, equipped with irrigation, drainage systems and structures that are running a science-based scheme of alternation (rotation) of crops.

2. Interleaving scheme (rotation) crops on irrigated land claims trained engineers local executive body of the region (city of republican status, capital), region (city of regional significance). Plots associated with the unified scheme of rotation (rotation) crop irrigation and drainage system shall be deemed indivisible. This rule also applies to the land distributed to the entry into force of this Code, from the

irrigated lands of trained engineers.

3. Using previously distributed engineering and irrigated land prepared and recognizes the indivisibility carried out on the right of common (shared, joint) property (in common (share, share), land use), and separating the share in kind is not allowed. The co-owners at the exit from the membership has the right to pay him the value of his share of other participants in common ownership or sell it to another person in accordance with rules established by paragraph 2 of Article 55 of this Code.

4. Land owners and land users in the irrigated lands of trained engineers are required to comply with the established pattern of alternation of crops, to undertake the necessary reclamation and restoration work, including those contained in the proper order is available on site irrigation and drainage system.

5. Violation of the requirements imposed by paragraph 4 of this article shall entail the measures of administrative penalty under the laws of the Republic of Kazakhstan on Administrative Offences (irrational use of agricultural land), and can also serve as the basis for the forced removal of the land in accordance with the provisions of Article 93 of this Code.

#### **Article 100. Special land fund**

1. In order to redistribution of land among agricultural producers formed a special land fund at the expense of agricultural lands and reserve lands. In a special land fund are not included parcels of land whose condition is not possible to grow agricultural products that comply with sanitary standards and requirements.

2. Special land fund formed by the plots of agricultural land, coming into the fund:

- 1) upon the voluntary renunciation of the land;
- 2) for compulsory seizure of land in accordance with Articles 92, 93 and 95 of this Code;
- 3) if there are no heirs either by law or by will, or none of the heirs did not accept the inheritance, or all the heirs of the testator are deprived of inheritance, an heir refused the inheritance in favor of the state, or renounced succession without specifying in favor of whom he refuses to inheritance .

3. Inclusion of land listed in paragraph 2 of this article in the special land fund made by the decision of the executive body of the county (city).

4. The inclusion of a special land fund land not used for the intended purpose or used in violation of the laws of the Republic of Kazakhstan on state land on the basis of unilateral decision of the district (municipal) executive body.



Decision of the district (municipal) executive body may be appealed in the manner provided for in Article 89 of this Code.

5. Prior to the transfer of land to new owners and users of the land they used the same state land on the terms and conditions established by district (city) executive body.

6. Land use of a special land fund shall be in accordance with Article 97 of this Code.

Citizens who came from the state agricultural organizations, whose lands are not subject to partition, has not previously vested right to a conditional land share residing in the territory, as well as repatries have priority right to obtain land from the lands of special land fund for the conduct of a peasant or farm or other activities related to agricultural production.

7. Land allocation of a special land fund performed in the order land, usually a single array and with the creation of facilities in land use.

8. Data on land in special land fund are publicly available.

Earth special land fund accounted for as reserve land, except as provided for in paragraph 5 of this article.

#### **Article 101. Land plots for farm or farming**

1. To maintain farm or farm land available to citizens of the Republic of Kazakhstan on the right of private ownership or the right of temporary paid land-use up to 49 years, and for the conduct of transhumance (seasonal pastures) on the right of temporary grant of land use in accordance with this Code and the laws of the Republic of Kazakhstan the peasant or farm.

Preferential right to obtain land for conducting a country or farm enjoyed by citizens, who will run the economy based on personal labor participation, with special agricultural knowledge and skills with practical experience in agriculture and living in this district, town, village (village) , township.

2. Citizens are coming out of the reorganized state agricultural organizations to conduct farm or farm land available from these organizations plots, cadastral valuation of which shall be at the secondary level in the household (by land).

3. Citizens who have transferred the rights belonging to them on land, including the right to conditional land shares as a contribution to charter capital of a business partnership or as a contribution in the production cooperatives, and withdrawal from the participants (members) to organize a peasant or a farm or commercial agricultural production are eligible for apportionment (section) in-kind share or unit, including land, either on his request for payment of the value of a share or unit.

In this case a land plot from the land of agricultural organizations, which are pledged, shall be permitted with the consent of the mortgagee or the obligations secured by the lien on the land at the time allocated.

Plot passed the charter capital of a party in a business partnership or a member of the production cooperative only in use is

returned in kind without compensation.

Statement of withdrawal from the participants (members) and a land area served by agricultural organizations.

Location is dissipated in the nature of land at the expense of the share or unit for the organization of the peasant or farm or commercial agricultural production, as well as reimbursement of an economic partnership, production cooperatives outgoing party (member of) the costs incurred in the allocated area, determined in accordance with the statutory economic associations, production cooperatives, or agreement of the parties.

Private land in kind is not produced during the agricultural field work, except where such apportionment is made with the consent of the agricultural organization or participating in the common property (common land).

In the absence of allotment of the order (section) of land in the constituent documents of the norms of paragraph 4 of this article.

4. Citizens of the member share ownership (equity in land use) and retiring members for conducting a country or farm, or commercial farming, land granted in accordance with the procedures of land use, are in common ownership (equity land), approved by the general meeting of shared ownership (equity land), in accordance with Article 54 of this Code.

If there is no order to use the land concerned party shared ownership (equity land) must notify its intention to allocate the land on account of a land share (land shares) in writing to the other participants shared ownership (equity land), indicating its intended location. The question of the location of the land may be settled by conciliation or by a decision of general meeting of the common property (common land) or their representatives. Meeting shall be held within one month of notification and shall be deemed competent with the participation of not less than 50% of the common property (common land) or their representatives. Decision is made by simple majority vote at a meeting of participants in share ownership (equity land), or their representatives, and registered in the minutes. The protocol signed by all present participants shared ownership (equity land), or their representatives.

If within one month from the date adequate notice is not received objections from the participants shared ownership (equity land), the proposed location of the land is considered to be consistent.

5. Citizen's application to the local executive body and the attached materials agreed on the location of allocated land are the basis for granting him the land.

6. For citizens who have received land plots for farm or farm and have a house in the village (the village), preserved homestead land as property, which is not included in the land of the peasant or farm.

7. Citizens who are not employees of the agricultural organizations, land plots for farm or farm land available in a special land fund and the reserve.

## **Article 102. Plots of land for personal farms, horticulture and country construction**

1. Citizens of the Republic of Kazakhstan for the conduct of

private farming, gardening and dacha construction available in private ownership of land from agricultural land, rural settlements and reserve land.

2. Citizens are the owners of land plots for private farming, gardening and dacha construction, right in the common interests to unite in a general partnership, gardening or other consumer cooperatives, a legal status which is determined by the laws of the Republic of Kazakhstan.

3. In cases when land plots intended for gardening or dacha construction, are in the separate property of citizens, and land and other assets designed to meet the common needs of landowners, are in their common property, relations between owners, related common property, the rules of the condominium.

### **Article 103. Section land privatized state agricultural organizations**

1. Employees of privatized state agricultural organizations, as well as pensioners and people engaged in the production and socio-cultural spheres of service of these organizations and who reside in their territories, are eligible for a conditional land share.

2. Section on conditional land shares are subject to agricultural land being restructured or liquidated state agricultural organizations within the boundaries of their land, except for land:

- 1) included in the line of settlements;
- 2) included in the special land fund of the district;
- 3) exposed to excess radiation contamination, or otherwise threaten the lives and health of the population;
- 4) Violation of the development of mineral resources and is not reclaimed in a condition suitable for their intended purpose;
- 5) outruns, temporary land use.

3. The size of the conditional land share is calculated:

- 1) in hectares by dividing the total area of agricultural land were in use of agricultural organizations, the number of persons eligible for a conditional land share;
- 2) in points-hectare (score of soil yield class, multiplied by the area) by dividing the total points-of hectares of farmland were in the land Agriculture Organization, the number of persons eligible for a conditional land share.

4. The results of the determination of conditional land shares and list of persons eligible for a conditional land share, approved by the general meeting of the personnel of the privatized economy, the protocol and subject to approval by the district (city) executive body.

5. Citizens' right to a conditional land share certificate to certify the right to conditional land share, which is issued by the authorized body of the city of republican status, capital, area (city of regional significance) at the location of the land within three months after the approval of district (city) executive body of the list owners and the size of conditional land shares.

6. Holders of conditional land shares within one year of receiving the certificate of right of conditional land share must obtain the ownership of land or land in respect of conditional land shares on the terms and conditions established by this Code.

The said persons have the right to issue land in separate or

common property (land).

7. When the citizen who is a holder of a conditional land share, the citizenship of the Republic of Kazakhstan of the right to share land deemed to be terminated.

#### **Article 104. Cattle passes long-term track use**

1. For the transhumance of rural producers to seasonal pastures, to the meat and livestock purchases items available land for cattle passes route long-term use, usually for grazing land along the borders of land in size, providing distilled pasture cattle.

2. Land under long-term cattle passes highway use, intended for driving of cattle within the same district, provided by district (city) executive body.

For transhumance through several areas of decision to grant land for cattle passes the route takes the regional executive body.

3. Persons who are land users cattle passes trails durable, must build upon them the required number of wells, platforms for rest and watering livestock, buildings and structures to ensure compliance with environmental requirements and the normal operation of highways, freely admit transhumance in the terms agreed in the prescribed manner by the authorized public authority in the veterinary field.

4. Isolation of cattle passes trails temporary (seasonal) use without the provision of land for land use rights by the rules of servitude (article 70 of this Code).

#### **Article 105. Compensation for losses of agricultural production**

1. Loss of agricultural production caused by the removal of agricultural land for their use for purposes not related to agriculture must be reimbursed to the budget in order to maintain the level of agricultural production by restoration of agricultural lands and their quality.

These losses are compensated in addition to damages under Article 166 of this Code.

2. Compensation for loss of agricultural production is performed by persons who are granted agricultural land from the lands of all categories, except for land for industry, transport, communications, defense and other non-agricultural purposes, for purposes not related to agriculture, as well as individuals, for which established security, sanitary and protective zones.

Loss of agricultural production shall be reimbursed as when the purpose of agricultural land located in land or property of citizens and legal persons.

Loss of agricultural production shall be reimbursed in six months from the date of the decision granting the right to land or change the target destination of agricultural land.

3. Of indemnity exempt individuals and entities that land available for:

1) individual housing construction, school construction, pre-school organizations, secondary, technical and vocational education, postsecondary education, medical institutions and objects of cultural and domestic purposes within the boundaries of settlements;

- 2) construction of drainage systems;
- 3) construction of pond and lake fish farms, fish hatcheries, spawning-nursery farms and hatcheries;
- 4) construction of facilities for the protection of the environment without causing deterioration of the adjacent land;
- 5) forest amelioration of degraded lands, land contaminated with chemical and radioactive substances.

Losses are not compensated as in the provision of land state nature reserves, national natural parks, state natural reserves, state regional natural parks, public zoological parks, public botanical gardens, public parks and public dendrological monuments of nature, for objects of historical and cultural destination, and in other cases stipulated by normative legal acts of the Government of the Republic of Kazakhstan.

#### **Article 106. Procedure for compensation of losses agricultural production**

1. If seizure of farmland for use for purposes not connected with agriculture and forestry, the size of the loss set in the land project (land use case), which is the basis for making the local executive body of the decision to grant the appropriate rights to land.

2. Dimensions reimbursable losses are determined based on standards that ensure the development of new land or land improvement to the level of agricultural production on them in the amount not less than obtained on lands withdrawn or received previously to reduce their quality.

3. Standards of compensation for losses of agricultural production caused by the seizure of farmland for use for purposes not related to agriculture, established by the Government of the Republic of Kazakhstan.

4. Losses compensated in full for exemption of agricultural land for temporary use with the condition of land reclamation for non-agricultural and non-forest.

In case of application of topsoil on marginal or unproductive land at the expense of legal or natural person who is granted the land, the loss shall be compensated by offsetting the amounts spent on the restoration of land, in the manner determined by the Government of the Republic of Kazakhstan.

5. Dimensions loss agreed with the person interested in giving him the land, and drawn up the act, which is approved the decision of the local executive authority to grant rights to land.

6. Losses, caused by the deterioration of soil quality, are determined as a percentage of standards in proportion to decrease in quality of land (according to the cadastral valuation of lands) in cases not connected with their transfer from one type to another.

In the event of a transfer of some types of land in the other in connection with the deterioration of the quality of the size of losses is determined by the difference ratios for the respective types of wetlands.

7. Compensation for losses caused by the deterioration of soil quality as a result of the impact caused by the activities of organizations and citizens, is produced in court at the suit of the authorized body area (city of republican status, capital), region (city of regional significance) at the location of the land.

## Chapter 11. Earth of settlements

### Article 107. The concept and composition of land settlements

1. Land plots allocated for the development of cities, towns, villages, towns and other settlements belong to the category of land settlements.

2. Earth settlements distinguished from lands other administrative-territorial formations city limits, the village below, below village ".

3. The composition of land settlements may include land:

1) residential buildings, occupied buildings and buildings designed for multifamily and multistory apartment buildings and individual dwellings with household plots;

2) social business development, occupied and used for placement of medical facilities, culture, trade, catering, domestic services, commercial activities, as well as pre-school organizations, secondary, technical and vocational post-secondary and higher education, administrative, scientific research institutions, religious buildings and other business houses, buildings and structures;

3) industrial buildings, occupied and intended for industrial, municipal and warehouse facilities to ensure their functioning, the engineering and transport infrastructure, and to establish protective buffer zones of these facilities;

4) transportation, communications, utilities, occupied and used for construction of railway, road, river, sea, air and pipeline transport, highways engineering and communication infrastructure;

5) Protected Areas, recreation, recreational, historical and cultural destination;

6) waters and waters occupied by rivers, natural and artificial ponds and water areas, water protection zones, hydro and other water facilities;

7) agricultural use;

8) the public engaged in and intended to engage in squares, streets, sidewalks, passages, roads, promenades, parks, urban forests, parkways, lakes, beaches, cemeteries and other facilities designed to meet the needs of the population (water pipes, heating ducts, treatment plants and other engineering systems of common use);

9) Reserve and others who are not involved in planning activities designed for territorial development of the settlement and development of private farming;

10) special-purpose allocations to accommodate the crematoria, cattle cemetery, landfill waste and other objects whose use is impossible without the establishment of special regulations and rules;

11) provided for the needs of defense and other usage.

4. The assignment of land to public lands in the lands of settlements, as well as exclusion from the land of common use in connection with a change of purpose made by the local executive bodies in accordance with their competence.

#### **Article 108. Establishing and changing boundaries (Features) settlements**

1. Establishing and changing boundaries (line) settlements are made on the basis of duly approved planning documentation for the joint proposal of the relevant bodies of land, architecture and planning.

2. Border (line) of the cities and the capital of the Republic of Kazakhstan established and changed by the President of the Republic of Kazakhstan on presentation of the Government of the Republic of Kazakhstan.

3. Border (line) cities of regional importance are controlled by joint decision of the regional representative and executive bodies in consultation with the Government of the Republic of Kazakhstan.

4. Border (line) Urban District values are controlled by joint decision of the regional representative and executive bodies.

5. Border (line) of towns and villages (villages) are controlled by joint decision of the district (urban) and executive bodies.

6. Inclusion of land in the city, town, village does not imply the cessation of ownership or land use rights to these plots.

#### **Article 109. Use of land settlements**

1. All the land of cities, towns, rural settlements are used in accordance with their master plans, project planning and construction and project management of land and economic unit area.

In settlements with a population of more than 5,000 people in the absence of duly approved master plans for land use is permitted with a simplified scheme of the master plan of development and construction of this settlement or the duly approved town planning documents.

2. Plots of land of common use may be made available to citizens and legal persons for temporary land use for placing the facilities of lightweight type (stalls, kiosks, advertising structures and other objects of the service) without prejudice to the public. In this case, the provision of plots of land from the public, including roadside (streets, driveways), to accommodate the market, paid parking (parking lots), with the exception of paid parking (parking lots), located in the bands challenge streets of the capital of Kazakhstan, According to a law on the status of the capital of

Kazakhstan is not allowed.

Plots of land of common use may be granted to private property only after their expulsion from the land of common use.

Land plots of agricultural land use settlements cannot be granted the right of private property for conducting farm or farming, commercial farming, afforestation, maintenance of subsidiary agriculture, horticulture and animal husbandry.

3. From the lands of the public engaged in and intended for the cemetery, on each of the deceased resident of the settlement or a person with no fixed abode, who died in this settlement, for the disposal of free land is allocated no less than six square meters.

### **Article 110. Suburbs**

1. In the land of the suburban areas may include land outside the city limits that make the city a single social, environmental and economic territory.

2. In suburban areas by zoning with separation zones of intense suburban development of agricultural production, much of urban management (reserve areas for urban development, deployment and construction of facilities necessary for the normal functioning of the engineering and transport infrastructure), green areas, covered by forests, parks and other green plantings that perform protective and hygienic functions, and is home to public recreation.

3. The boundaries of the suburban areas of cities at district level are controlled local representative body of the proposal of the local executive body of the area.

The boundaries of the suburban areas of the city of republican status, capital cities and regional importance are controlled by the Government of the Republic of Kazakhstan on joint proposals of the local representative and executive bodies of the city of republican status, capital and provinces. The boundaries of the suburban areas of the city of republican status, capital is also consistent with the relevant local representative and executive bodies, whose territory included in the suburban area.

4. Inclusion of land in the country side does not entail the termination of property rights and land use rights of these lands.

5. Order and use of land included in a suburban area, are defined by who established the country side.

Order and use of land included in the suburban area of the city of Astana and republican cities, determined by the Government of the Republic of Kazakhstan on joint proposals and executive bodies of these cities agreed with the respective regional representative and executive bodies, whose territory included in the suburban area.



## **Chapter 12. Land of industry, transport, communications, defense and other non-agricultural destination**

### **Article 111. The notion of land and industry, Transport, communications and other non-agricultural purposes**

1. Lands of industry, transport, communication and other non-agricultural purposes are lands granted by this Code and other legislative acts of the Republic of Kazakhstan citizens and legal persons for the relevant purpose.

2. Features of land use in industry, transport, communication and other non-agricultural purposes shall be established by special legislation of the Republic of Kazakhstan.

### **Article 112. Industrial land**

1. Lands of industry include the lands provided for the deployment and operation of industrial facilities, including their health and safety and other areas.

2. The size of land plots allocated for these purposes shall be determined in accordance with the duly approved rules or the project design document, and the lands shall be based on the sequence of their development.

### **Article 113. Land of transport**

1. Transport lands are lands granted for the activity and (or) the operation of road, sea, inland waterway, rail, air and other modes of transport.

2. In order to create conditions for development, construction and reconstruction of road, sea, inland waterway, rail, air and other modes of transport can be reservation land in accordance with the legislation of the Republic of Kazakhstan on the Transport.

### **Article 114. Earth of rail**

1. Lands for the needs of railway transport include lands designated for:

1) Trunk road and technologically related structures and facilities (railroad track, bridges, tunnels, viaducts, signal equipment, service and technical buildings);

2) access roads;

3) train stations (stations) of buildings, structures of power, locomotives, wagons, track and truck farms, water supply and sanitation, protection and fortification stands, office and other objects having special significance for the maintenance of railway transport;

4) the right of way and buffer zones of the railways;

5) rail tracks and rail facilities under a concession

agreement.

2. Plots of land for the needs of rail transport are provided in accordance with the project design documentation and the plan for development of railways and railway stations, according to the standards approved in the prescribed manner.

3. In order to ensure public safety and the safe operation of facilities on land adjacent to the ROW land for rail transport, established buffer zones with special conditions of land, within that limit or prohibit those activities which are incompatible with the purposes of establishing zones .

4. In the security area of rail transport include: protective forest strip of land needed to ensure safety, strength and stability of structures, devices, and other transportation facilities, as well as land adjacent to the ROW railway, located in the mudflow, landslide-prone zones and places subject to other adverse effects.

Security zones can be established without the withdrawal of land from land owners and land users.

#### **Article 115. Earth of road transport**

1. Lands for the needs of road transport include lands set aside:

1) under the roads, their design elements and road construction and technology-related buildings and structures;

2) for placement of bus stations and bus stations and other facilities of road transport and road facilities required for operation, maintenance, construction, reconstruction, repair of surface and underground buildings, structures, devices;

3) to establish the rights of way of highways.

2. Land under the ROW for the needs of road transport are provided on the basis of established norms, depending on the category of roads, and according to project documents.

3. To ensure public safety and creating conditions of use of roads to meet the requirements of road safety are in the form of roadside adjacent to both sides of the bands challenge public highway land to the establishment of a special regime for their use. Referred to the land withdrawal from land owners and land users are not subject.

4. At the roadside strips and bands withdrawal of public roads is prohibited construction of capital facilities, except for objects of road service and road service facilities.

#### **Article 116. Earth of marine and inland water transport**

Lands for the needs of the maritime and inland waterway transport are lands reserved for the placement of sea and river ports, piers, docks, waterworks and other facilities required for operation, maintenance, construction,

reconstruction, repair of surface and underground buildings, facilities, equipment and other objects of maritime and inland waterway transport.

#### **Article 117. Earth of air transport**

To land for the needs of air transport are lands reserved for the placement of airports, airfields, airports, runways and other surface facilities necessary for operation, maintenance, construction, reconstruction, repair, development of surface and underground buildings, structures, devices and other air transport facilities and their protective zones.

Security zones can be established without the withdrawal of land from land owners and land users.

#### **Article 118. Earth of pipeline**

To land for the purposes of pipeline transportation are lands reserved for the placement of pipelines, gas pipelines, oil pipelines and facilities necessary for operation, maintenance, construction, reconstruction, repair of surface and underground buildings, structures, devices, and other pipeline transportation facilities. To these lands as conservation zones are pipelines to the particular conditions of use of land whose boundaries are determined based on building codes, rules of pipelines and other regulatory documents, duly approved.

Security zones can be established without the withdrawal of land from land owners and land users.

#### **Article 119. Earth of communications and energy**

1. To land for the purposes of communication, broadcasting, TV, computer are lands reserved for the placement of objects relevant infrastructures, cable, microwave and air lines of communication, including groundwater, and their protective zones.

2. Lands Energy includes land reserved for:

1) placement of hydropower, nuclear power plants, power plants and other plants that serve their facilities and equipment, and facilities that use renewable energy;

2) placement of overhead power lines, ground facilities of cable lines, substations, distribution stations and other facilities and power facilities.

To ensure public safety and creating conditions of operation of power facilities and communication can be established buffer zones of power grids and communication lines on the basis of building regulations, the rules for protection of power grids and communication lines and other regulatory documents, duly approved.

#### **Article 120. Land for defense purposes**

1. Lands for defense purposes are recognized land

provided by the Government of the Republic of Kazakhstan for the placement and constant activity of military units, military sites, military schools and other organizations of the Armed Forces, other troops and military formations, their objects and structures, performing tasks in the field of defense and security.

2. If necessary, the temporary use of land for training exercises and other activities related to defense needs, land from land owners and land are not withdrawn.

The use of these lands is carried out in relation to the procedures prescribed for conducting exploration work and for areas with special conditions of use.

Permission to use the land for these purposes gives the regional executive body.

3. In order to ensure the protection and preservation of the State Border of the Republic of Kazakhstan land allocation for development and maintenance of engineering facilities and fences, border markers and border clearings, communication, checkpoints across the state border of the Republic of Kazakhstan. P050771

4. Regional executive authorities in consultation with the troop units can send individual plots of land allocated for defense purposes, the temporary land use legal entities and individuals for agricultural use.

#### **Article 121. Zones with special conditions for land use**

1. In order to ensure public safety and creating the conditions necessary for the operation of industrial, transport and other facilities are installed zone, within which limit or prohibit those activities which are incompatible with the purposes of establishing zones.

2. For areas with special conditions for land use include:

- 1) sanitary-protective zones of industrial enterprises;
- 2) mudflow, landslide and protective forest areas adjacent to the ROW railways and roads;
- 3) protective zones of water intake facilities;
- 4) bands of airports;
- 5) protection zones of pipelines, communication lines, radio installation and electricity;
- 6) protection zones;
- 7) the territory of military sites.

3. The land included in the zones with special conditions, marked on the ground with special signs. Specified land may not be withdrawn from land owners and land users, except for the first belt zone of water intake facilities.

4. The boundaries of these zones and the use of land in them are determined by the body that made the decision to grant land ownership or land use, in accordance with the standards and design and technical documentation.

## **Chapter 13. Earth of protected territories, lands of recreation, recreational and historical and cultural target**

### **Article 122. Land of protected Natural Areas**

1. Lands Protected areas are lands of state natural reserves, national natural parks, state natural reserves, national regional natural parks, public zoological parks, public botanical gardens, public parks and public dendrological natural monuments.

Plots of state conservation areas and national wildlife refuges are allocated as part of other categories of land without their removal from land owners and land users and accounted for in the management of state land cadastre.

Restrictions within the territory of the state of conservation areas and national wildlife refuges in any activity prejudicial to the state and restoration of ecological systems of these protected areas and those on board of the state natural reserve fund shall be made encumbrance on the land owners and land users and accounted for in land management documentation.

2. Earth's protected areas are state owned and not subject to privatization.

Withdrawal of lands of specially protected natural areas for other purposes is not allowed.

Agricultural lands in the lands of specially protected natural areas used for agricultural production, may be granted for such purposes citizens of the Republic of Kazakhstan, living in settlements located within the boundaries of protected areas, in accordance with the legislation of the Republic of Kazakhstan.

Transfer of lands of specially protected natural areas is not allowed, except transfer to reserve lands for the construction and operation of tourism, under state programs, in the absence of other possible options for their placement, and only those sites on which mode is limited economic activity, with a positive conclusion of state ecological examination in the manner prescribed by the Government of the Republic of Kazakhstan.

3. Specially protected natural areas can be used for scientific, cultural, educational, tourist and recreation, limited economic purposes on such terms and conditions stipulated by the legislation of the Republic of Kazakhstan.

To carry out cultural activities in protected natural areas may be established museums, lectures, exhibitions, demonstration sites and other necessary facilities.

To conduct tourism and recreation in protected natural areas are allocated special areas, which are equipped with hiking trails, observation decks, bivouac clearings, parking

for vehicles, campsites, campgrounds, hotels, motels, tourist bases, catering, trade and other cultural domestic purposes.

Tourism and recreation activities in protected natural areas is limited in view of protection regime and governed in accordance with the laws of the Republic of Kazakhstan.

The use of specially protected natural areas in the limited economic purposes may be permitted only at designated sites with custom mode and controlled mode of economic activity.

### **Article 123. Earth's protective zones of protected natural areas**

1. To provide special protection and protection from adverse environmental impact around the protected areas are established buffer zones to the prohibition, and (or) restrictions within these zones, any activity prejudicial to the state and restoration of ecological systems of these protected areas and those on board facilities State nature reserve.

2. Dimensions, boundaries, types of treatment and the order of nature in the protected zones of state natural reserves, national natural parks, state natural reserves and state regional nature parks are determined by natural science and technical-economic justifications for their creation and established by decisions of the regional (city of republican value , capital) of the executive bodies in the manner prescribed by this Code and the Law of the Republic of Kazakhstan "On Specially Protected Natural Areas.

The width of the buffer zone, which is installed along the boundaries of land owners and land or natural geographic boundaries and designated areas for special signs shall be not less than two kilometers.

3. Plots within the protected zones of protected areas are used in compliance with the established regime of these zones and may be forcibly alienated for state needs in accordance with the conditions established by this Code.

### **Article 124. Classification of lands protected areas and reservation**

Classification of land classified as protected areas and reservation of lands under the Protected areas are carried out in accordance with the laws of the Republic of Kazakhstan on Protected Areas.

### **Article 125. Earth recreational purposes**

1. Lands recreational purposes include resorts, possessing natural medicinal factors, as well as land, favorable for the organization of prevention and treatment.

2. In order to maintain a favorable health and

environmental conditions for the organization of prevention and treatment of human disease in the lands areas recreational purposes shall be established by the sanitary-protective zones in accordance with the laws of the Republic of Kazakhstan.

Boundaries and modes of protection, sanitary protection and other protection zones land recreational purposes are determined by local representative and executive bodies.

3. Land parcels within the sanitary protection zones from land owners and land are not withdrawn, except if in accordance with established sanitary treatment provides a complete withdrawal of these lands from economic circulation (the first zone of sanitary protection zone). In this case, these plots expropriate, including through the purchase, for public use in accordance with the conditions established by this Code.

Use of land within the boundaries of the second and third zones of sanitary protection zones is carried out in compliance with the established regime of protection of these areas.

#### **Article 126. Earth recreational**

1. Recreational lands are lands that are intended and used for organized public recreation and tourist population.

2. In the land of recreational facilities may include land on which there are rest houses, resorts, camping, and of physical culture and sports, tourist centers, stationary and tented tourist camps, cottages fishermen and hunters, parks, hiking trails, trails, children's and sports camps, and other similar facilities. Lands of recreational facilities also include the land of suburban green areas.

3. The order and mode of land use recreational facilities are determined by local representative and executive bodies.

4. Use of trails and routes, established by agreement with land owners and land users may be based on the easement.

5. On the lands of recreational activity, not corresponding to their intended purpose.

#### **Article 127. The land of historical and cultural purpose**

1. Lands of historical and cultural value are recognized land under the objects of historical and cultural heritage, including historical and cultural monuments.

When developing areas to the land allocation must be carried out research work on the identification of sites of historical and cultural heritage.

In case of detection of objects of historical, scientific, artistic and other cultural value, land users are obliged to suspend the further conduct of the work and notify the competent body for protection and use of historical and cultural heritage.

Prohibited from conducting all types of work that may pose a threat to the existence of historical and cultural

heritage.

2. Plots assigned to the land of historical and cultural destination, from land owners and land are not withdrawn, except in cases stipulated by legislation of the Republic of Kazakhstan.

In order to ensure the protection of historical and cultural monuments are established buffer zones, control zones and development zones of the protected natural landscape on the grounds of historical and cultural destination in the order determined by the laws of the Republic of Kazakhstan.

The boundaries of protection zones, areas of management development and areas of protected natural landscape of historical and cultural heritage shall be approved by the local representative bodies (maslikhats) regions (cities of republican status, capital) to submit relevant local executive bodies.

The procedure for determining these zones and the use of land in them are determined by the authorized body for protection and use of historical and cultural heritage.

3. Within the protection zones, areas of management development and areas of protected natural landscape of the authorized body for protection and use of historical and cultural heritage can be applied to administrative measures on the grounds and in the manner envisaged by the legislation of the Republic of Kazakhstan on Administrative Offences.

## **Chapter 14. Lands of forest fund**

### **Article 128. The concept and composition of forest lands**

1. Lands of forest fund are recognized land covered with forests, and not covered with forest, but provided for the needs of forestry.

2. Earth's forest land consists of public and private forest funds.

3. Lands of the State Forest Reserves are lands covered with forests naturally occurring and artificial forests created by the state budget and not covered with forest land, provided land for permanent public organizations, leading forestry.

4. Lands of private forest lands are covered by artificial forests, agroforestry plantations, plantations of special purpose funds established by individuals and non-state entities, and agroforestry plantations, established by the budget for the lands granted to them in private ownership or long-term land use in accordance with this Code, with the purpose for afforestation.

### **Article 129. Provision of forest lands in land use for agricultural purposes**



Not used for the needs of forestry, agricultural land on forest land can be granted physical and legal persons for agricultural purposes in accordance with forest legislation of the Republic of Kazakhstan.

#### **Article 130. Restrictions on transfer of lands forestry in other categories Land**

Translation of forest lands in the lands of other categories for purposes not connected with forestry, is carried out by the Government of the Republic of Kazakhstan.

#### **Article 131. Compensation for loss of forest production**

1. Forestry production losses caused by the withdrawal of forest land for their use for purposes not connected with forestry, or deterioration of soil quality due to the impact caused by the activities of individuals and entities must be reimbursed to the budget.

2. Compensation for loss of forest production is performed by persons who are granted plots of forest land for purposes not connected with forestry and agriculture.

3. Standards of compensation for losses forestry production caused by the withdrawal of forest land for use for purposes not connected with forestry and agriculture, established by the Government of the Republic of Kazakhstan.

### **Chapter 15. Earth's water fund**

#### **Article 132. The notion of land and water resources**

Water fund lands are lands occupied by water bodies (rivers and equal to them canals, lakes, reservoirs, ponds and other inland waters, territorial waters), glaciers, wetlands, water management facilities to control runoff, located on a water source, as well as the land allocated under riparian strip these bodies of water and sanitary zones of water intakes of drinking water.

#### **Article 133. Ownership of land water fund**

1. Earth's water resources are state property.

2. Plots of land from the water fund, engaged in water management facilities (irrigation and drainage systems), inter-district (regional) and inter-farm (district) values, as well as irrigation facilities, catering to the land of one business entity may be the private property of citizens and non-state entities Republic of Kazakhstan in the case of privatization of these facilities.

3. Land under water management facilities listed in

paragraph 2 of this article, serving two or more land owners or land users are granted to them by common ownership or common land.

#### **Article 134. Allocation of land for water protection zones and bars on the banks of reservoirs**

1. On the banks of rivers, lakes, reservoirs, canals, inland waters, glaciers, wetlands, local authorities allocated land under the protection zones and strips.

2. Land use that are included under the protection zones and strips shall be in accordance with the requirements of water legislation of the Republic of Kazakhstan.

#### **Article 135. Land allocation from the land of water fund**

Plots of land from the water fund may be provided for temporary land use by local executive bodies in consultation with the authorized bodies of water resources management to individuals and legal persons for the purposes of agriculture, forestry, fishing, hunting, accommodation facilities that use renewable energy and other purposes do not contradict the main intended purpose of land.

#### **Article 136. Procedure of using land of water fund**

Land use water resources in a manner and under the conditions prescribed by this Code and the water legislation of the Republic of Kazakhstan.

#### **Article 136-1. Procedure for transfer of lands of water fund lands of other categories**

1. Transfer of lands of water fund in the lands of other categories in the cases of natural or artificial extinction or decrease the size of a water body and the withdrawal of lands of water fund for public use.

2. The decision to transfer land in the water fund lands of other categories adopted by the local executive body of the region (city of republican status, capital).

The decision to transfer land in the water fund lands of other categories, or to refuse to transfer of lands of water fund in the lands of other categories is made based on the conclusion of a special commission created by the local executive body of the region (city of republican status, capital) from among the deputies of local representative body, representatives of the territorial units authorized bodies in the field of environmental protection, use and protection of water resources, land resources management.

## **Chapter 16. Reserve lands**

### **Article 137. Composition of reserve land**

1. Reserve lands are all lands not granted to property or land under the jurisdiction of the district executive.

2. The land on which the test was nuclear weapons, are translated by the decision of the Government of the Republic of Kazakhstan in the reserve land. The legal regime of these lands is determined in accordance with Article 143 of this Code.

### **Article 138. Provision of reserve land**

Reserve lands granted to the property or land for agriculture, industry and other purposes on such terms and conditions established by this Code. Translation reserve land in the other categories is carried out simultaneously with submitting them to the property or land.

## **Section 4. Land protection, state control, planning, monitoring and land cadastre**

## **Chapter 17. Land Protection**

### **Article 139. Aims and objectives of land protection**

1. Protection of land includes the legal, institutional, economic, technological and other measures aimed at protecting the land as part of the environment, rational use of land, prevent unnecessary removal of land from agricultural and forestry traffic, as well as the restoration and improvement of soil fertility.

2. The objectives of land protection are:

1) prevention of degradation and disturbance of land, other adverse consequences of economic activity by encouraging environmentally sound production technologies and agroforestry, irrigation and other activities;

2) ensuring the improvement and rehabilitation of degraded or breach;

3) introduction of environmental standards in the practice of optimal land use.

### **Article 140. Land Protection**

1. Land owners and land users are obliged to carry out actions aimed at:

1) protection of lands from depletion and

desertification, water and wind erosion, mudslides, flooding, waterlogging, salinization, drying, compaction, pollution, waste production and consumption, chemical, biological, radioactive and other harmful substances, from other processes of destruction;

2) protection against contamination of agricultural land quarantine plant pests and diseases, from the overgrown weeds, shrubs and low forests from other types of land degradation;

3) land reclamation, restoration of fertility, and other useful properties of land and timely involvement in its commercialization;

4) the removal, storage and use of topsoil in the works related to the violation of land.

2. In order to prevent land degradation, restore soil fertility and contaminated sites, as well as in cases where it is impossible to restore soil fertility of degraded agricultural land, land contaminated with chemical, biological, radioactive and other hazardous substances in excess of established standards of maximum allowable concentrations and maximum allowable level impacts of waste production and consumption, waste water, and land infested by quarantine pests and plant diseases, provides conservation lands in the manner prescribed by the Government of the Republic of Kazakhstan.

3. In order to promote the interest of land owners and land users in the rational use and conservation of land may be economic incentives for the protection and use of land in the manner prescribed by the budget legislation and the legislation on taxes.

#### **Article 141. Standards of maximum permissible concentrations of harmful substances in soil**

1. Standards of maximum permissible concentrations of harmful substances, harmful microorganisms and other biological pollutants in the soil, established to evaluate her condition in order to protect human health and the environment.

2. Specified standards approved in the manner prescribed by the legislation of the Republic of Kazakhstan.

#### **Article 142. Environmental, sanitary and other special requirements the design and commissioning buildings (structures, installations) and other facilities affecting the condition of land**

1. When location, design and commissioning of new and renovated buildings (structures, installations) and other objects, the introduction of new techniques and technologies affecting the status of the lands should be set and implemented measures to protect the land, enforced environmental, health and sanitation and other special

requirements (norms, rules, standards).

2. Evaluation of the negative impact on the land and the effectiveness of planned measures for their protection is based on state ecological expertise, and other public examinations, without a positive conclusion which prohibit the introduction of new techniques and technologies, implementation of programs of land reclamation, financing of construction (reconstruction) of buildings (structures, installations ) and other facilities.

#### **Article 143. The land affected by radioactive pollution and which were testing of nuclear weapons**

1. Plots subjected to excess contaminated or otherwise threaten the lives and health of the population, cannot be transferred to the ownership, permanent or temporary land use.

2. Plots of land affected by radioactive contamination, which is not available from products in accordance with the established laws of the Republic of Kazakhstan and sanitary requirements and standards, are excluded from agricultural use and should be preserved. Agricultural production on these lands and its implementation are prohibited.

3. The land on which the test was nuclear weapons, may be provided by the Government of the Republic of Kazakhstan in the property or land only after completion of all activities in the aftermath of nuclear weapons testing and integrated environmental study in the presence of a positive conclusion of state ecological expertise.

4. Events in the aftermath of nuclear weapons tests in these territories provided for in the republican and regional programs for environmental protection and management of land resources and other special programs.

5. Procedure for compulsory acquisition and land protection, radioactive contamination, determined by the laws of the Republic of Kazakhstan.

#### **Chapter 18. State control for land use and protection**

##### **Article 144. Tasks of state control for land use and protection**

Problem of state control are to ensure compliance with land legislation of the Republic of Kazakhstan state bodies, individuals, legal entities and officials to identify and address violations of the law of the Republic of Kazakhstan, the restoration of violated rights of citizens and legal entities, compliance with land use rights, the correct land cadastre and land management and implementation of measures on rational use and protection of land.

## Article 145. Organization and procedure of implementation of state control over the using of and protection of lands

1. State control over land use and protection exercise central authority for land management and its territorial agencies, as well as other authorized bodies within their competence.

2. Other state bodies exercising state control over land use and protection are:

authority in the field of environmental protection;  
government agencies sanitary-epidemiological service;  
authority for architecture, urban planning and construction;

authority in the field of agriculture, forestry, hunting and fisheries, protected areas, use and protection of water resources;

authority for the use and protection of mineral resources.

3. State control over land use and protection takes the form of checks and other forms.

State control is also carried out during inventory surveys of land development schemes and projects related to land use, conduct inventories and monitoring of public lands.

Verification is carried out in accordance with the Law of the Republic of Kazakhstan "On private entrepreneurship." Other forms of state control exercised in accordance with this Code.

4. Excluded by the Law of RK as of 17.07.2009 N 188-IV

5. State control is performed by checking with the participation of land owners, land users, and in case of failure - without them, as a relevant note in the drawing from the survey instruments.

Revealed violations of land legislation drawn up the act with the accompanying drawings of the field survey, signed by the specialists who carried out these works, and transferred to a body whose competence is to examine the question.

Authorized bodies of the violations of land legislation dealt with in accordance with their functions in the manner determined by the legislation of the Republic of Kazakhstan on Administrative Offences.

6. Solving the state inspectors on use and protection of lands to impose an administrative penalty may be appealed in accordance with paragraph 3 of Article 148 of this Code.

7. The state inspectors on use and protection of land have control over the actual elimination of violations of land legislation of the Republic of Kazakhstan, as well as the implementation of the owners of land plots and land guidance and instructions of officials exercising state control over land use and protection.

8. For the implementation of state control over land use and protection authorized bodies of the regions (cities of

republican status, capital), districts (cities of regional value) annually to the respective territorial authorities on land management areas (cities of republican status, capital) a list of land owners and land users which this year granted plots of land, and land and cadastral map showing the location of such land, as well as on a monthly basis - information on the changes that have occurred in the list of land owners and land users.

#### **Article 146. Officials carrying out state control for land use and protection**

1. To officials exercising state control over land use and protection include:

- 1) The Chief Inspector of land use and protection of the Republic of Kazakhstan;
- 2) chief state inspectors of land use and protection of the relevant administrative-territorial units;
- 3) state inspectors on use and protection of land.

2. Guide government control over land use and protection exercises Chief Inspector of land use and protection of the Republic of Kazakhstan.

Chief State Inspector of land use and protection of the Republic of Kazakhstan is head of the central authorized body on land management.

Heads of territorial bodies of land management areas (cities of republican status, capital) are the principal state inspectors on use and protection of lands of the relevant administrative-territorial units.

Main state inspectors on use and land protection are forms of documents with the State Emblem of the Republic of Kazakhstan and its name.

Chief state inspectors and state inspectors on use and protection of lands granted in the prescribed manner and print identity.

3. Specifying the authority conducting the state control on the use and protection of land within its competence are obligatory for all state agencies, land owners and land users.

#### **Article 147. Functions of the authority conducting the state control for land use and protection**

1. Body carrying out state control over land use and protection, organizes and conducts state control over:

- 1) compliance with state bodies, enterprises, institutions, organizations and citizens of the land legislation of the Republic of Kazakhstan, the established regime of land use in accordance with their intended purpose;
- 2) prevention of unauthorized occupation of land;
- 3) The rights of land owners and land users;
- 4) timely and proper conduct of land owners and land users of the complex organizational, economic, agricultural,

agroforestry and hydraulic erosion control measures to restore and maintain soil fertility;

5) timely provision of the state bodies of land owners and land users information about availability, condition and use of land;

6) The design, location and construction of residential and industrial facilities that have an impact on state lands;

7) timely and qualitative performance measures to improve the land, prevent and eliminate the effects of erosion, salinization, waterlogging, flooding, desertification, drying, compaction, littering, pollution and other processes that cause land degradation;

8) compliance with deadlines of applications (petitions) of the citizens to provide them with land plots;

9) the preservation of landmarks;

10) timely return of land granted to local agencies for temporary land use;

11) land reclamation; V095689

12) removal, conservation and use of topsoil in the works related to the violation of land;

13) implementation of land management projects and other projects on land use and protection;

14) the legality of decisions of local executive bodies in the field of land legislation of the Republic of Kazakhstan.

2. The functions of the authority exercising state control, and includes other issues envisaged by the legislation of the Republic of Kazakhstan.

#### **Article 148. Rights and duties of officials bodies exercising state control over the use and protection Land**

1. Officials exercising state control over land use and protection, are entitled to:

1) directed to the relevant bodies of material violations of land legislation of the Republic of Kazakhstan to address the issue of bringing perpetrators to justice;

2) to draw up protocols (acts) of violations of land legislation of the Republic of Kazakhstan;

3) to order an administrative penalty for violation of land legislation of the Republic of Kazakhstan;

4) apply to the court for compensation for damage resulting from violations of land legislation of the Republic of Kazakhstan, on the cancellation of illegal decisions related to the provision, removal, compulsory acquisition for public use of land, as well as in cases of execution issued by officials carrying out State control over land use and protection, regulations to eliminate detected violations of land legislation of the Republic of Kazakhstan in the event of default within the period specified in the order, or improper execution of persons who are issued these regulations, and the



recovery of fines from individuals, officials and legal entities;

5) upon presentation of official identification have free access to the organization, to survey land owned and used by, and the land occupied by the military, defense and other special objects - taking into account the established regime of their visit;

6) to give land owners and land users are binding regulations on the protection of land, elimination of violations of land legislation of the Republic of Kazakhstan;

7) to suspend the industrial, civil and other construction, development of mineral deposits, maintenance facilities, conducting agricultural, forest reclamation, exploration, prospecting, geodesic and other works, if carried out in violation of land legislation of the Republic of Kazakhstan established mode of land use of protected areas and can lead to destruction, pollution, contamination or deterioration of topsoil, development of erosion, salinization, water logging and other processes, reducing soil fertility, including the adjacent areas, and if these works are carried out on projects, unexamined, or received a negative opinion;

8) receive from the government statistical information on the state land fund;

9) to suspend the construction of residential and industrial facilities in the absence of title and identification documents.

2. Officials exercising state control over land use and protection must:

1) take timely action against violators of the land legislation of the Republic of Kazakhstan;

2) an objective to prepare the materials of inspections.

3. Complaints about the actions (decisions) of officials exercising state control over land use and protection, and served as the basis for the commission of acts (decision making) information submitted to a higher official or the court.

4. Officials and individuals, affecting the implementation of state control over land use and protection, applying the threat of violence or violent acts against the officials exercising state control over land use and protection shall be liable in accordance with the laws of the Republic of Kazakhstan.

## **Chapter 19. Planning, state cadastre and land monitoring**

### **Article 149. Purpose and content of the land**

1. Land management is a system of measures for the enforcement of land laws of the Republic of Kazakhstan, seeks to regulate the land relations, organization management and

land protection.

2. Land management is conducted on the lands of all categories, regardless of affiliation in the form of ownership and management forms on them.

Established as a result of the work of Land Management designated purpose, mode of land use and conservation, restrictions and encumbrances, land boundaries, data quality and quantity of land and other data, review and approval in accordance with the legislation of the Republic of Kazakhstan, are subjects for land relations required for the execution.

3. Land management involves and provides:

1) development of national, provincial and regional schemes (projects), land use, zoning and use programs, improvements and protection of land resources based on landscape ecological approach;

2) drafting of inter-farm land management education and to streamline the existing land uses, the withdrawal and the establishment of land boundaries on the ground;

3) identification and terrain boundaries (line) settlements, drafting of their land and economic arrangements;

4) establishment in the locality boundaries of administrative-territorial formations, protected areas and other land with the specific conditions of use and protection of land;

5) the drafting of land management, revegetation and land reclamation, as well as other projects related to land use and protection;

6) an inventory of land, identification of unused, wasted used or used inappropriately lands;

7) conduct topographic and geodetic, cartographic, soil, and other geo-botanical-finding and exploratory work;

8) preparation of thematic maps and atlases of the state and use of land resources.

### **Article 150. Conducting land**

1. Land management is carried out by the decision of local executive bodies of oblasts (city of republican status, capital) areas (cities of regional importance), or at the request of the interested land owners and land users.

Planning, an initiative of the interested land owners or land users, on the basis of proposals submitted to the relevant local executive authority.

2. Land survey work is performed by legal entities and individuals who have received a duly licensed to produce land management works in accordance with the laws of the Republic of Kazakhstan on licensing. V095689

3. The procedure and technology implementation land works established by normative legal acts approved by the central competent authority for land management, which are required for all implementing land management activities.

4. Agreed in the prescribed manner land use documentation states:

1) (excluded - The Law of RK as of January 10, 2006 N 116);

2) land owners and land users and other clients - on-farm land development projects and projects related to land use management, preservation and improvement of soil fertility, developed and implemented at their expense, in coordination with the competent authorities of the regions (cities of republican status, capital) areas (cities of regional importance) at the location of the land;

3) the authorized bodies of oblasts (city of republican status, capital) areas (cities of regional importance), the location of the land - land use documentation associated with the formation of land boundaries, setting them on the ground, producing a plan of land, as well as materials topographic geodetic and cartographic works, soil, agrochemical, and other geo-botanical-finding and exploratory work on land management, the compilation of the special status of thematic maps and land use.

5. Changes in land use documentation shall be made only with the permission of the body that approved this documentation.

6. Execution of the project land includes: the transfer of project area; mastering all the elements of the project, execution and delivery of land-planning materials and documents.

### **Article 151. Land use planning process**

1. Land use planning process involves the following steps:

Initiation of land management actions;  
preparatory work;  
development of forecasts, charts, programs and land management projects;  
consideration, approval and approval of land records;  
execution of the project land.

2. Participants in land use planning process is the customer for the land, the developer of land use documentation, third party rights and legitimate interests may be affected during land development, as well as government agencies and others, agree upon and approving land use documentation.

3. Land use rights of participants in the process:

1) contracting for the land is entitled to:  
participate in person or by proxy at all stages of land use planning process;  
acquainted with the materials of production land use;  
introduce their proposals;  
participate in resolving any disputes arising in the

process of land development;

2) developer (individual or legal entity engaged in design and survey works, as well as carrying out the execution of land surveying projects) has the right:

obtain the necessary information on land management in government;

build relationships with customers on a contractual basis;

carried out without the express permission of the control over the implementation of land management projects, inform about the results to local agencies and make suggestions to improve the use and protection of land;

make suggestions for improvement or recycling of obsolete schemes and land management projects;

3) third party rights and legitimate interests may be affected during the land, are entitled to:

participate in discussions on land and receive information about the progress and results of land, affecting their interests;

appeal against unlawful actions affecting their interests in land, in accordance with the laws of the Republic of Kazakhstan.

4. Responsibilities of parties to land use planning process:

1) All land use planning process, participants must: comply with the land laws of the Republic of Kazakhstan; meet the requirements of the competent state bodies on land use and protection;

enforce a land use planning process rights of landowners and land users;

2) executive power bodies, harmonize and approving project documents, are obliged to consider it for a month;

3) contracting for the land must: define the purpose, objectives, content, special terms and conditions of the land;

provide the necessary documents and materials;

arrange financing activities;

within one month of work performed or to issue a reasoned refusal;

4) The developer of land use documentation must: perform all work in accordance with applicable regulations and guidelines, as well as contract;

bring the land on which were-finding, survey and other work in violation of the fertile layer of soil in the original their condition;

responsibility for the accuracy, quality and environmental safety measures stipulated land use documentation.

## **Article 152. State Land Cadastre**

1. State Land Cadastre is a system of information on natural and economic situation of lands of the Republic of Kazakhstan, the location, intended use, size and boundaries of land plots, their qualitative characteristics of accounting for land use and land value of land and other necessary information. In the State Land Cadastre shall also include information about the subjects of rights to land.

Part of the land registry is ameliorative inventory of irrigated land, which is a system information about reclamation condition of irrigated land, assessing their quality characteristics of natural and irrigation-economic conditions, on account of their use.

2. Organization land cadastre in the Republic of Kazakhstan by the central competent authority.

3. State Land Cadastre of the Republic of Kazakhstan (the cadastre of the republic, the oblasts (cities of republican status, capital), districts (cities of regional significance) is part of the national inventory system of the Republic of Kazakhstan and being on a uniform system throughout the Republic of Kazakhstan.

State Land Cadastre of the Republic of Kazakhstan is specialized republican state enterprises, with respect to which the central authority is a government body.

4. Information, the State Land Cadastre is a public information resource.

5. Formation of the information provided by the State Land Cadastre conduct topographic and geodetic, aerospace, cartography, land survey works, soil, geo-botanical surveys and studies, work on monitoring land quantitative and qualitative land records, compilation of land and cadastral affairs of a particular plot of land, production land and cadastral cards and identification documents of the land.

6. The data of land cadastre is the basis for planning land use and protection, during the land development, evaluation of economic activities and conducting other activities related to land use and protection, as well as for the formation of the unified state register of lands of the legal and other inventories, determine the amount of payments for the land, including the cost of land in the real estate and land values in natural resources.

7. The accounting unit and the storage of state land cadastre is the land allocated to the closed borders, embodied in the prescribed manner for the subjects of land relations.

8. State cadastral registration of land to be located on the territory of the Republic of Kazakhstan, regardless of land ownership, purpose and nature of permitted land use.

### **Article 153. Contents of the State Land Inventory**

State Land Cadastre includes the following activities:

- 1) establishing a cadastral case of land;
- 2) the number and quality of land;
- 3) registration of land owners and land users, as well as other subjects of land relations for the purpose of state registration;
- 4) the state cadastral valuation of land and soil evaluation;
- 5) storage, processing and maintaining a data bank on land parcels and their subjects, as well as other land and cadastral information on paper and in electronic form;
- 6) conducting an automated information system of state land cadastre;
- 7) construction and maintenance of land and cadastral maps, including digital;
- 8) maintenance of land and cadastral books and unified state register of lands;
- 9) production of identity documents on the land;
- 10) assignment of cadastral numbers of land;
- 11) manufacture of passports of land.

#### **Article 154. Registration of land plots for purposes of registration**

1. Registration of land plots for purposes of registration and those on board real estate is a prerequisite for providing the state registration of property rights and other rights, as well as an encumbrance on real estate.
2. Production work on the integration of land for registration purposes at the expense of customers.

#### **Article 155. Cadastral division of the territory Republic of Kazakhstan**

1. Cadastral division of the territory of the Republic of Kazakhstan shall be exercised in order to assign land plots cadastral numbers.  
Unit of the cadastral division of the territory of the Republic of Kazakhstan are user blocks.
2. Each parcel of land in order to determine the location (identification) numbers are assigned to inventory.
3. Border credentials quarters, which were subsequently used in the legal cadastre, in consultation with the bodies of architecture and town planning, state registration of rights to immovable property and transactions with them are determined by the authorized bodies of oblasts (city of republican status, capital) areas (cities of regional importance) at the finding the land and approved by the appropriate local authorities.
4. The list of codes assigned to regions, cities of republican status, regions and cities of the oblast (district), the values for the formation of cadastral numbers

of land established by the Government of the Republic of Kazakhstan.

#### **Article 156. Cadastral documentation**

1. Cadastral documentation at all levels of accounting comprises: a base, periodically updated and is annually.
2. Go to basic land and cadastral documentation includes:
  - 1) Cadastral case;
  - 2) land and cadastral book;
  - 3) the single state register of lands;
  - 4) land and cadastral maps.
3. Structure, composition, content and form of land and cadastral documentation, as well as the order of reference set by the central competent authority for land management.

#### **Article 157. The order of the state cadastre**

1. State land cadastre is on paper and can be carried out using electronic systems for collecting, processing and storing information.
2. Procedure for maintaining state land cadastre is established by legislation of the Republic of Kazakhstan.

#### **Article 158. Providing details of state cadastre and the use of inventory information**

1. Information, the State Land Cadastre of a certain plot of land provided in the form of statements of the place of registration of land.
2. Documenting the details of state land cadastre is carried out on paper and electronic media. If there are discrepancies in the information recorded on paper, and the information recorded on electronic media, priority is given to the information recorded on paper, unless otherwise stipulated by the legislation of the Republic of Kazakhstan.
3. Inventory information on land plots relate to the land and cadastral maps (plans).
4. (excluded - by the Law of RK as of January 10, 2006 N 116).
5. Public authorities, public enterprises and officials, maintaining state land cadastre, are obliged to ensure accuracy of the information included in the land cadastre documentation.
6. Information, land registry, which do not contain state secrets and other constraints which are accessible and available to interested individuals and entities on a fee basis. Providing information for cadastre in public authorities, free of charge through prescribed for the purpose of budgetary funds.

#### **Article 159. Land monitoring**

1. Land monitoring is a system of basic (initial),

operational, periodic observations of the qualitative and quantitative status of the land fund, held for the timely detection of change, evaluation, prediction of further development and make recommendations for the prevention and elimination of consequences of negative processes.

2. Land monitoring is an integral part of monitoring of the environment and at the same time base for monitoring other natural environments.

In accordance with the international scientific-technical program of the Republic of Kazakhstan may be involved in work on global monitoring of land.

3. The object of monitoring of lands are the lands of the Republic of Kazakhstan, regardless of the form of land ownership, purpose and character of land use.

#### **Article 160. Task of monitoring land**

1. The monitoring of land are:

- 1) timely identification of changes in land condition, evaluation, prognosis and recommendations for prevention and elimination of consequences of negative processes;
- 2) informational support of the state land cadastre, land management, monitoring the use and protection of land and other functions of public land management.

2. Monitoring of land has subsystems corresponding categories of land. Depending on the territorial coverage by the republican, regional or local monitoring of land.

3. Sources of information for land monitoring are the results of systematic observations, surveys, surveys, inventories, materials, state control over land use and protection, archive data and other information about the wholesomeness of land.

#### **Article 161. Monitoring of land**

1. Organization of monitoring of land provides a central authority for land management.

2. Implementation of interstate and international programs to monitor land in a manner and under conditions established by agreements and treaties of the Republic of Kazakhstan and other countries.

3. The procedure of monitoring of land use and its data is determined by the Government of the Republic of Kazakhstan.

#### **Article 162. Methods for obtaining and using information for monitoring land**

1. To obtain the necessary information in the conduct of monitoring of lands applied remote sensing, ground surveys and observations, as well as stock data.

2. Technical provision for monitoring of land by an automated information system that has points of gathering, processing and storage of information in the relevant regional



offices of Land Management.

3. The results obtained land monitoring accumulate in the archives (funds) and data banks automated information system.

4. Citizens, businesses and institutions, international organizations, foreign legal entities and natural persons shall enjoy the monitoring data of land in the prescribed manner.

#### **Article 163. Financing activities to ensure implementation land relations**

1. Planning, held in the delineation of areas of the capital cities and national significance, the land cadastre and land monitoring, preparation of passports of agricultural land and other work as required by the Government of the Republic of Kazakhstan, made at the expense of budget funds.

2. Planning, held in fixing the boundaries of districts, cities, regional, district level, aul (rural) districts, towns, villages (villages), land zoning, transfer of agricultural land from one type to another, land and economic unit of human settlements and other works carried out by the decision of local executive bodies, shall be covered by the budget.

3. Land management at the request of private landowners and land users at the expense of their funds.

### **Section 5. Enforcement of land legislation and final provisions**

#### **Chapter 20. Protection of property rights and rights Land-use and compensation for damages**

##### **Article 164. Protecting property rights and land use rights**

Property rights and land are protected in the manner prescribed by the Civil Code of the Republic of Kazakhstan and other legislative acts of the Republic of Kazakhstan.

##### **Article 164-1. Reclamation of land from another unlawful possession**

1. The land owner or land user is entitled to demand their land from unlawful possession.

2. Claiming the unauthorized occupation of land from the lands owned by the state and not available in land use, by local authorities on the location of the land.

Illegal owner is obliged to release the illegally occupied land within thirty calendar days after the application of penalties under the legislation of the Republic of Kazakhstan on Administrative Violations, and to carry out the demolition of buildings erected (being built) on this

site, either directly or at its own expense, except as provided by civil legislation of the Republic of Kazakhstan.

Disputes related to the failure to own responsibility for illegal release of unauthorized occupation of land and demolition of buildings erected (erected) in such a section, shall be settled in court.

If the unauthorized construction is transferred to municipal property, the person who carried it, reimburse the cost of construction in the amount determined by the court.

In cases of failure to establish the identity (data) Illegal owner of the land on the expiry of one month from the date of revealing the fact of unauthorized occupation of land with the local executive authority, after confirmation of the details about the absence of the registered rights to real property and demolition of the court shall erected (being built) buildings on this site .

#### **Article 165. Grounds for compensation for damages caused by the owners or land users**

Losses caused to owners or land users shall be reimbursed in full in the following cases:

- 1) eminent domain, including through redemption of land for public use, entailing termination of ownership or land use;
- 2) restrictions on ownership or land use in relation to establishing a special regime for land use;
- 3) violation of the rights of the owners or users;
- 4) deterioration of soil quality resulting from the construction and operation of facilities that violate the soil fertility, which could affect the water regime that emit harmful to crops and planting materials;
- 5) withdrawal of lands provided for in Article 91 of this Code.

#### **Article 166. Procedure for damages**

1. Damages to the owner or land user shall be reimbursed from their causer.

Losses suffered by the owner or land user as a result of the publication is against the law act of state authority, a public authority, as well as actions (or inaction) of officials of these bodies, shall be reimbursed the Republic of Kazakhstan respectively, or administrative-territorial unit.

2. In determining the amount of compensation it includes:
- 1) the market value of land or land use rights;
  - 2) the market value located in the area of real estate, including fruit trees and perennial plants;
  - 3) the cost of the costs associated with the development of the land, its operation, protective measures, increased soil fertility, consistent with their inflation;
  - 4) all losses suffered by the owner or land user seizure

of land at the time of cessation of ownership or land use, including the losses they incur in connection with the early termination of its obligations to third parties;

5) Loss of profit.

3. Determination of damages caused to owners or land users in the seizure of land, as well as the size of their compensation shall be established by agreement between the parties.

4. With the withdrawal or temporary occupation of land, which partially or completely disrupted irrigation, drainage, environmental protection, erosion control, and preventing objects and installations (systems), damages may be determined by the value of the works on building new or remodeling existing facilities and structures (systems s), including the cost of development works.

5. Losses (costs) arising due to inconvenience in land use (the formation of islands in filling reservoirs, disruption of transport links, uncoupling of the territory of communications and others) may be determined as the sum of one-time costs for design and survey works, construction of dams, bridges, roads, driveways, and other buildings, cleaning the bottom of the reservoir, and the acquisition of boats, ferries and other vehicles.

6. In determining damages (costs) required to restore degraded land quality may include the costs of the soil, agrochemical and other special surveys and studies, as well as measures to ensure restoration of land quality.

7. In case of disagreement the land owner or land with a decision involving termination of ownership or land use, it cannot be implemented until the resolution of the dispute in court. In considering the dispute resolved as all questions of compensation to the owner or land user of damages.

#### **Article 167. Land disputes**

Any disputes arising out of land relations, are considered by the court.

#### **Article 168. Liability for infringement Land Legislation Republic of Kazakhstan**

Violation of land legislation of the Republic of Kazakhstan is punishable under the laws of the Republic of Kazakhstan.

### **Chapter 21. FINAL AND TRANSITIONAL PROVISIONS**

#### **Article 169. The procedure for applying this Code**

This Code applies to land legal relations arising after its entry into force.

Adopted prior to enactment of this Code, regulations governing land relations, apply to the extent not inconsistent

with this Code.

#### **Article 170. Transitional provisions**

1. Citizens and private legal entities of the Republic of Kazakhstan, which granted land to the right of temporary land use for the conduct of a peasant or farm and commodity agricultural production, have the right to buy land in private ownership in the manner and conditions prescribed by this Code.

2. Citizens and private legal persons transferring belonging to them on the right of land plots in the secondary land use (sublet) for conducting a country or farm and commodity agricultural production, must, before 1 January 2005 to terminate contracts for secondary use (sublease).

In this case, these individuals have the right to independently engage in activities on the conduct of a peasant or a farm or commercial agricultural production or transfer the land as a contribution or contribution to the charter capital of economic entities.

In the case of non-realization of these rights landlords termination of the secondary land use (sublease) and termination of rights of land users (landlords) are carried out in the courts at the suit of the authorized bodies of national importance (the capital), districts (cities of regional significance), and the land transferred to the secondary land use, shall be seized and transferred to a special land fund of the district.

3. Citizens and private legal entities of the Republic of Kazakhstan, previously bought from the state the right of permanent land use (the right long-term land-use) of land plots for farm or farm and commodity agricultural production in accordance with the laws in force at the time of the transactions since the enactment of this Code become owners of land without additional charge for the acquisition of private property rights within the limits of land established by this Code.

Exercising the right of private ownership of land by such persons in accordance with paragraph 3 of Article 24 of this Code.

4. Holders the right to conditional land share, which were previously transferred their rights to rent, must, before 1 January 2005 to implement this right by committing one of the following acts in a manner and under the conditions provided in this Code:

- 1) buy land in private ownership;
- 2) a temporary common or separate land plot for self-reference of a peasant or a farm or commercial farming;
- 3) transfer as a contribution to the charter capital of an economic partnership, in return for shares of joint stock company or as a contribution to a production cooperative.

In this case, the selection (formation) of land at the

expense of conditional land shares in the procedure of land management.

Since the inception of ownership of land or land use rights earlier agreements (lease rights to and conditional land share lease (land grant) of land at the expense of leased shares) are forfeited.

5. Holders of conditional land shares, transferred the rights belonging to them as a contribution to charter capital of a business partnership or as a contribution in the production cooperatives, and withdrawal from the participants (members) to form a peasant or a farm are entitled to apportionment (section) in-kind interest or unit, including land. In this case a land plot from the land of agricultural organizations, which are pledged, shall be permitted with the consent of the mortgagee or the obligations secured by the lien on the land at the time allocated.

Private land in kind is not produced during the agricultural field work, except where such apportionment is made with the consent of the agricultural organization or participating in the common property (common land).

In this case, the location allocated in kind of land is determined in the manner prescribed by the constituent documents of economic companies, production cooperatives, or agreement of the parties. In the absence of allotment of the order (section) of land in the founding documents may apply the provisions of paras 3 and 4 of Article 101 of this Code.

6. If the holder of the conditional land share, owned handed him the right to lease, not implement the right to receive land during the period specified in paragraph 4 of this article, his right to a conditional land share is no longer valid, and the land on account of unrealized conditional land shares by the decision of the district (city) executive body is credited to a special land fund of the district.

7. All disputes related to the right to conditional land share, are considered by the court.

8. Agricultural land, immediately adjacent (3-km zone) to the protected zone of the State Border of the Republic of Kazakhstan, available only to citizens and legal entities of the Republic of Kazakhstan on the right of temporary land use to their delimitation and demarcation, unless otherwise stipulated by the legislation of the Republic of Kazakhstan on state border .

9. And identification documents of title to land granted to citizens and legal persons before the entry into force of this Code in accordance with previous legislation of the Republic of Kazakhstan remain valid in view of changes in land rights established by the land legislation of the Republic of Kazakhstan.

Replacing these documents to the documents certifying the right of ownership or land use on land, in accordance with

this Code, shall at the request of copyright holders.

President  
Republic of Kazakhstan