



Land Code of the Republic of Kazakhstan

Unofficial translation

Code of the Republic of Kazakhstan dated 20 June, 2003 No.442.

Unofficial translation

Footnote. Throughout the whole text of the Code:

the words “returnees (oralmans)” are substituted by the word “oralmans” by the Law of the Republic of Kazakhstan dated 06.07.2007 No. 276;

the words “necessity”, “peasant (farm) enterprise” are respectively substituted by the words “needs”, “peasant or farm enterprise” by the Law of the Republic of Kazakhstan dated 06.07.2007 No. 279;

the words “documents of title”, “document of title” are respectively substituted by the words “identification documents”, “identification document” by the Law of the Republic of Kazakhstan dated 26.07.2007 No. 311 (shall be enforced upon expiry of ten calendar days after its first official publication);

the words “(city of republican significance, the capital), districts (cities of oblast subordination)”, “(city of republican significance, the capital), district (city of oblast subordination)”, “oblast (city of republican significance, the capital)”, “oblasts (city of republican significance, the capital)”, “(cities of oblast subordination)”, “(city of oblast subordination)” are respectively substituted by the words “cities of republican significance, the capital, districts, cities of oblast subordination”, “city of republican significance, the capital, district, city of oblast subordination”, “oblast, city of republican significance, the capital”, “oblasts, cities of republican significance, the capital”, “cities of oblast subordination”, “city of oblast subordination” by the Law of the Republic of Kazakhstan dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

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

the words “commercial agricultural production” have been replaced with the words “agricultural production”;

the word “commission” has been replaced with the words “land commission” in accordance with Law of the Republic of Kazakhstan № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication);

the words “to oralmans” and “oralmans” are respectively substituted with the words “to

kandas” and “kandas”, in accordance with the Law of the Republic of Kazakhstan dated 13.05.2020 No. 327-VI (shall come into effect after the day the relevant amendments and additions to the Code of the Republic of Kazakhstan “On Taxes and Other Obligatory Payments to the Budget” (Tax Code));

the words “bidding (tenders, auctions)”, “Bidding (tenders, auctions)” shall be respectively substituted with the words “bidding (auctions)”, “Bidding (auctions)”, by the Law of the Republic of Kazakhstan dated June 30, 2021 No. 59-VII (shall come into effect from 01.01. 2022).

Section I. Basic provisions

Chapter 1. General provisions

Article 1. Land fund of the Republic of Kazakhstan

1. In accordance with the designation, the land fund of the Republic of Kazakhstan shall be divided into the following categories:

- 1) agricultural lands;
- 2) lands of inhabited localities (cities, rural settlements and rural-type settlements);
- 3) lands for industry, transport, communication, needs of space activities, defence, national security and other non-agricultural purposes;
- 4) specially protected natural areas, lands of health-improving, recreative and historical-cultural destination;
- 5) forest fund lands;
- 6) water fund lands;
- 7) reserved lands;

2. The lands, mentioned in paragraph 1 of this Article shall be used in accordance with established designation. Legal regime of lands shall be determined proceeding from their belongs to one or another category and permitted use in accordance with zoning of lands (territory).

3. The following zones shall be distinguished on natural environments in the territory of the Republic of Kazakhstan:

- 1) forest-steppe;
- 2) steppe;
- 3) dry-steppe;
- 4) semi-desert;
- 5) desert;
- 6) submontane and desert and steppe;
- 7) subtropical and desert;
- 8) subtropical and submontane and desert;
- 9) central Asian mountainous;
- 10) South-Siberian mountainous.

Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 06.01.2012 No. 529-IV (shall be enforced upon expiry of twenty one calendar days after its first official publication); dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 2. Rating of lands in categories, their transfer from one category to another

Rating of lands in categories, mentioned in Article 1 of this Code, as well as transfer of lands from one category to another, linked with change of their designation shall be performed by the Government of the Republic of Kazakhstan, local executive bodies of oblasts, cities of republican significance, the capital, districts, cities of oblast subordination within their competence upon provision and seizure of land plots, including for the state requirements, established by this Code or other legislative acts of the Republic of Kazakhstan.

Footnote. Article 2 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2 of the Law No.116); dated 06.07.2007 No. 279; dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Статья 3. Land ownership

Land in the Republic of Kazakhstan shall be in the state ownership. On behalf of the people of Kazakhstan, the state exercises the right of ownership. At the same time, exercising the right of ownership of the state is realized through the regime of state-owned property in the interests of the people of Kazakhstan. As well, land plots may be in the private ownership on the grounds, conditions and within the ambit established by this Code.

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 05.11.2022 No. 157-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 4. Principles of land legislation

Land legislation of the Republic of Kazakhstan shall be based on the following principles:

- 1) integrity, inviolability and inalienability of the territory of the Republic of Kazakhstan;
- 2) preservation of the land as a natural resource, living and activity bases of the people of the Republic of Kazakhstan;
- 3) protection and rational use of lands;
- 4) safety ecologic provision;
- 5) intended land use;
- 6) priority of agricultural lands;
- 7) provision of information about lands condition and its accessibility;
- 8) state support of the activities for use and protection of lands;
- 9) prevention of endamage to the land or removal of its consequences;
- 10) serviceability for land use.

Article 5. Objectives of land legislation

Objectives of the land legislation of the Republic of Kazakhstan shall be the establishment of the grounds, conditions and limits for the emergence, modification and termination of land title and land use right, the procedure for the exercise of the rights and obligations of landowners and land users; regulation of land relations to provide the rational use and protection of lands, soil fertility recovery, preservation and improvement of the natural environment; adaptation to climate change; creation of conditions for equal development of all forms of management; protection of land rights of individuals and legal entities and the state; creation and development of the real estate market; strengthening of legality in the field of land relations.

Footnote. Article 5 - as amended by the Law of the Republic of Kazakhstan dated 02.01.2021 № 401-VI (shall come into effect from 01.07.2021).

Article 6. Land legislation

1. Land legislation in the Republic of Kazakhstan shall be based on the Constitution of the Republic of Kazakhstan and consist of this Code and regulatory legal acts of the Republic of Kazakhstan adopting in accordance with this Code. Features of legal regulation of certain categories of land of the land fund of the Republic of Kazakhstan are established by laws of the Republic of Kazakhstan.

2. Relations on use and protection of mineral resources, water, natural air, forests and other vegetation, animal world, objects of environment that have a special ecological, scientific and cultural value, specially protected natural areas shall be regulated by the special legislation of the Republic of Kazakhstan.

3. Exercise of rights by the subjects of land relations belonged to them shall not harm the land as a natural resource and other objects of environment, as well as the rights and legal interests of other persons.

4. Property relations on possession, use and disposal of land plots, as well as on consummation of transactions with them shall be regulated by the civil legislation of the Republic of Kazakhstan unless otherwise provided by the land, environmental, forestry, water legislations of the Republic of Kazakhstan, legislation of the Republic of Kazakhstan on subsurface resources, on plant and animal life, on specially protected natural areas of the Republic of Kazakhstan.

5. The rights of individuals and legal entities in the field of land relations may not be limited, except as expressly provided for by laws of the Republic of Kazakhstan.

6. Foreign persons, stateless persons and foreign legal entities shall use the rights and incur obligations in land legal relations on an equal basis with citizens and legal entities of the Republic of Kazakhstan unless otherwise provided by this Code or other legislative acts of the Republic of Kazakhstan.

7. Land use right of other states in the territory of the Republic of Kazakhstan shall be originated in accordance with international treaties, ratified by the Republic of Kazakhstan.

Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 9 January , 2007 No. 213 (the order of enforcement see Article 2); № 48-VI as of 20.02. 2017 (shall take effect ten calendar days after its first official publication); № 126-VI as of 27.12.2017 (shall take effect six months after its first official publication).

Article 7. International treaties

If an international treaty, ratified by the Republic of Kazakhstan establishes other rules than those contained in this Code, the rules of mentioned treaties shall be applied. International treaties, ratified by the Republic of Kazakhstan shall be applied directly to land relations, except the cases when it follows from the international treaty that the application requires the issuance of legislative act.

Article 8. Land zoning

1. Zoning – determination of land areas with establishment of their designation and use regime.

1-1. Land zoning in inhabited localities shall be conducted in order to establish the borders of evaluative zones and evaluating factors to the base rates of fees for land plots.

2. Organization of land zoning on the levels of oblasts, cities of republican significance, the capital, districts, cities of oblast subordination shall be carried out by the relevant authorized bodies of oblasts, cities of republican significance, the capital, districts, cities of oblast subordination. Draft (diagram) of land zoning shall be approved by the relevant representative bodies of oblasts, cities of republican significance, the capital, districts, cities of oblast subordination.

3. Is excluded by the Law of the Republic of Kazakhstan dated 10 January, 2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116).

4. Purposeful regime of use of the territory, determined upon land zoning shall be obligatory for the subjects of land legal relations.

5. Land zoning shall be conducted by decision of local executive bodies and shall be carried out at the expense of budget funds.

Footnote. Article 8 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 9. Payments for land

1. Land plots being in ownership, permanent land use or primary free temporary land use shall be levied by land taxes in accordance with the tax legislation of the Republic of Kazakhstan.

2. Fee for use of land plots provided for temporary compensated land use (lease) by the state shall be charged.

Procedure for calculating and payment to the budget income of fee for land use shall be determined in accordance with the tax legislation of the Republic of Kazakhstan.

Upon provision of the land plot in the territory of the Republic of Kazakhstan to the other states on lease, the amount of fee for land use shall be determined by international treaties, ratified by the Republic of Kazakhstan.

3. Sale of land plots from the state property to the private ownership on a remuneration basis shall be carried out in a lump sum or by installment by decision of local executive body of oblast, city of republican significance, the capital, district, city of oblast subordination, akim of city of district subordination, rural settlement, village, rural district within its competence on provision of land plots, with the exception of cases when the land plot shall be provided in the ownership without compensation to:

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

2) citizens of the Republic of Kazakhstan for personal subsidiary husbandry, gardening, personal housing and suburban construction in accordance with paragraph 2 of Article 50 of this Code;

2-1) scientific centers with international participation, determined in the manner, established by the Government of the Republic of Kazakhstan;

2-2) domestic industrial enterprises, the list and selection criteria for short listing of which shall be determined by the Government of the Republic of Kazakhstan;

2-3) small business entities for objects transferred to them in accordance with paragraph 2 of Article 234 of the Entrepreneurial Code of the Republic of Kazakhstan;

3) in other cases provided by this Code and legislative acts of the Republic of Kazakhstan.

Fee for the compensated granting (sale) of the right of private ownership to land plot (hereinafter – land fee) or right of temporary compensated land use (lease) (hereinafter – fee for sale of leasehold) shall be calculated on the basis of cadastral (assessed) value calculated on the base rates of the fee for land plots with the application of evaluating factors.

4. Funds received from the sale of land plots of the agricultural status by the state to the private ownership shall be included to the National Fund and shall be used in the manner prescribed by the legislation of the Republic of Kazakhstan.

5. In change of designation of the land plot, with the exception of the land plot provided with the condition established by paragraph 7 of Article 44 of this Code for construction of objects, provided by the comprehensive plan of the inhabited locality, provided without compensation for personal subsidiary husbandry, gardening, personal housing and suburban construction management and other purposes, in which this Code provides paid grant of land plot, the owner of the land plot shall be obliged to pay the sum equal to the cadastral (assessed) value of the land plot to the budget income provided by the legislation of the Republic of Kazakhstan for the changed designation.

In the exceptional instance provided by the first part of this paragraph, the local executive body in the change of designation of the land plot shall coordinate with the cadastral (assessed) value of the land plot unliable to be paid to the budget with the local representative body at place of location of the land plot.

If an owner of an agricultural land plot, and also of a plot for agricultural use inside a populated locality, except for lands forcibly alienated for state needs, changes its designated purpose for that not related to agriculture and forestry, he/she/it must pay to the budget an amount equal to the difference between the cadastral (appraised) value stipulated by the legislation of the Republic of Kazakhstan for the changed designated purpose and the price paid to the state for this land plot before.

Small and medium-sized business entities, upon their applications, shall be provided with an instalment payment of an amount equal to the cadastral (estimated) value of a land plot, provided for by the legislation of the Republic of Kazakhstan for a changed purpose, in the manner established by Article 49 of this Code

6. Land plots and the land use right in the form of state land grants are provided to a legal entity of the Republic of Kazakhstan implementing an investment project in accordance with this Code and the investment legislation of the Republic of Kazakhstan.

Decision of the local executive body of oblast, city of republican significance, the capital, district, city of oblast subordination about the provision of the land plot in capacity of the land grant shall be adopted within its competence upon provision of the land plots on the basis of decision of authorized investments body.

7. Upon selling or leasing of the land plot by the owner, selling of the land use right to other persons by the non-state land user, as well as in leasing of the land plot by him to the secondary land users, the amount, terms and payment forms for land plots shall be established by the buy and sell agreement or contract of tenancy in accordance with the civil legislation of the Republic of Kazakhstan.

8. A land plot may be provided as a payment for the authorized capital (property) of social-entrepreneurial corporations at a price calculated on the basis of the cadastral (appraised) value of the land plot.

In this case, social-entrepreneurial corporations' ownership of a land plot shall be registered after state registration of the issue of authorized shares.

Footnote. Article 9 as amended by the Laws of the Republic of Kazakhstan dated 04.05.2005 No. 48; dated 10.01.2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); dated 05.07.2006 No. 162 (shall be enforced from the date of its first official publication); by the Law of the Republic of Kazakhstan dated 06.07.2007 No. 279; dated 13.02.2009 No. 135-IV (the order of enforcement see Article 3); dated 24.03.2011 No. 420-IV (shall be enforced upon expiry of ten days from the date of its first official publication); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten

calendar days after its first official publication); № 376-V as of 29.10.2015 (shall take effect on 01.01.2016); № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication); № 217-VI as of 21.01.2019 (shall take effect ten calendar days after its first official publication); dated 26.12.2019 No. 284-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 29.06.2020 No. 352-VI (shall come into effect ten calendar days after the day of its first official publication); dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023).

Article 10. Base rates of payment for land plots and cadastral (assessed) value of a land plot

1. Base rates of payments for agricultural land plots at their provision to the private ownership, leasing by the state or state land users, the amount of fee for sale of leasehold and amount of fee for establishment of the private easement on land plots in the state ownership and not granted to land use, shall be established by the Government of the Republic of Kazakhstan.

Base rates of payments for land plots at their provision to the private ownership in administrative center of oblast, cities of republican significance, the capital, cities of oblast and district subordination, rural settlements and rural-type settlements shall be established by the joint decisions of representative and executive bodies of oblasts, cities of republican significance, the capital depending on local conditions and specifics.

By this, rates of payment for land use shall be established at least equal to the amount of rates of land tax.

Fee for sale of lease right shall be established on a case from cadastral (assessed) value of a specific land plot.

2. The cadastral (appraised) value of a specific land plot shall be determined by the State Corporation “Government for Citizens”, maintaining the state land cadastre, in accordance with the base rates of a payment for land plots provided by the state into private ownership for a fee or for lease, applying adjustment (raising or lowering) factors to them, and a certificate of determination of the cadastral (appraised) value of the land plot.

Base rates of payments for land plots granted to the private ownership in settlements (villages and rural settlements) located in suburban zones of capital and cities of republican significance, regional centers and resort zone shall be increased twofold.

3. Cadastral (assessed) value of the additional land plots granted to citizens of the Republic of Kazakhstan to the private ownership for personal subsidiary husbandry, gardening, personal housing and suburban construction management beyond the established standards of free transfer shall be determined based on the base rates of payments for land plots of rural-type settlements which are the nearest to the assessable plots.

4. The cadastral (appraised) value of land plots, located outside of populated localities, (to be) provided to citizens and non-state legal entities for their development or having buildings (constructions, structures) and their complexes, including lands intended for the maintenance of buildings (constructions and structures) in accordance with their intended use, except for

the lands specified in paragraph 4-1 of this article, shall be determined on the basis of the size of ten percent of base rates of a payment for land plots (to be) provided for the specified purposes in the cities of regional significance that are closest to the land plots under appraisal.

4-1. On land plots located beyond the boundaries of inhabited localities granted for management of peasant or agrarian economy and agricultural production for built-up buildings (constructions, installations) needed for functioning of agricultural economy according to Article 97 of this Code, including lands intended for their service, the cadastral (assessed) value shall be determined based on amount of base rates of payments for land plots at their provision to private ownership for agricultural purposes.

5. In determining of cadastral (assessed) value of land plots mentioned in paragraphs 3 and 4 of this Article, the evaluating factors shall be applied for the remoteness of these land plots from the centers of service sector in accordance with subparagraph 3) of paragraph 4 of Article 11 of this Code.

Footnote. Article 10 as amended by the Laws of the Republic of Kazakhstan dated 10 January, 2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); dated 06 June, 2007 No. 279; dated 24.03.2011 No. 420-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.07.2011 No. 461-IV (shall be enforced upon expiry of six months after its first official publication); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 408-V as of 17.11.2015 (shall take effect on 01.03.2016); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); dated 25.11.2019 No. 272-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 27.12.2019 No. 291-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 11. Evaluating factors to base rates of payments for land plots

1. Boundaries of evaluation zones and evaluating factors to the base rates of payments for land plots in cities of district subordination, rural settlements and rural-type settlements shall be approved by the decision of district representative body on the suggestion of local executive body of district, and in cities of oblast subordination, cities of republican significance, the capital – by the representative body of oblast, city of republican significance, the capital on the suggestion of local executive body of oblast, city of republican significance, the capital.

By this, the ceiling (maximum) amount of multiplying or decreasing factor shall not exceed twofold size.

2. In determining of cadastral (assessed) value of land plots granted by the state for agricultural production conducting, the evaluating factors (multiplying or decreasing) shall be applied depending on quality of land plot, its location, water supply, remoteness from the service center.

3. The quality of land plots by types of farm lands and soil shall be established on the basis of land and cadastral maps, materials of soil, geobotanical, soil and reclamation and other surveys:

1) for determining of value of the land plot used as a part of arable land, depending on its reclamation condition and ground slope, the following evaluating factors shall be applied:

reclamation condition of lands:

good (non-saline and non-alkali, non-stony, non-eroded soils; cover thickness of subsoil waters: fresh – more than 3 m., mineralized – more than 6 m.) – 1,2;

satisfactory (soils are subsaline, weakly solonchic, slightly stony, weakly eroded; cover thickness of low-salt subsoil waters 3-6 m.) – 0,9;

unsatisfactory (soils are moderately and severely saline, moderately and strongly solonchic, stony, moderately and severely eroded; cover thickness of subsoil waters with salinity level more than 1 g/L – less than 3 m.) – 0,6;

ground slope:

to 1 degree – 1; from 1 to 3 degrees – 0,98; from 3 to 5 degrees – 0,96; from 5 to 7 degrees – 0,93; more than 7 degrees – 0,86;

2) for determination of the value of land plots used as a part of the natural forage lands (hay lands, pastures) depending on their quality and ground slope of the field the following evaluating factors shall be applied:

advanced hay and pastures:

reclamations; with complementary seeding of perennial grasses – 1,2;

simplified improvement without change of species composition of plant cover – 1,1;

condition of lands occupied by hay lands:

good (land plot is clean, non-bushy, unforested, non-stony with well-defined characteristics of zonal vegetation) – 1,2;

satisfactory (land plot is weeded, bushy, forested, stony with breaches of zonal structure of plant cover. Indicated features are revealed on the area to 40 percent of the territory) – 0,9;

unsatisfactory (land plot is weeded, bushy, forested, stony with a breach of zonal structure of plant cover. Indicated features are revealed on the area over 40 percent of the territory) – 0,7;

ground slope:

to 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;

condition of lands occupied by pastures:

good (land plot is clean, non-bushy (by ungrazed shrubs), unforested, nonstony with well-defined characteristics of zonal vegetation) – 1,2;

satisfactory (land plot is weeded, bushy (by ungrazed shrubs), forested, stony with a breach of zonal structure of plant cover, with existence of overgrazed pastures, denuded

external solonchaks, sodic soils, takyrs. Indicated features are revealed on the area to 40 percent of the territory) – 0,9;

unsatisfactory (land plot is weeded, bushy (by ungrazed shrubs), forested, stony with breaches of zonal structure of plant cover, with existence of overgrazed pastures, denuded external solonchaks, sodic soils, takyrs. Indicated features are revealed on the area to 40 percent of the territory) – 0,6;

ground slope:

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

4. For determination of the value of land plots depending on watering of the land plot, its location in reference to economic center, remoteness of the land plot from the service sector, the following evaluating factors shall be applied:

1) watering (water supply) of the land plot:

waterlogged – 1,2; unwatered – 0,8;

2) location area of the land plot in reference to economic center, in kilometers:

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

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

Distance, km	Hard surfaces road	Crushed rock road	Unmet ailed road
to 20	1,4		
21-40	1,2	1,1	
41-60	1,0	0,9	0,7
61-80	0,8	0,7	0,6
81-100	0,6	0,5	0,5
Over 100	0,5		

5. In existence of several factors increasing or decreasing the cadastral (assessed) value of the land plot, the factors shall be multiplied.

Total size of increase or decrease of cadastral (assessed) value of the land plot for agricultural production conducting shall not exceed fifty percent from the base rates of payments established in accordance with paragraph 1 of Article 10 of this Code.

Footnote. Article 11 as amended by the Laws dated 10.01.2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days from its first official publication).

Article 12. Basic definitions used in the Code

The following basic definitions shall be used in this Code:

1) The “Government for Citizens” State Corporation (hereinafter referred to as the State Corporation) is a legal entity established by the decision of the Government of the Republic of Kazakhstan to provide public services, services for the issuance of technical conditions for connecting to networks of natural monopoly entities and services of quasi-public entities in accordance with the legislation of the Republic of Kazakhstan, to receive applications for the provision of public services, services for the issuance of technical conditions for connecting to the networks of natural monopoly entities, services of quasi-public entities and to deliver

their results to a service recipient on the “one stop” principle, and also to provide public services in electronic form, to carry out state registration of rights to immovable property at the place of its location;

1-1) expropriation - the action of state bodies aiming to terminate a private owner’s or land user’s right of ownership or land use of a land plot in the manner and subject to conditions provided for by this Code and laws of the Republic of Kazakhstan;

2) special land fund – reserve lands formed due to the farm lands, as well as land plots not used for their intended purpose or used with a breach of the legislation of the Republic of Kazakhstan, and lands abandoned by the owners of conditional land shares and land users;

3) affiliated person – affiliated organization in reference to non-state legal person or recognized as dependent joint-stock society;

3-1) gardening - a type of activity carried out on a land plot for cultivation of agricultural crops and perennial tree and shrub plantings;

4) primary land users – persons whose land use right is gained directly from the state in the manner provided by Article 32 of this Code, or from other primary land users in the procedure of alienation of this right;

4-1) boundary of evaluation zones – border of part of inhabited locations territory where the evaluating factors shall be established to the base rates of payment for land plots granted by the state depending on infrastructure level;

4-2) horticulture - a type of activity carried out on a land plot for cultivation of agricultural crops, with the exception of perennial tree and shrub plantings;

5) united state land register – outcome document of registration of land plots as a part of the state land cadastre, containing legal, identity, economic and other characteristics;

5-1) public cadastral map – a digital map that contains information (data) from the land, legal and urban planning cadastres of the Republic of Kazakhstan, as well as other information of state bodies and (or) organizations in accordance with the legislation of the Republic of Kazakhstan;

6) right of temporary use of land plot which is in the private ownership, - right of subject to own and use the land plot arising on the basis of agreement of temporary use of the land plot between owner of the land plot and temporary user (land tenant or free user);

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

8) right to dispose of land – legally provided right of the state to determine the legal fate of the land in the territory of the Republic of Kazakhstan, as well as right of the private ownership to make transactions not prohibited by the Laws of the Republic of Kazakhstan;

8-1) land management project - a layout (plan) of a land plot, information on the area of a land plot, its borders and location, information on adjacent land plots’ owners and land users and on land plots’ encumbrances and easements.

The composition and content of the land management project shall be established based on regulatory legal acts adopted in accordance with this Code;

9) decisions of the local executive bodies – legal act of local executive bodies of oblasts, cities of republican significance, the capital, districts, cities of oblast subordination, as well as akims of cities of district subordination, rural settlements, auls, villages, rural districts on granting of the right to land plot;

10) lease payment for land – payment for temporary land use for a fee;

11) right to possession of land - legally provided opportunity to perform the factual possession of land;

12) land cadastre – system of information of land, component of the state cadastres;

12-1) land commission – a collegial body at the local executive body of the region, town of regional significance (on the territory transferred to its administrative subordination) and district for consideration of applications and preparation of conclusions on granting rights to land plots (on determining the winner of the competition for granting the right of temporary paid land use (lease) for farming, agricultural production), on changing the purpose of land plots (except for the lands of settlements) and on the transfer of water fund lands to the lands of other categories;

13) authorized body on land relations - structural subdivision of local executive bodies of oblast, the capital, district, city of oblast subordination exercising functions in the field of land relations (hereinafter – authorized body of oblast, city of republican significance, district, city of oblast subordination);

13-1) is excluded by the Law of the Republic of Kazakhstan dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022);

14) object of land relations – land within the territory of the Republic of Kazakhstan, separate land plots independently from what is located on them, and from legal foundations of assignment of separate subjects, as well as right of land plots and land shares;

15) land legal relations – legal relations for use and protection of lands linked with land management, assignment of land plots to the separate subjects, exercise of right of ownership and other rights of land;

16) subjects of land legal relations – physical and legal entities, as well as states which are the participants of land legal relations and thereby having rights and obligations in this legal relation;

17) land use right – right of the person to possess and use a land plot which is in the state ownership with no fixed term (permanent land use) or within specified time (temporary land use) for a fee and (or) without compensation;

18) land resources – land which shall or may be used in the course of economic or other activity for satisfaction of material, cultural and other needs of society;

19) central authorized body on land management – state body performing the regulation in the field of the land relations (hereinafter – central authorized body);

20) is excluded by Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (shall take effect on 01.01.2015);

20-1) the register of persons from whom land plots were forcibly seized - a set of data recorded on paper and (or) electronic media identifying individuals and legal entities from whom land plots were forcibly seized pursuant to a final and binding court decision, in accordance with Articles 92 and 93 of this Code;

21) land plot – allocated part of land in contour boundaries assigned in the manner prescribed by this Code to the subjects of land relations;

22) fee for selling the leasehold of land plot – lump-sum payment for granted on the basis of right of temporary land use (lease) land plot for a fee, which is in the state ownership;

23) right of private ownership for a land plot – right of citizens and non-state legal entities to possess, use and dispose of land plots belonged to them on the basis, conditions and within the ambits established by this Code;

24) title document for the land plot - a document confirming the occurrence of legal facts (legal compositions), on the basis of which the rights to a land plot arise, change or terminate, including contracts, court decisions, legal acts of executive bodies, certificate of inheritance, transfer act or separation balance sheet during the reorganization of non-state legal entities owning a land plot on the basis of the right of ownership or who have bought the right of temporary paid land use (lease), protocol on the results of bidding (auctions) for the sale of a land plot or the right to lease a land plot;

25) identity number for land plot – document containing identifying characteristics of the land plot essential for the purpose of land, legal and town-planning cadastres conducting;

26) pledge of land plot or land use right – based on agreement of the pledge or under the Laws of the Republic of Kazakhstan the method of ensuring performance of obligations in which the creditor (pledgeholder) in case of secured obligation default by debtor shall have the right to find fulfillment from the cost of laid land plot or land use right with preference over other creditors of the person owns this land plot or land use right (pledger) unless otherwise provided by the Civil Code of the Republic of Kazakhstan;

27) unauthorized occupation of a land plot – occupation of another’s land plot without permission of owner of the land plot or land user, as well as occupation of the land plot in the state ownership and not provided for land use without relevant decision of the Government of the Republic of Kazakhstan or local executive body;

27-1) the land cadastral plan of the land plot (hereinafter - the land cadastral plan) - a document containing the identification characteristics of the land plot provided for the purposes of construction within the settlement, village, necessary for the purposes of maintaining land, legal and urban cadastres;

28) land share – quantitatively fixed partnership share with other persons in rights and obligations on land plot, apportionment of which may be performed subject to cases and conditions established by this Code and other Laws of the Republic of Kazakhstan;

28-1) cadastral passport of a real estate object - an identification document containing technical, identification characteristics of a primary or secondary real estate object, as well as identification characteristics of a land plot located in cities of republican significance, the capital, towns of regional and district significance, according to the form approved by the state body carrying out state regulation and control of activities in the field of state registration of rights on immovable property and state technical inspection of immovable property;

28-2) information system of the unified state cadastre of real estate – an information system containing information of land and legal cadastres, whose maintaining procedure is determined by this Code and the Law of the Republic of Kazakhstan "On state registration of rights to immovable property";

29) excluded by the Law of the Republic of Kazakhstan dated 13.05.2021 No. 39-VII (shall come into effect ten calendar days after the day of its first official publication);

30) cadastral (assessed) value - calculated value of the land plot applied upon selling of the land plot or right of leasehold determined on the basis of base rates of payment for land plots, clarified on a periodic basis according to the official statistics information about common inflation rate and evaluating factors to them;

31) secondary land users – persons received the temporary land use right on the basis of agreement of the secondary land use from the primary land user, reserving this status;

32) condominium – a special form of ownership (other right) of realty in which the particular parts of the realty are in a separate (individual) propriety (other right) of individuals and legal persons, and those parts of realty which are not in a separate propriety, including the land plot belong to them on the basis of right of common participatory share ownership (other common right) and are not separate from the rights of parts of realty which is in a separate (individual) propriety (other right);

32-1) excluded by the Law of the Republic of Kazakhstan dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023);

33) state land users – state republic and municipal legal entities;

34) state land grants - land plots provided on the basis of the right of temporary free land use to a legal entity of the Republic of Kazakhstan for implementation of an investment project followed by free transfer into ownership or land use in the manner prescribed by this Code and the investment legislation of the Republic of Kazakhstan;

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

36) objects of right of ownership – lands which are in the state and private ownership;

36-1) territorial subdivision of the department of the central authorized body (hereinafter referred to as the territorial subdivision) - territorial subdivisions for land management of regions, cities of republican significance, the capital of the department of the central authorized body, exercising state control over the use and protection of land;

37) personal subsidiary husbandry - type of activity for satisfaction of own needs on the land plot located in the rural area and suburban zone;

38) easement - right of limited designated use of another's land plot, including for the purposes of passage, thoroughfare, laying of communications and operations, hunting and fish farms and other purposes;

39) soil layer - hanging layer of the dry land of the Earth, special natural formation having a structure, composition and characteristic inhering only in it;

40) base rate of payment – standard price of the land plot for determining of its cadastral (assessed) value upon granting of right of private ownership of land plot by the state or selling of the temporary compensated land use right (lease);

41) permanent land users – persons whose land use right is not limited in time;

42) temporary land users – persons whose land use right is limited by specified period;

43) national land users - citizens of the Republic of Kazakhstan, legal entities established in accordance with the legislation of the Republic of Kazakhstan;

43-1) is excluded by Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication);

44) conditional land share – quantitatively certain share of the members of dissolved or reorganized kolkhozes, employees of the state agricultural organizations reformed into non-state agricultural organizations, as well as other persons stated in this Code, in accordance with which grant of land titles, previously included in composition of land use of mentioned organizations shall be performed or other rights provided by this Code shall be exercised;

45) foreign land users – foreign persons, stateless persons, legal entities established in accordance with the legislation of the foreign states (foreign legal entities), foreign states, international associations and organizations;

46) functional zone - a reference zone, which includes a group of designated purposes of land plots in populated localities with a single mode of their use.

Footnote. Article 12 is in the wording of the Law of the Republic of Kazakhstan dated 06.07.2007 No. 279; as amended by the Laws of the Republic of Kazakhstan dated 26.07.2007 No. 311; dated 19.03.2010 No. 258-IV; dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication); dated 24.03.2011 No. 420-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 225-V as of 02.07.2014 (shall take effect on 01.01.2015); № 239-V as of 29.09.2014 (shall take effect ten calendar days after its first official publication); № 269-V as of 29.12.2014 (shall take effect on 01.01.2015); № 376-V as of 29.10.2015 (shall take effect on 01.01.2016); № 408-V as of 17.11.2015 (shall take effect on 01.03.2016); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its

first official publication); № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 13.05.2021 No. 39-VII (shall come into effect ten calendar days after the day of its first official publication), dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022); dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023).

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

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

Competence of the Government of the Republic of Kazakhstan in the field of regulation of land relations shall include:

1) development of the focal points of a state policy in the field of use and protection of land fund of the Republic;

2) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

3) provision and expropriation of land plots, also for state needs, from lands of all categories in cases of creation and expansion of specially protected natural areas of republican significance, fulfillment of international obligations;

3-1) transfer of lands of specially protected natural areas to reserve lands, as well as the transfer of reserve lands back to lands of specially protected natural areas at the proposal of the authorized body in the field of specially protected natural areas in accordance with the Law of the Republic of Kazakhstan "On Specially Protected Natural Areas";

3-2) approval of the procedure for transferring lands from one category to another in cases established by the Law of the Republic of Kazakhstan "On Specially Protected Natural Areas" ;

4) is excluded by Law of the Republic of Kazakhstan № 239-V as of 29.09.2014 (shall take effect ten calendar days after its first official publication);

4-1) is excluded by Law of the Republic of Kazakhstan № 239-V as of 29.09.2014 (excluded by Law of the Republic of Kazakhstan);

4-2) establishment and change of the boundaries (line) of cities of republican significance and the capital;

5) coordination of proposals of local representative and executive bodies of a region on the adjustment of boundaries of cities of regional significance, as well as determination and change of suburban areas around cities of regional significance;

6) approval of the procedure for classifying lands as specially protected natural areas;

7) is excluded by Law of the Republic of Kazakhstan № 239-V as of 29.09.2014 (shall take effect ten calendar days after its first official publication);

7-1) is excluded by Law of the Republic of Kazakhstan № 239-V as of 29.09.2014 (shall take effect ten calendar days after its first official publication);

7-2) is excluded by Law of the Republic of Kazakhstan № 239-V as of 29.09.2014 (shall take effect ten calendar days after its first official publication);

8) (is excluded by the Law of the Republic of Kazakhstan dated 31 January, 2006 No. 125).

9) regulation of land relations in so far as provision of lands in the territory of one oblast, city of republican significance, the capital to the long term use of other oblast, city of republican significance, the capital;

10) other functions assigned on it by the Constitution, Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 13 as amended by the Republic of Kazakhstan dated 05.07.2006 No. 162 (shall be enforced from the date of its first official publication); dated 06.07.2007 No. 279; dated 01.12.2008 No. 94-IV (the order of enforcement see Article 2); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days from its first official publication); dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 239-V as of 29.09.2014 (shall take effect ten calendar days after its first official publication); № 269-V as of 29.12.2014 (shall take effect on 01.01.2015); № 479-V as of 29.03.2016 (shall take effect twenty-one calendar days after its first official publication); № 86-VI as of 03.07.2017 (shall take effect ten calendar days after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); dated 30.09.2020 No. 362-VI (shall come into effect ten calendar days after the day of its first official publication).

Article 14. Competence of the authorized body

Footnote. The title of Article 14 as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

1. Competence of a central authorized body shall include:

1) generalization of the practice in the application of land legislation and its improvement;

1-1) implementation of state policy in the field of regulation of land relations;

1-2) carrying out of coordination and organizational supervision of local executive bodies in the field of regulation of land relations;

2) development and introduction of the drafts of regulatory legal acts in the field of regulation of land relations for approval to the Government of the Republic of Kazakhstan;

2-1) development and approval of the rules for rational use of agricultural land in coordination with the authorized state body for the agro-industrial complex development;

2-2) development and approval of the land reservation rules;

2-3) development and approval of a model regulation on the land commission;

2-4) development and approval of a model contract for temporary paid land use (lease) of an agricultural land plot for running a peasant or farm enterprise, agricultural production;

2-5) development and approval of the rules for organization and monitoring of the use of agricultural lands provided for running a peasant or farm enterprise, agricultural production;

2-6) development and approval of the rules for the organization and conduct of a competition for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production;

2-7) development and approval of the methodology for determining the maximum area of agricultural land plots that may be held by a citizen of the Republic of Kazakhstan for running a peasant or farm enterprise, by a non-state legal entity of the Republic of Kazakhstan and its affiliated persons for agricultural production;

2-8) development and approval of the form of an order to eliminate violations of the requirements of the land legislation of the Republic of Kazakhstan, an administrative offence protocol, a decision on an administrative offence case;

2-9) development and approval of a model contract for temporary paid land use (lease) of a land plot;

2-10) development and approval of a model contract for the sale of a land plot;

2-11) development and approval of the form of instructions on elimination of violations of the requirements of the land legislation of the Republic of Kazakhstan, issued to the subject of state control;

3) excluded by the Law of the Republic of Kazakhstan dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022).

4) development and approval of regulatory legal acts and statutory documents, methods on land tenure, state land cadastre and monitoring of lands;

4-1) development and approval of the rules for drafting projects for establishing and changing the boundaries of administrative-territorial units;

4-2) development and approval of the rules for drawing up a land management project for the formation of land plots;

4-3) development and approval of the rules for drawing up projects for on-farm and inter-farm land management;

4-4) development and approval of a methodology for conducting large-scale (1:1000 - 1:100,000) geobotanical surveys of natural fodder lands of the Republic of Kazakhstan;

4-5) development and approval of a methodology for conducting large-scale soil surveys of lands;

4-6) development and approval of methodology for land monitoring;

4-7) development and approval of instructions for the creation of electronic land cadastral maps;

4-8) development and approval, together with the state body responsible for state regulation and control of activities in the field of state registration of rights to immovable

property and state technical inspection of immovable property, of the procedure for maintaining and using the information system of the unified state cadastre of real estate;

4-9) development and approval of a methodology for photogrammetric work during the creation of digital agricultural maps;

4-10) development and approval of a methodology and symbols for deciphering aerial photographs for compiling digital agricultural maps at a scale of 1: 10,000, 1: 25,000 and 1: 50,000 for land management, state land registration and land cadaster;

4-11) development and approval of a methodology for creating electronic soil maps;

4-12) development and approval of the methodology for assessing soils;

4-13) development and approval of a methodology for creating electronic geobotanical maps;

4-14) development and approval of the rules for re-issuing an agreement on temporary paid land use (lease) of agricultural land plots in case of alienation of land use rights;

5) carrying out of expert examination of drafts and diagrams of republican significance, concerning the issues of use and protection of lands;

6) cooperation with central and local executive bodies on the issues of regulation of land relations;

7) confirmation of the forms of certificate of agricultural land plots;

7-1) is excluded by Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (shall take effect on 01.01.2015);

7-2) development and approval of application forms, conclusions of the coordinating state bodies and other organizations, the act of choosing a land plot, the scheme of allotment of a land plot and a land cadastral plan;

7-3) approval of the form of the cadastral passport of the real estate object;

8) establishment of the structure, composition, content and forms of land and cadastral documentation;

9) monitoring management of lands;

10) organization of conducting the state land cadastre and making-out a balance of lands of the Republic of Kazakhstan on the grounds of these balances of lands of oblasts, cities of republican significance, the capital;

11) preparation of drafts of the legal acts of the Government of the Republic of Kazakhstan on the issues of provision and seizure of land plots, including for the state requirements, transfer of land plots, as well as for the state requirements, from one category to another, within its competence;

12) state verification of use and protection of lands;

12-1) organization of state control over the use and protection of land;

13) is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication);

13-1) is excluded by the Law of the Republic of Kazakhstan dated 13.05.2021 No. 39-VII (shall come into effect ten calendar days after the day of its first official publication);

13-2) coordination of proposals of the local executive body of a region, a city of republican significance, the capital on the provision and expropriation of land plots for defense and national security needs;

14) is excluded by the Law of the Republic of Kazakhstan dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022).

15) consideration of cases on administrative infractions in the field of land legislation;

15-1) formation and maintenance of the register of persons whose land plots were expropriated;

16) is excluded by Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (shall take effect on 01.01.2015);

16-1) development and approval of industrial incentive scheme;

16-2) approval of forms of identification documents for the ownership of the land plot and for the right of land use, except for the form of the cadastral passport of the real estate object;

16-3) approval of the procedure for maintaining the state land cadastre and land monitoring;

16-4) approval of the rules for the provision of land plots occupied by territorial waters for the construction of artificial structures;

16-5) approval of the rules for granting rights to land plots for individual housing construction;

16-6) development and approval of the rules for organizing and conducting tenders (tenders, auctions) for the sale of land plots or the right to lease land plots in electronic form;

16-7) approval of a standard list of state bodies and other organizations to coordinate the scheme of allotment of a land plot;

17) exercise of other authorities, provided by this Code, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

2. Is excluded by Law of the Republic of Kazakhstan № 239-V as of 29.09.2014 (shall take effect ten calendar days after its first official publication).

3. The department of the central authorized body shall carry out its activities within the competence established by the central authorized body.

4. The competence of the territorial subdivision shall include:

1) implementation of state control over the use and protection of land;

2) implementation of state control over the correctness of maintaining the state land cadaster and land monitoring;

3) issuance of binding orders to eliminate violations of the requirements of the land legislation of the Republic of Kazakhstan or instructions;

4) sending an order to eliminate violations of the requirements of the land legislation of the Republic of Kazakhstan to the State Corporation to establish an encumbrance of the right to a land plot in accordance with part three of paragraph 2 of Article 94 of this Code and notification of its termination;

5) consideration of cases on administrative offences in the field of land legislation;

6) preparation and filing of claims in court on the issues specified in subparagraph 4) of paragraph 1 of Article 148 of this Code;

7) identification and seizure of land plots not used for their intended purpose and not developed or used in violation of the legislation of the Republic of Kazakhstan;

8) suspension of construction, development of mineral deposits, operation of facilities, geological exploration and other works, if they are carried out in violation of the land legislation of the Republic of Kazakhstan, the established land-use regime, and also if these works are carried out on projects that have not passed the examination or received a negative conclusion;

9) submission to the central authorized body of information on persons from whom land plots have been forcibly seized based on a court decision that has entered into legal force in accordance with Articles 92 and 93 of this Code.

Footnote. Article 14 in the wording of the Law of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); as amended by the Laws of the Republic of Kazakhstan dated 06.07.2007 No. 279; dated 21.07.2007 No. 297 (shall be enforced from the date of its first official publication); dated 26.05.2008 No. 34-IV (the order of enforcement see Article 2); dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2); dated 19.03.2010 No. 258-IV; dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication); dated 15.07.2011 No. 461-IV (shall be enforced upon expiry of six months after its first official publication); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No. 36-V shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 225-V as of 02.07.2014 (shall take effect on 01.01.2015); № 239-V as of 29.09.2014 (shall take effect ten calendar days after its first official publication); № 269-V as of 29.12.2014 (shall take effect on 01.01.2015); № 376-V as of 29.10.2015 (shall take effect on 01.01.2016); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); № 241-VI as of 02.04.2019 (shall take effect ten calendar days after its first official publication); dated 13.05.2021 No. 39-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022); dated 03.01.2022 No. 101-VII (shall be

enforced upon expiration of sixty calendar days after the day of its first official publication); dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 14-1. Competence of authorized bodies of oblasts, cities of republican significance, the capital, districts, cities of oblast subordination

1. Competence of an authorized body of oblast shall include:

1) preparation of recommendations and draft decisions of the local executive body of the region on provision of land plots for the purposes of subsurface use (for mining operations; for combined exploration and production; construction and (or) operation of underground structures not related to exploration and (or) production), construction (reconstruction) of trunk pipelines, oil and gas processing facilities, facilities for the use of renewable energy sources, for industrial and innovative projects of subjects of industrial and innovative activity, implementation of investment priority projects in accordance with the Entrepreneurial Code of the Republic of Kazakhstan, creation and expansion of specially protected natural areas of local significance, and also on the compulsory alienation of land plots for state needs in case of revelation and development of mineral deposits, for the construction (reconstruction) of trunk pipelines, the creation and expansion of specially protected natural areas of local significance, unless otherwise provided by Article 44-2 of this Code;

1-1) implementation of state policy in the field of regulation of land relations;

2) preparation of proposals and drafts of decisions of the local executive body of oblast on provision of land plots for the state research establishments and their development farms, as well as state seed farms and stud farms;

2-1) preparation of proposals and drafts of decisions of a local executive body of oblast on provision of land plots, occupied by the territorial waters, for construction of artificial structures;

2-2) preparation of proposals and draft decisions of the local executive body of a region on the provision and expropriation of land plots for defense and national security needs;

3) preparation of proposals on reservation of lands;

4) excluded by the Law of the Republic of Kazakhstan dated 25.11.2019 No. 272-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

5) determination of separability and impartibility of land plots within its competence;

6) organization of conducting the land tenure and approval of land surveying projects on formation of land plots;

7) organization of development of the land zoning drafts, drafts and diagrams on the rational land use of oblast;

8) organization of holding of the land market (tenders, auctions) within its competence;

9) carrying out of expert examination of drafts and diagrams of oblast, city, district significance, concerning the issues of use and protection of lands;

10) conclusion of the buy and sell agreements and rental agreements of the land plot and temporary uncompensated land use within its competence and control of fulfilling the terms of concluded agreements;

11) making-out a balance of the lands of oblast on the basis of these districts, cities of oblast subordination;

12) is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 No. 461-IV (shall be enforced upon expiry of six months from the date of its first official publication);

13) preparation of proposals on the grant of permissions by a local executive body of oblast for use of land plots for engineering survey works in accordance with Article 71 of this Code;

14) preparation of proposals on transfer of farm lands from one type to another;

14-1) is excluded by Law of the Republic of Kazakhstan № 239-V as of 29.09.2014 (shall take effect ten calendar days after its first official publication);

14-2)-14-6) are excluded by Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (shall take effect on 01.01.2015);

15) is excluded by the Law of the Republic of Kazakhstan dated 08.01.2013 No. 64-V (shall be enforced from 01.01.2013).

16) approval of the land cadastral plan;

17) is excluded by Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication).

2. Competence of an authorized body of the city of republican significance, the capital in the territory, transferred to its ministerial authority shall include:

1) is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 No. 461-IV (shall be enforced upon expiry of six months from the date of its first official publication);

1-1) implementation of state policy in the field of regulation of land relations;

2) preparation of proposals on the grant of permissions by a local executive body of the city of republican significance, the capital for use of land plots for engineering survey works in accordance with Article 71 of this Code;

3) preparation of proposals on transfer of farm lands from one type to another;

4) preparation of proposals on reservation on lands;

5) making-out a balance of the lands of the city of republican significance, the capital;

6) preparation of draft decisions of the local executive body of the city of republican significance, the capital on the provision of land plots and changing their intended purpose;

6-1) preparation of draft decisions of the local executive body of the city of republican significance, the capital on the provision and withdrawal of land plots for the needs of defense and national security;

7) is excluded by the Law of the Republic of Kazakhstan dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication);

8) is excluded by the Law of the Republic of Kazakhstan dated 08.01.2013 No. 64-V (shall be enforced from 01.01.2013);

9) issue of certificates of agricultural land plots;

10) conclusion of the buy and sell agreements and rental agreements of the land plot and temporary uncompensated land use and control of fulfilling the terms of concluded agreements;

10-1) The conclusion of agreements of temporary uncompensated land use for the period of construction of state social facilities (state secondary schools and preschool organizations, hospitals and clinics) on land plots provided for free in accordance with this Code and the Law of the Republic of Kazakhstan “On the special status of Almaty city”;

11) exposure of unowned land plots and organization of their registration;

12) preparation of proposals upon compulsory alienation of land plots for state requirements;

13) determination of separability and impartibility of the land plots;

14) excluded by the Law of the Republic of Kazakhstan dated 25.11.2019 No. 272-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

15) organization of conducting the land tenure and approval of land surveying projects on formation of land plots;

16) organization of development of the land zoning drafts, drafts and diagrams on the rational land use of the city of republican significance, the capital;

17) organization of conducting the land market (tenders, auctions);

18) carrying out of expert examination of drafts and diagrams, concerning the issues of use and protection of lands;

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

20) is excluded by Law of the Republic of Kazakhstan № 239-V as of 29.09.2014 (shall take effect ten calendar days after its first official publication);

21) excluded by the Law of the Republic of Kazakhstan dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023);

21) - 25) are excluded by Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (shall take effect on 01.01.2015);

26) is excluded by Law of the Republic of Kazakhstan № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication);

27) is excluded by Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication).

3. Competence of authorized bodies of districts, cities of oblast subordination within the boundary of district, boundary (limit) of the city and in the territory transferred to his ministerial authority shall include:

- 1) detection of unowned land plots and organization of work on their registration;
- 1-1) implementation of state policy in the field of regulation of land relations;
- 2) preparation of recommendation and draft decisions of the local executive body of the town of regional significance (on the territory transferred to its administrative subordination), the district for the provision of land plots and changing their intended purpose, except for the cases provided for in subparagraph 2-2) of this paragraph;
 - 2-1) preparation of proposals and draft decisions of the local executive body of a district, a city of regional significance for the establishment of public easements for subsurface use related to geological study and exploration of mineral resources;
 - 2-2) preparation of draft decisions of the akim of the town of district significance on the provision and changing the purpose of land plots located on the lands of towns of district significance;
 - 2-3) preparation of draft decisions of the local executive body of the town of regional significance on the provision and changing the purpose of land plots located on the lands of towns of regional significance;
- 3) preparation of proposals on compulsory alienation of land plots for state requirements;
- 4) determination of separability and impartibility of land plots;
- 5) excluded by the Law of the Republic of Kazakhstan dated 25.11.2019 No. 272-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication);
- 6) organization of conducting the land tenure and approval of land surveying projects on formation of land plots;
- 7) organization of development of the land zoning drafts, drafts and diagrams on the rational land use of districts, cities of oblast subordination;
- 8) organization of development of the land and economic facilities drafts of the territories of inhabited localities;
- 9) organization of conducting the land market (tenders, auctions);
- 10) carrying out of expert examination of drafts and diagrams of city, district significance, concerning the issues of use and protection of lands;
- 11) making-out a balance of the lands of districts, cities of oblast subordination;
- 12) record keeping of the owners of land plots and land users, as well as other subjects of the land legal relations;
- 13) is excluded by the Law of the Republic of Kazakhstan dated 08.01.2012 No. 64-V (shall be enforced from 01.01.2013);
- 14) is excluded by the Law of the Republic of Kazakhstan dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication);
- 15) issue of certificates of the agricultural land plots;

16) conclusion of the buy and sell agreements and rental agreements of the land plot and temporary uncompensated land use and control of fulfilling the terms of concluded agreements;

16-1) re-registration of an agreement on temporary paid land use (lease) of agricultural land plots in the case provided for by subparagraph 5-1) of part six of paragraph 1 of Article 33 of this Code;

17) preparation of proposals on the grant of permissions by a local executive body of the district, city of oblast subordination for use of land plots for engineering survey works in accordance with Article 71 of this Code;

18) preparation of proposals on transfer of farm lands from one type to another;

18-1) detection of unused lands and lands used with violation of the legislation of the Republic of Kazakhstan;

19) preparation of proposals on land reservation;

20) approval of the land cadastral plan, including in the territory transferred to the administrative subordination of towns of regional significance.

4. excluded by the Law of the Republic of Kazakhstan dated June 30, 2021 No. 59-VII (shall come into effect from 01.01.2022).

Footnote. The chapter is supplemented by Article 14-1 in accordance with the Law of the Republic of Kazakhstan dated 10 January, 2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); as amended by the Laws of the Republic of Kazakhstan dated 06.07.2007 No. 279; dated 21.07.2007 No. 297 (shall be enforced from the date of its first official publication); dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication); dated 15.07.2011 No. 461-IV (shall be enforced upon expiry of six months after its first official publication); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.01.2012 No. 535-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 08.01.2013 No. 64-V (shall be enforced from 01.01.2013); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 209-V as of 12.06.2014 (shall take effect ten calendar days after its first official publication); № 225-V as of 02.07.2014 (shall take effect on 01.01.2015); № 239-V as of 29.09.2014 (shall take effect ten calendar days after its first official publication); № 269-V as of 29.12.2014 (shall take effect on 01.01.2015); № 376-V as of 29.10.2015 (shall take effect on 01.01.2016); № 126-VI as of 27.12.2017 (shall take effect six months after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication); dated 25.11.2019 No. 272-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated June 30, 2021 No. 59-VII (shall come into effect from 01.01.2022); dated 27.12.2021 No. 87-VII (shall be

enforced ten calendar days after the day of its first official publication); dated 30.06.2022 No .130-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication); dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023).

Article 15. Competence of local representative bodies and local self-government bodies

1. The competence of local representative bodies in the field of regulations of land relations in the relevant territories shall include:

1) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

2) approval of land and economic facilities drafts in the territory of inhabited localities, including farm lands, transferred to the jurisdiction of local executive bodies of oblast subordination, akims of city of district subordination, rural settlement, village, rural district;

2-1) approval of the Pasture Management and Utilization Plan;

3) (is excluded by the Law of the Republic of Kazakhstan dated 10 January, 2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116);

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

4-1) hearing of an annual report of a district executive body (except for city districts) or local executive body of a city of regional significance on the results of implementation of the Pasture Management and Utilization Plan with the involvement of representatives of local self-government of a relevant administrative-territorial unit;

5) adoption of decisions on establishment of boundaries between administrative-territorial entities within the competence established by the legislative acts of the Republic of Kazakhstan;

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

5-2) approval of draft agreements on the alienation of a land plot for state needs;

5-3) approval of the composition of the land commission and regulations on it;

6) (is excluded by the Law of the Republic of Kazakhstan dated 10 January, 2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116);

7) exercise of other authorities in accordance with the legislation of the Republic of Kazakhstan on ensuring the rights and legal interests of citizens.

2. Local self-government bodies in the field of regulation of land relations shall provide community participation in solution of questions of local significance within the powers, established by the legislative acts of the Republic of Kazakhstan.

Footnote. Article 15 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); dated 06.07.2007 No. 279; dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first

official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 48-VI as of 20.02.2017 (shall take effect ten calendar days after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); № 217-VI as of 21.01.2019 (shall take effect ten calendar days after its first official publication).

Article 16. Competence of a local executive body of oblast, city of republican significance, the capital

1. Competence of a local executive body of oblast shall include:

1) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

1-1) submission of the area of suburban zones boundaries of the cities of district subordination for approval of a local representative body;

1-2) formation of the composition of the land commission, development of regulations on it and their submission to a relevant local representative body for approval;

2) provision of land plots for subsurface use (for mining operations; for combined exploration and production; for construction and (or) operation of underground facilities not related to exploration and (or) production), construction (reconstruction) of main pipelines, oil and gas processing facilities, and also forcible alienation of land plots for state needs in the course of discovery and development of mineral deposits, for the construction of main pipelines;

3) provision of land plots for the cattle drive routes of temporary use of the inter-district significance;

4) grant of permissions on use of land plots for engineering survey works in accordance with paragraph 2 of Article 71 of this Code;

5) provision of land plots for the state research establishments and their development farms, as well as for the state seed farms and stud farms;

5-1) provision of land plots, occupied by territorial waters for construction of artificial structures as may be agreed with an authorized state body in the field of use and protection of inventory of water resources, water supply, water diversion;

5-2) development and approval of plans for the development and reconstruction of pasture infrastructure facilities;

6) reservation of lands in accordance with Article 49-2 of this Code;

6-1) reservation of land plots on the territory of settlements that are part of the agglomeration for the construction of social, transport and engineering infrastructure facilities funded by local executive bodies of the capital, cities of republican significance;

7) provision and seizure of land plots as well as for the state requirements, from the lands of all categories in cases, linked with creation and expansion of specially protected natural areas of local significance, with the exception of cases provided by subparagraph 3) of Article 13 of this Code;

8) regulation of land relations in so far as provision of lands, being in the territory of one district, city of oblast subordination to the long term use of other district, city of oblast subordination;

9) provision and seizure of land plots as well as for state requirements in cases provided by Article 90 of this Code, with the exception of forestry fund lands;

9-1) establishment of public easements in accordance with Article 69 of this Code;

10) carrying out of coordination and operating control of district, city (oblast subordination) executive bodies in so far as use and protection of land resources;

10-1) is excluded by the Law of the Republic of Kazakhstan dated 13.05.2021 No. 39-VII (shall come into effect ten calendar days after the day of its first official publication);

10-2) submission to the authorized body for the agro-industrial complex development of semi-annual and annual reports on:

rational use of pastures;

carrying out measures to combat the degradation and desertification of pastures;

feed capacity of pastures;

the condition of pasture infrastructure facilities;

10-3) submission for approval of materials on the provision and expropriation of land plots for defense and national security needs to state bodies specified in part two of paragraph 1 of Article 120 of this Code;

10-4) provision and expropriation of land plots for defense and national security needs;

11) (is excluded by the Law of the Republic of Kazakhstan dated 10 January, 2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116));

12) exercise of other authorities in behalf of local state administration, laid upon local executive bodies by the legislation of the Republic of Kazakhstan.

2. Competence of a local executive body of city of republican significance, the capital in the field of regulation of land relations shall also include:

1) grant of land plots to the private ownership and land use, with the exception of cases provided by Article 13 of this Code;

1-1) grant of land plots for the purposes of construction of facilities of harnessing of renewable resources;

1-2) Excluded by the Law of the Republic of Kazakhstan dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023);

1-3) approval of the list of state bodies and other organizations to coordinate the scheme of allotment of a land plot in accordance with the standard list;

2) seizure of land plots including for the state requirements, with the exception of cases provided by Article 13 of this Code;

2-1) allocation of land plots to the common-use land in the lands of inhabited localities, as well as exclusion from the categories of common-use lands in connection with change of their designation;

2-2) is excluded by the Law of the Republic of Kazakhstan dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication);

3) development of the land and economic facilities drafts of the inhabited localities territory, within their ministerial authority for approval by the relevant representative body and their enforcement;

3-1) establishment of public easements in accordance with Article 69 of this Code;

4) provision for approval of drafts (diagrams) of land zoning for the representative bodies of city of republican significance, the capital;

4-1) provision of land plots seized for state needs to non-state land users for temporary uncompensated land use for the construction of state social facilities (state secondary schools and preschool organizations, hospitals and clinics) with their further transfer, including land plots, without changing the identification characteristics to the local property of the local executive body in accordance with the Law of the Republic of Kazakhstan "On the special status of Almaty city”;

5) is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

5-1) is excluded by the Law of the Republic of Kazakhstan dated 13.05.2021 No. 39-VII (shall come into effect ten calendar days after the day of its first official publication);

5-2) placement of approved projects of land and economic organization of the territory of settlements on special information stands in places accessible to the public and on information resources in electronic form;

5-3) reservation of lands in accordance with Article 49-2 of this Code;

5-4) submission for approval of materials on the provision and expropriation of land plots for defense and national security needs to state bodies specified in part two of paragraph 1 of Article 120 of this Code;

5-5) provision and expropriation of land plots for defense and national security needs;

6) execution in behalf of the local state administration of other authorities laid upon the local executive bodies by the legislation of the Republic of Kazakhstan.

Footnote. Article 16 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); dated 06.07.2007 No. 279; dated 21.07.2007 No. 297 (shall be enforced from the date of its first official publication); dated 13.02.2009 No. 135-IV (the order of enforcement see Article 3); dated 04.07.2009 No. 166-IV; dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.01.2012 No. 535-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 209-V as of 12.06.2014 (shall take effect ten calendar days after its

first official publication); № 376-V as of 29.10.2015 (shall take effect on 01.01.2016); № 48-VI as of 20.02.2017 (shall take effect ten calendar days after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); № 243-VI as of 03.04.2019 (shall take effect ten calendar days after its first official publication); dated 13.05.2021 No. 39-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 30.06.2022 No.130-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication); dated 01.01.2023 No. 182-VII (shall be enforced ten calendar days after the date of its first official publication); dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023).

Article 17. Competence of a district (except districts in cities) executive body

The competence of a district executive body (except for city districts) for regulating land relations inside a district include:

1) grant of land plots to the private ownership and land use, with the exception of cases provided by Article 13, 16, 18 and 19 of this Code;

1-1) establishment of public easements for subsurface use related to geological study and exploration of mineral resources;

1-2) formation of the composition of the land commission, development of regulations on it and their submission to a relevant local representative body for approval;

2) seizure of land plots including for the state requirements, with the exception of cases provided by Article 13, 16, 18 of this Code;

2-1) is excluded by the Law of the Republic of Kazakhstan dated June 30, 2021 No. 59-VII (shall come into effect from 01.01.2022);

2-2) is excluded by the Law of the Republic of Kazakhstan dated June 30, 2021 No. 59-VII (shall come into effect from 01.01.2022).

3) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

4) development of the land and economic facilities drafts of the inhabited localities territory, including the farm lands transferred to the jurisdiction of rural executive bodies for approval by the relevant representative body and their enforcement;

4-1) reservation of lands in accordance with Article 49-2 of this Code;

5) providing permission for land plot use for engineering survey works according to paragraph 2 of Article 71 of this Code;

5-1) establishment of public easements in accordance with Article 69 of this Code;

5-2) placement of approved projects of land and economic organization of the territory of settlements on special information stands in places accessible to the public and on information resources in electronic form;

6) establishment of the special land fund;

7) is excluded by the Law of the Republic of Kazakhstan dated 10 January, 2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116);

8) provision for approval of drafts (diagrams) of land zoning for the representative bodies of district;

8-1) development of the Pasture Management and Utilization Plan together with akims of a town of district significance, a rural settlement, a village, a rural district and local governments and its submission for approval to the local representative body of a district;

8-2) ensuring the implementation of the Pasture Management and Utilization Plan and submission of an annual report on the results of its implementation to the local representative body of a district;

8-3) is excluded by the Law of the Republic of Kazakhstan dated June 30, 2021 No. 59-VII (shall come into effect from 01.01.2022);

9) is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

10) execution in behalf of the local state administration of other authorities laid upon the local executive bodies by the legislation of the Republic of Kazakhstan.

Footnote. Article 17 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2 No. 116); dated 06.07.2007 No. 279; dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 48-VI as of 20.02.2017 (shall take effect ten calendar days after its first official publication); № 126-VI as of 27.12.2017 (shall take effect six months after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication); dated June 30, 2021 No. 59-VII (shall come into effect from 01.01.2022); dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023).

Article 18. Competence of a local executive body of city of oblast subordination

The competence of local executive body of the city of oblast subordination in the field of regulation of land relations within the boundaries (limit) of the city and in the territory transferred to its ministerial authority shall include:

1) grant of land plots to the private ownership and private land use, with the exception of cases provided by the articles 13, 16 and 19 of this Code;

1-1) formation of the composition of the land commission, development of regulations on it and their submission to a relevant local representative body for approval;

1-2) approval of the list of state bodies and other organizations to coordinate the scheme of allotment of a land plot in accordance with the standard list;

2) seizure of land plots including for the state requirements, with the exception of cases provided by the articles 13 and 16 of this Code;

2-1) allocation of land plots to the common-use land in the lands of inhabited localities, as well as exclusion from the categories of common-use lands in connection with change of their designation;

2-2) is excluded by the Law of the Republic of Kazakhstan dated June 30, 2021 No. 59-VII (shall come into effect from 01.01.2022).

2-3) is excluded by the Law of the Republic of Kazakhstan dated June 30, 2021 No. 59-VII (shall come into effect from 01.01.2022).

3) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

4) development of the land and economic facilities drafts of the inhabited localities territory, within their ministerial authority for approval by the relevant representative body and their enforcement;

4-1) reservation of lands in accordance with Article 49-2 of this Code;

5) providing permission for land plot use for engineering survey works according to paragraph 2 of Article 71 of this Code;

5-1) establishment of public easements in accordance with Article 69 of this Code;

5-2) placement of approved projects of land and economic organization of the territory of settlements on special information stands in places accessible to the public and on information resources in electronic form;

6) establishment of the special land fund;

7) is excluded by the Law of the Republic of Kazakhstan dated 10 January, 2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116);

8) provision for approval of drafts (diagrams) of land zoning for the representative body of city of oblast subordination;

8-1) development of the Pasture Management and Utilization Plan together with akims of a town of district significance, a rural settlement, a village, a rural district and local governments and its submission to the local representative body of a city of regional significance for approval;

8-2) ensuring the implementation of the Pasture Management and Utilization Plan and submission of an annual report on the results of its implementation to the local representative body of a city of regional significance;

8-3) is excluded by the Law of the Republic of Kazakhstan dated June 30, 2021 No. 59-VII (shall come into effect from 01.01.2022).

9) is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

10) execution in behalf of the local state administration of other authorities laid upon the local executive bodies by the legislation of the Republic of Kazakhstan.

Footnote. Article 18 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); dated 06.07.2007 No. 279; dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 48-VI as of 20.02.2017 (shall take effect ten calendar days after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022); dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023).

Article 19. Competence of akims of city of district subordination, rural settlement, village, rural districts

Competence of akims of cities of district subordination, rural settlement, village, rural districts in the field of regulations of land relations within the boundaries (limit) of the city, rural settlement, village shall include:

1) grant of land plots to the private ownership and private land use, with the exception of cases provided by the articles 13 and 16 of this Code;

1-1) establishment of public easements in accordance with Article 69 of this Code;

2) proposal to the district (city) akimat on the issue of seizure of land plots, including for the state requirements;

2-1) is excluded by the Law of the Republic of Kazakhstan dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication);

3) is excluded by the Law of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116)

4) ensuring the implementation of the Pasture and Utilization Management Plan and submission of an annual report on the results of its implementation to a local government (local community gathering);

4-1) is excluded by the Law of the Republic of Kazakhstan dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022).

5) publication of annual reports on the results of implementation of the Pasture Management and Utilization Plan in mass media distributed in respective territories;

6) is excluded by the Law of the Republic of Kazakhstan dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022).

7) is excluded by the Law of the Republic of Kazakhstan dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022).

The competence of the akim of the town of district significance also includes the approval of the list of state bodies and other organizations to coordinate the scheme of allotment of a land plot in accordance with the standard list.

Footnote. Article 19 as amended by the Laws of the Republic of Kazakhstan dated 06.07.2007 No. 279; dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 48-VI as of 20.02.2017 (shall take effect ten calendar days after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022); dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023).

Article 19-1. Competence of administration of special economic zone

Footnote. Article 19-1 is excluded by the Law of the Republic of Kazakhstan dated 21.07.2011 No. 470-IV (shall be enforced from 01.04.2012).

Section 2. Property right, land use right and other rights in things to land

Chapter 3. Property right to land

Article 20. Types of property right to land

1. State and private land ownership shall be recognized as well as protected in the Republic of Kazakhstan.

2. Subjects of property right:

subject of the right of state ownership to land in the territory of the republic – the Republic of Kazakhstan;

subject of the right of private ownership to land plots on the basis, conditions and within the ambits established by this Code, - citizens and non-state legal entities. By this, the citizens shall be regarded as the citizens of the Republic of Kazakhstan, foreign persons and stateless persons, unless otherwise established by this Code.

Article 21. Content of property right

1. Owner is vested in right of possession, use and disposition of the land plot belonging to him.

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

3. Land plot owner may exercise the rights of owner on the basis, conditions and within the ambits provided by this Code and other legislative acts of the Republic of Kazakhstan.

Article 22. Origin of property right to land plot

1. Property right to land plot shall arise by:

- 1) grant of property right;
- 2) transaction of property right;

3) devolution of property right in the procedure of universal legal succession (succession, reorganization of a legal person).

2. Grant, transaction and devolution of the property right shall be performed in recognition of the designation of a land plot.

3. Property right to land plot shall arise on the basis of:

1) acts of the state bodies;

2) civil transactions;

3) other grounds provided by the legislation of the Republic of Kazakhstan.

Article 23. Ownership of land plots of citizens and legal entities

1. Land plots in the state ownership may be granted to the private ownership for citizens and non-state legal entities, with the exception of the land plots which in accordance with this Code may not be in the private ownership.

1-1. Land plots located in the frontier zone of the State Border of the Republic of Kazakhstan are not provided into private ownership or for temporary land use.

The population is allowed to use agricultural land located within the frontier zone of the State Border of the Republic of Kazakhstan for grazing farm animals of own farmsteads and haymaking without the right to erect any buildings (constructions, structures).

2. Private ownership of the citizens of the Republic of Kazakhstan may include the land plots for management of peasant or agrarian economy, personal subsidiary husbandry, forest planting, gardening, personal housing and suburban construction management, as well as granted for building construction or built-up by production and non-production, including residential buildings (constructions, installations) and their complexes, including lands intended for janitorial service (constructions, installations) in accordance with their purposes.

On termination of the citizenship of the Republic of Kazakhstan from a person who is the owner of a land plot provided for running a peasant or farm enterprise, personal subsidiary farming, afforestation, gardening and summer cottage construction, the right of ownership is subject to alienation or re-registration in accordance with the norms of Article 66 of this Code unless otherwise provided by this Code.

3. Non-state legal entities of the Republic of Kazakhstan may own land plots (to be) provided for agricultural production, afforestation, for development or having production and non-production buildings (constructions, structures), including residential ones, and their complexes, including lands intended for the maintenance of buildings (constructions, structures) in accordance with their intended use.

4. Foreigners, stateless persons and foreign legal entities (non-state ones) may own land plots for the purposes specified in paragraph 3 of this article, except for lands intended for agricultural production and afforestation.

Land plots located in the frontier zone of the State Border of the Republic of Kazakhstan may not be owned by foreigners, stateless persons, citizens of the Republic of Kazakhstan

who are married to (are spouses of) foreigners or stateless persons, and also to foreign legal entities and legal entities of the Republic Kazakhstan with foreign participation.

When citizens of the Republic of Kazakhstan marry (become spouses of) foreigners or stateless persons, their right of ownership of land plots located in the frontier zone and frontier region of the State Border of the Republic of Kazakhstan shall be re-registered or alienated in accordance with the provisions of Article 66 of this Code.

When a foreigner or a stateless person, a foreign legal entity, a legal entity of the Republic of Kazakhstan with foreign participation is included in the composition of participants (shareholders, members) of a legal entity of the Republic of Kazakhstan, the right of ownership of land plots located in the border zone and the border strip of the State Border of the Republic of Kazakhstan is subject to re-registration or alienation in accordance with the norms of Article 66 of this Code.

Footnote. Article 23 as amended by the Law of the Republic of Kazakhstan dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 13.05.2021 No. 39-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022).

Article 24. Property right to agricultural lands

Part one of paragraph 1 is provided in the version of the Law of the Republic of Kazakhstan dated 02.11.2015 No. 389-V (suspended until 31.12.2026).

This version of the first part of paragraph 1 is valid until December 31, 2026 in accordance with the Law of the Republic of Kazakhstan dated June 30, 2016 No. 5-VI (shall be enforced from the date of its first official publication).

1. Agricultural land plots owned by the state may be provided to citizens and legal entities of the Republic of Kazakhstan without foreign participation on the basis of the land use right in the manner and subject to conditions established by this Code.

Agricultural land plots may not be provided into private ownership as state land grants for agricultural production.

Foreigners, stateless persons, foreign legal entities, legal entities of the Republic of Kazakhstan with foreign participation, international organizations, scientific centres with international participation, as well as kandas may not own agricultural land plots as private property or on the grounds of land use rights.

When a foreigner or a stateless person, a foreign legal entity, a legal entity of the Republic of Kazakhstan with foreign participation becomes a member of the participants (shareholders, members) of a legal entity of the Republic of Kazakhstan, the right of private ownership, as well as the right of temporary land use to agricultural land plots, shall be subject to alienation in accordance with the norms of Article 66 of this Code.

Upon termination of the citizenship of the Republic of Kazakhstan from a person who is a participant (shareholder, member) of a legal entity of the Republic of Kazakhstan, the right of private property, as well as the right of temporary land use to agricultural land plots, shall be subject to alienation in accordance with the norms of Article 66 of this Code.

It shall be prohibited to provide agricultural land plots in private ownership and on the right of land use to citizens of the Republic of Kazakhstan who are married (in matrimony) to foreigners or stateless persons.

When entering into a marriage (matrimony) between citizens of the Republic of Kazakhstan with foreigners or stateless persons, the right of private ownership or land use to agricultural land plots is subject to alienation in accordance with the norms of Article 66 of this Code.

Paragraph 2 is provided for in the version of the Law of the Republic of Kazakhstan dated November 2, 2015 No. 389-V (suspended until December 31, 2026).

Paragraph 2 is suspended until 31.12.2026 in accordance with Law of the Republic of Kazakhstan № 5-VI as of 30.06.2016 (shall take effect on the day of its first official publication).

2. The right to private ownership of an agricultural land plot is granted on a fee basis.

Citizens and non-state legal entities interested in obtaining the right to private ownership of a land plot (land plots) for running a peasant or farm enterprise, agricultural production and afforestation can:

1) acquire the right to private ownership of a land plot at a price equal to the cadastral (appraised) value of the land plot, determined in accordance with Articles 10 and 11 of this Code;

2) acquire the right to private ownership of a land plot at a preferential price determined on the basis of its cadastral (appraised) value.

In this case, the size of the preferential price for land plots in administrative-territorial units is established by the Government of the Republic of Kazakhstan.

Those citizens and non-state legal entities of the Republic of Kazakhstan, who bought permanent land use right (long-term land use right) to a land plot for running a peasant or farm enterprise and agricultural production from the state in accordance with the legislation of the Republic of Kazakhstan in force at the time of the transactions, immediately after this Code's enactment become land plot owners without being charged an additional fee to acquire the private property right within the norms of land plots established by this Code.

The indicated persons enjoy the private property right to a land plot in the manner prescribed by paragraph 3 of this article.

Paragraph 3 is suspended until 31.12.2026 in accordance with Law of the Republic of Kazakhstan № 5-VI as of 30.06.2016 (shall take effect on the day of its first official publication).

3. A person who fully paid for the acquisition of the private property right to a land plot in accordance with:

subparagraph 1) of paragraph 2 of this article, has the right to carry out all types of transactions for a land plot not prohibited by the legislation of the Republic of Kazakhstan;

subparagraph 2) of paragraph 2 of this article, has the right to carry out all types of transactions for a land plot not prohibited by the legislation of the Republic of Kazakhstan, upon expiration of the term of restriction on transactions for a land plot purchased at a preferential price, which is two years for every ten percent reduction in cadastral (appraised) value of the land. This restriction does not apply to the pledge of a land plot.

Paragraph 4 is suspended until 31.12.2026 in accordance with Law of the Republic of Kazakhstan № 5-VI as of 30.06.2016 (shall take effect on the day of its first official publication).

4. The amounts for the acquisition of land plots, specified in paragraph 2 of this article, may be paid in installments in accordance with the procedure established by Article 49 of this Code.

5. On termination of citizenship of the Republic of Kazakhstan from a person who is the owner of an agricultural land plot, within three months from the moment of termination of citizenship, the land plot shall be alienated or, with the consent of the local executive body, returned to state ownership with payment of the price of the land plot paid for this plot when purchasing from the state (owner).

6. Agricultural land plots located within the border zone of the State Border of the Republic of Kazakhstan shall be provided on the right of temporary land use to citizens of the Republic of Kazakhstan unless otherwise provided by this Code, and to legal entities of the Republic of Kazakhstan without foreign participation.

7. The norms of paragraph 1 of this Article shall also apply to land plots provided (being provided) for afforestation.

Footnote. Article 24 as amended by the Laws of the Republic of Kazakhstan dated 06.06.2007 No. 279; dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V as of 29.12.2014 (shall take effect on 01.01.2015); № 5-VI as of 30.06.2016 (shall take effect on the day of its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 13.05.2021 No. 39-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022).

Article 25. Enforcement of the right of private ownership

1. Owner of a land plot shall exercise rights to possession, use and disposition of a land plot in his own discretion without obtaining permits of the state bodies, unless otherwise provided by this Code and other legislative acts of the Republic of Kazakhstan.

2. Owner shall have the right to make any transactions in relation to his land plot without change of its designation, not prohibited by the legislative acts of the Republic of Kazakhstan.

Owners of agricultural land plots shall exercise specified rights in recognition of regulations of this Code.

Property right to the land plot shall be transferred to the other person with all encumbrances presented at the moment of consummation of transactions.

3. Owner of a land plot shall have the right to deliver land plot without change of its designation for the temporary use on the basis of agreement for temporary use of land plot. Agreement of temporary use of land plot shall be concluded in a form of contract of lease (with landholder) or contract for uncompensated use (with uncompensated user).

When leasing a land plot and (or) its part for the construction of antenna-mast structures and (or) supports for cellular or satellite communications equipment, a change in purpose is not required for both the entire land plot and its part.

Footnote. Article 25 as amended by the Law of the Republic of Kazakhstan dated 02.07.2020 No. 355-VI (shall come into effect ten calendar days after the day of its first official publication).

Article 26. State land ownership

1. The state owns land plots allocated to state authorities, state organizations and institutions, used for defense and national security needs, occupied by specially protected natural areas for recreational, historical and cultural purposes, forest and water funds, land plots of common use inside populated localities, of reservation, including special land fund, pastures and hay fields, as well as distant pastures and other lands not transferred into private ownership.

2. Private ownership may not include land plots occupied (by):

for needs of defence and national security, defence industry in the state ownership; engineering structures, communications raised for protection and guarding of State boundary of the Republic of Kazakhstan; custom needs;

specially protected natural areas;

forest fund, with the exception of land plots listed in paragraph 4 of Article 128 of this Code;

inventory of water resources, with the exception of land plots listed in paragraph 2 of Article 133 of this Code;

main railway networks;

public roads, except for land plots occupied by public roads sold to a state Islamic special purpose company by the decision of the Government of the Republic of Kazakhstan in accordance with legislative acts of the Republic of Kazakhstan;

shared areas in the inhabited localities, with the exception of land plots occupied by buildings and installations on the basis of private property, and required for their janitorial service.

Rating of lands to one or another category shall be established by reference to their designation and permitted use in accordance with the land zoning.

3. Citizens and non-state legal entities shall not be granted in separate ownership and land use by the land plots occupied by:

haylands used and intended for the needs of the population, including those located within the boundaries of cities of regional and district significance, towns, rural settlements;

general use road including roads of inter-farm and inter village significance, as well as intended for access to common-use land plots;

flooded installations of joint use (water supply canals, water escape, water wells, watering places) of two or more owners of land plots or land users.

The pasture lands specified in subparagraph 7-1) of part one of paragraph 2 of Article 13 of the Law of the Republic of Kazakhstan “On pastures” shall not be provided for private ownership and land use and shall be used only for the needs of the population for grazing farm animals of personal farmstead.

4. Land plots reserved in the prescribed manner for the development of specially protected natural areas, main railways, public roads and main pipelines, communications, subsurface use, energy, as well as those intended, in accordance with the approved architectural and town planning and (or) construction documentation, for the construction of administrative and social facilities (airports, airfields, railway stations, stations, public roads, administrative buildings of state bodies, hospitals, schools, public housing fund, parks, boulevards, squares and other public facilities), may be provided to land users for other purposes on the basis of the temporary land use right prior to the development of land plots in accordance with the purposes, for which they were reserved.

Land plots, reserved in the prescribed manner for the purposes indicated in part one of this paragraph, shall not be provided into private ownership for other purposes.

5. Default in grant of land plots in the state ownership to the ownership of citizens and non-state legal entities shall be prohibited if these land plots may be in the private ownership in accordance with this Code.

Footnote. Article 26 as amended by the Laws of the Republic of Kazakhstan dated 04.07.2009 No. 166-IV; dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 422-V as of 24.11.2015 (shall take effect on 01.01.2016); № 126-VI as of 27.12.2017 (shall take effect six months after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022).

Article 27. Enforcement of the right of state ownership

Land plots from the lands in the state ownership may be:

- 1) sold or transferred to the private ownership without compensation;
 - 1-1) provided as payment for the charter capital (property) of social-entrepreneurial corporations;
 - 2) granted to the permanent or temporary use;
 - 3) realized in other legal forms in cases provided by this Code, other legislative acts of the Republic of Kazakhstan or international treaties.

Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan dated 6 July, 2007 No. 279; № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication).

Chapter 4. Land use right

Article 28. Regime of land use right

Land use right is a Law of things. Land use right shall be applied by the regulations on the property right considering that it is not inconsistent with this Code and nature of the Law of things.

Article 29. Types of land use right

1. Land use right may be permanent or temporary, alienable or unalienable, acquired for a on a remuneration basis or without charge.

2. No one may be deprived of land use right other than on the grounds established by this Code and other legislative acts of the Republic of Kazakhstan.

Article 30. Subjects of land use right

Land users shall be divided into:

- 1) state and non-state;
- 2) national and foreign;
- 3) individual and legal entities;
- 4) permanent and temporary;
- 5) primary and secondary.

Article 31. Origin of land use right

1. Land use right shall arise by:

- 1) grant of land use right;
- 2) transaction of land use right;
- 3) devolution of land use right in the procedure of universal legal succession (succession, reorganization of a legal person).

2. Grant, transaction and devolution of the property right shall be performed in recognition of the designation of a land plot.

3. Land use right shall arise on the basis of:

- 1) acts of the state bodies;
- 2) civil transactions;
- 3) other grounds provided by the legislation of the Republic of Kazakhstan.

Article 32. Grant of land use right

1. Grant of land use right signifies the vesting of land use right directly by the state.
2. Grant of land use right to the citizens and legal entities shall be performed on the basis of decision of local executive body of oblast, city of republican significance, the capital, district, city of oblast subordination in accordance with the competence on provision of land use right.
3. Upon granting of the temporary land use right to the land users, the authorized body of oblast, city of republican significance, the capital, district, city of oblast subordination within its competence shall conclude land rental agreement with such land users or agreement of a temporary uncompensated land use on the basis of relevant decision of the Government of the Republic of Kazakhstan or local executive body on grant of temporary land use right.

The main condition for the conclusion of an agreement on the provision of non-state land users with the right of temporary uncompensated land use on land plots seized for the construction of state social facilities (state secondary schools and preschool organizations, hospitals and clinics) shall be their further transfer, including land, without changes, without changing identification characteristics in the communal property of the local executive body in accordance with the Law of the Republic of Kazakhstan "On the special status of Almaty city".

4. If a land plot is intended for carrying out an activity or performing actions that require a permit, a license for subsurface use or a subsurface use contract, the right to use this land plot is granted after an appropriate permit, license for subsurface use are obtained or a subsurface use contract is signed.

This rule does not apply to cases of transfer of the right to a land plot to a developer and (or) a company authorized to construct residential houses (residential buildings) using the money of shared construction participants in accordance with the legislative act of the Republic of Kazakhstan on shared participation in housing construction.

In case of early termination of a subsurface use contract by a competent authority, title documents for a land plot are reissued to a trust manager on the basis of an agreement for the trust management of a subsoil plot entered into by the competent authority with the national company in accordance with the Code of the Republic of Kazakhstan On Subsurface and Subsurface Use.

A ground for undelayed provision of a land plot in the manner prescribed by this Code is issuance of a license for extracting solid minerals, the use of subsurface space or prospecting, conclusion of a contract for the extraction of hydrocarbons or an annex to a contract for the exploration and production of hydrocarbons, which secures the allocation of a production site and a production period or a preparatory period, or a trust management agreement for a subsurface plot specified in part three of this paragraph.

Footnote. Article 32 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); dated

06.07.2007 No. 275; dated 06.07.2007 No. 279; dated 10.07.2009 No. 180-IV; dated 11.07.2009 No. 183 (the order of enforcement see Article 2); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.07.2011 No. 470-IV (shall be enforced from 01.04.2012); № 271-V as of 29.12.2014 (shall take effect ten calendar days after its first official publication); № 487-V as of 07.04.2016 (shall take effect six months after its first official publication); № 126-VI as of 27.12.2017 (shall take effect six months after its first official publication); dated 30.06.2022 No.130-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

Article 33. Transaction of land use right

1. Transaction of land use right signifies the vesting of land use right directly by the other land user.

Transaction of land use right shall be performed on the basis of civil transactions, as well as on the other grounds provided by the legislation of the Republic of Kazakhstan.

Alienation of land use right shall be performed on the basis of civil transactions (purchase and sale, deed of gift, permutation and other).

Transaction of land use right to the other person for a specified period shall be performed on the basis of rental agreement or temporary uncompensated use of a land plot.

Transaction and alienation of land use right may be performed only by the persons ransomed the right of temporary compensated land use (leasehold).

Redemption of the temporary compensated land use right (leasehold) is not required:

1) when pledged, also in case of sale of a pledged item by the pledge holder in the event that the pledgor fails to fulfill or improperly fulfills his/her/its obligations, when a pledged item is transferred to the pledge lender in the course of the bankruptcy procedure to meet its requirements in accordance with the legislation of the Republic of Kazakhstan on rehabilitation and bankruptcy, as well as a contribution to the authorized capital of a business partnership, as payment for shares of a joint stock company or as a contribution to a production cooperative;

2) to land plot occupied by alienable buildings (constructions, installations), as well as intended for their exploitation, as part of the lands of forest funds and inventory of water resources, specially protected natural areas of healthful, recreational and historical-cultural purposes;

3) when the management company transfers land plots into secondary land use (sublease) in accordance with the legislation of the Republic of Kazakhstan on special economic and industrial zones;

3-1) when a member of a special economic zone or industrial zone of republican or regional significance or persons carrying out support activities inside a special economic zone alienate a state-owned land plot with infrastructure facilities in favor of the management company of a special economic or industrial zone;

3-2) in case of alienation by the management company of land plots to a participant in a special economic zone, who is at the same time a private partner in the framework of the implementation of a public-private partnership project, if the constructed object of a public-private partnership is transferred to state ownership;

4) in case of transfer of a subsurface use right in accordance with the Code of the Republic of Kazakhstan “On Subsurface and Subsurface Use”;

5-1) in case of alienation of the right of land use on agricultural lands.

Alienation of the right to land use on agricultural land shall be carried out based on civil law transactions after the expiration of the five-year lease period from the date of granting the right to land use unless otherwise provided by this Code.

Therewith, the land user who has alienated the right to land use on agricultural land shall be obliged to notify the authorized body of the district, city of regional significance at the location of the land plot within three working days after the completion of the civil law transaction.

The notice shall be sent in writing indicating the number and date of the relevant civil law transaction.

When the right to land use on agricultural land is alienated, the temporary paid land use (lease) agreement shall be reissued to the new land user by the authorized body of the district, city of regional significance based on civil law transactions for a period before the expiration of the initial lease in the manner determined by the central authorized body.

The right of temporary paid land use to a land plot upon a change of land user shall arise from the moment of registration of changes in the terms of the contract for temporary paid land use (lease) of agricultural land plots in the manner established by the legislation of the Republic of Kazakhstan on state registration of rights to real estate.

In these cases, the land user who has acquired the right to temporary paid land use to the land plot shall become liable under the contract for temporary paid land use (lease) of agricultural land plots to the lessor.

Therewith, the general total size of agricultural land plots that may be on the right of temporary paid land use by a citizen of the Republic of Kazakhstan for conducting a peasant or farm enterprise, a non-state legal entity of the Republic of Kazakhstan without foreign participation for conducting agricultural production, shall not exceed the limit (maximum) size land plots established in accordance with paragraph 4 of Article 50 of this Code.

In case of exceeding the indicated amounts, the right of temporary paid land use is subject to re-registration or alienation in accordance with the norms of Article 66 of this Code;

6) for a land plot occupied by buildings (constructions, structures), which are transferred into state and (or) communal ownership free of charge;

7) for a land plot occupied by buildings (constructions, structures) transferred into trust management;

8) upon transfer of the right by the developer in the field of equity participation in housing construction to an authorized company in accordance with the legislation of the Republic of Kazakhstan on equity participation in housing construction.

Land users have no right to change the designation of land plot on a stand-alone basis in case of alienation and transaction of land use right.

2. Consummation of transactions by land users in relation to land use right shall be prohibited on lands (of):

- 1) common-use;
- 2) granted for needs of defence and national security;
- 3) forest fund;
- 4) specially protected natural areas of healthful, recreational and historical-cultural purposes;
- 5) service allotment;
- 6) land plots provided based on the right of temporary gratuitous and temporary short-term paid land use (lease), except for the transfer by the developer in the field of equity participation in housing construction of the right of temporary short-term paid land use (lease) to an authorized company to obtain a guarantee from the Unified Housing Construction Operator in accordance with the legislation of the Republic of Kazakhstan on equity participation in housing construction;

7) excluded by the Law of the Republic of Kazakhstan); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022).

8) inventory of water resources.

2-1. The restrictions provided for in paragraph 2 of this Article shall not apply to transactions, including pledges made by land users concerning the right to land use for a land plot occupied by alienated buildings (structures, constructions) and intended for their operation, which is part of the forest and water land funds, specially protected natural areas, health-improving, recreational and historical and cultural purposes, as well as for the transfer of temporary free use of land for the construction, reconstruction and operation of defence facilities under public-private partnership agreements, including under a concession agreement, in accordance with the laws of the Republic of Kazakhstan.

3. A land user shall transfer a land plot belonging to him/her into temporary land use to another person (secondary land user), and also alienate the temporary land use right, with account of the provisions of paragraph 4 of Article 32 and paragraph 3 of Article 37 of this Code and the legislation of the Republic of Kazakhstan on special economic and industrial zones.

Footnote. Article 33 as amended by the Laws of the Republic of Kazakhstan dated 6 July, 2007 No. 279; dated 24.03.2011 No. 420-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.07.2011 No. 470-IV (

shall be enforced from 01.04.2012); dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 208-V as of 10.06.2014 (shall take effect ten calendar days after its first official publication); № 269-V as of 29.12.2014 (shall take effect on 01.01.2015); № 362-V as of 27.10.2015 (shall take effect ten calendar days after its first official publication); № 49-VI as of 27.02.2017 (shall take effect ten calendar days after its first official publication); № 126-VI as of 27.12.2017 (shall take effect six months after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); № 243-VI as of 03.04.2019 (shall take effect ten calendar days after its first official publication); dated 09.06.2020 No. 341-VI (shall come into effect from 01.07.2021); dated 29.06.2020 No. 352-VI (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 02.01.2021 No. 399-VI (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022).

Article 34. Permanent land use right

1. The following state land users shall be granted by land plots on the basis of permanent land use right:

1) excluded by the Law of the Republic of Kazakhstan dated 26.12.2019 No. 284-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

2) legal entities carrying out agricultural and forestry production, as well as for research, experimental and educational purposes;

3) legal entities engaged in land use on the lands of specially protected natural areas;

4) in other cases provided by the legislative acts of the Republic of Kazakhstan.

2. Permanent land use right may not belong to foreign land users.

Footnote. Article 34 as amended by the Law of the Republic of Kazakhstan dated 6 July, 2007 No. 279; dated 26.12.2019 No. 284-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

Article 35. Temporary land use right

1. Land plot may be granted to the citizens and legal entities on the basis of right of temporary land use (on a leasehold basis) or on the basis of temporary uncompensated land use.

2. Temporary uncompensated land use right shall be granted for a period up to 5 years, unless otherwise provided by this Code and legislative acts of the Republic of Kazakhstan.

Temporary compensated land use right (leasehold) may be short sighted (to 5 years) and long-term (from 5 to 49 years), with the exception of cases of grant of temporary compensated land use right for management of peasant or agrarian economy provided by this Code.

The temporary paid land use right to lands used for the establishment of a special economic zone is granted to management companies of the special economic zone for the period of creation of the special economic zone.

The temporary land use right to lands used for the establishment of an industrial zone of republican or regional significance is granted to management companies of the industrial zone of republican or regional significance for a period specified by a decision of the local executive body of a region, a city of republican significance, the capital on the creation of an industrial zone, which shall be at least 20 years.

The right of temporary paid land use on lands used for the construction of facilities within the boundaries of a settlement shall be granted for at least three years.

3. Absolute deadline of temporary compensated land use right (leasehold) shall be established on the basis of motion of the land tenant in recognition of specific characters of land plot's designation in accordance with the time limits of temporary land use established by this Code.

4. Unilateral termination of the agreement of temporary land use, except to the extent provided for in this Code, as well as the cases when the procedure for termination declared in this agreement shall be prohibited.

5. Return of a land plot granted on the basis of land use right to the state ownership shall be performed in accordance with concluded rental agreement of a land plot or with the agreement of temporary uncompensated land use.

Footnote. Article 35 as amended by the Laws of the Republic of Kazakhstan dated 24.03.2011 No. 420-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 243-VI as of 03.04.2019 (shall take effect ten calendar days after its first official publication); dated 29.06.2020 No. 352-VI (shall come into effect ten calendar days after the day of its first official publication).

Article 36. Temporary uncompensated land use right

1. Land plots on the basis of temporary uncompensated land use right may be granted to the citizens of the Republic of Kazakhstan and legal entities of the Republic of Kazakhstan:

for distant-pasture cattle tending (seasonal pastures);

for cattle grazing of population and haying;

to the state land users;

for conduct of vegeculture;

in the form of service allotment;

for the period of construction of public roads, state property and socio-cultural purposes, as well as state social facilities (state secondary schools and preschool organizations, hospitals and clinics) in accordance with subparagraph 4-1) of paragraph 2 of Article 16 of this Code and the Law of the Republic Kazakhstan "On the special status of Almaty city";

in restoration of degraded and disturbed lands;

for the term of a public-private partnership agreement, including a concession agreement;
at granting in the prescribed manner by the legislation of the Republic of Kazakhstan of
buildings (premises) and installations for the temporary uncompensated use;
for objects of religious structures;
in other cases provided by this Code and legislative acts of the Republic of Kazakhstan.

2. The period of temporary free land use shall not exceed five years, except for cases when land plots are provided in the form of official land plots and for restoring degraded and disturbed lands, and also in cases of provision of land plots for implementing public-private partnership projects, including concession projects.

Term of the temporary uncompensated land use of a land plot granted for buildings (premises) and installations shall be established by the term of temporary uncompensated use of buildings (premises) and installations, as well as religious structures.

3. Alienation of land plots on a right of temporary uncompensated land use, including their transfer to the secondary land use shall be prohibited.

Footnote. Article 36 as amended by the Law of the Republic of Kazakhstan dated 05.07.2008 No. 66-IV (the order of enforcement see Article 2); № 380-V as of 31.10.2015 (shall take effect ten calendar days after its first official publication); dated 30.06.2022 No.130 -VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

Article 37. Temporary compensated land use right (leasehold)

1. Temporary compensated (short slighted and long term) land use right (leasehold) of a land plot may be granted to the citizens, non-state legal entities, as well as international organizations.

2. A temporary paid land user (lessee), who has duly performed his duties, has, unless otherwise established by the laws of the Republic of Kazakhstan or a lease agreement, the right to conclude a contract for a new term in accordance with the procedure provided for in Article 43 of this Code, except for the requirements established by sub-paragraphs 2), 3), 4), 5) and 8) of paragraph 1 of Article 43 of this Code, subject to the immutability of the boundaries of the land plot, and for agricultural land provided for farming, agricultural production, – also if there are results of monitoring the use of agricultural land provided for farming, agricultural production. A temporary paid land user (lessee) is obliged to notify in writing the authorized body of the region, city of republican significance, the capital, district, town of regional significance of the intention to conclude such an agreement within the period specified in the lease agreement, if such a period is not specified in the contract, then within three months before the expiration of the lease agreement, except for the cases specified in paragraph 2-2 of this article.

Upon expiration of the lease agreement, the temporary fee-based land user (tenant) who duly performed his/her duties, unless otherwise provided for by laws of the Republic of

Kazakhstan or the lease agreement, has the right of priority over other persons to enter into a new term agreement.

2-2. A temporary paid land user (tenant) of a land plot located within the city of republican significance, the capital, the town of regional and district significance, who has duly performed his duties, has, unless otherwise established by the laws of the Republic of Kazakhstan or a contract of temporary (short-term, long-term) paid land use (lease), the right to conclude a contract for a new term in accordance with the procedure provided for in Article 44-2 of this Code, with the exception of the requirements established by subparagraphs 2), 3), 4) and 7) of paragraph 4 of Article 44-2 of this Code, unless otherwise provided by this Code, subject to the immutability of the boundaries of the land plot.

2-1. Is excluded by Law of the Republic of Kazakhstan № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication).

3. Non-state land users, except for those specified in subparagraphs 3) - 7) of paragraph 5 of this Article, who have bought the right of temporary paid long-term land use (lease) from the state, shall have the right to lease their land plots (or parts thereof) for rent (sublease), except for agricultural land, or temporary free use, as well as to alienate their right of temporary land use within the term of the land lease agreement without the consent of the owner of the land plot, subject to notification of the authorized body of the region, city of republican significance, capital, district, city of regional value at the location of the land plot unless otherwise established by this Code.

In the specified cases, the amenable on the rental agreement of a land plot towards the landlord shall become the new land tenant of a land plot, with the exception of transaction of rental rights on the pledge.

4. Upon selling of a land plot in the state ownership, the land tenant of this land plot has a priority right of its buying in the manner prescribed by civil legislation of the Republic of Kazakhstan for sale of share in right of common ownership to a third person, with the exception of cases when a leasable land plot shall be acquired by the owners of buildings, constructions and installations.

5. Temporary compensated land use right (leasehold) shall be granted:

1) for running a peasant or farm enterprise - to citizens of the Republic of Kazakhstan for a period of ten to forty-nine years;

2) for agricultural production - to non-state legal entities of the Republic of Kazakhstan without foreign participation for a period of up to forty-nine years;

3) for mining operations, subsurface space use or prospecting - to subsurface users for the entire duration of a license for subsurface use or a subsurface use contract.

4) to place objects of outdoor (visual) advertising - to citizens and non-state legal entities for a period from five to forty-nine years.

5) for breeding wild animals, including for hunting purposes, - citizens and non-state legal entities of the Republic of Kazakhstan on the lands of forest fund and reserve lands, with the

exception of the lands specified in Subparagraphs 1), 2), 3), 4) and 6) of Paragraph 1 of Article 1 of this Code, for a period from ten to forty-nine years;

6) for afforestation - to citizens of the Republic of Kazakhstan and non-state legal entities of the Republic of Kazakhstan without foreign participation for a period of up to forty-nine years;

7) in other cases provided for by this Code and the laws of the Republic of Kazakhstan.

5-1. The temporary paid land use right to house a special economic zone or industrial zone of republican or regional significance is granted for the period indicated in parts three and four of paragraph 2 of Article 35 of this Code.

6. The land use right to a land plot provided for subsurface use is assigned on the basis of transfer of the subsurface use right from one person to another in accordance with the Code of the Republic of Kazakhstan “On Subsurface and Subsurface Use”.

In this case, the temporary land use (lease) agreement is reissued by the authorized body of a region on the basis of an additional agreement to the subsurface use contract or the reissued license for subsurface use and the agreement on the assignment of rights and obligations under the temporary land use (lease) agreement to a new subsurface user.

Footnote. Article 37 as amended by the Laws of the Republic of Kazakhstan dated 10 January, 2006 No. 116 (the order of enforcement see Article 2 No. 116); dated 24.03.2011 No . 420-IV (shall be enforced upon expiry of ten calendar days after its first official publication) ; № 269-V as of 29.12.2014 (shall take effect on 01.01.2015); № 308-V as of 22.04.2015 (shall take effect ten calendar days after its first official publication); № 5-VI as of 30.06.2016 (shall take effect on the day of its first official publication); № 126-VI as of 27.12.2017 (shall take effect six months after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); № 215-VI as of 08.01.2019 (shall take effect three months after its first official publication); or 03.04.2019 № 243-VI (shall take effect ten calendar days after its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 13.05.2021 No. 39-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022); dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023).

Article 38. Secondary land use right (sublease)

1. Secondary land use shall accrue on the basis of agreement of the secondary land use in cases when the primary land user does not alienate his land use right, but transfers his land plot (or its part) to the other person for temporary land use upon notice of the authorized body of oblast, city of republican significance, the capital, district, city of oblast subordination at location of land plot.

The secondary land user is always a temporary land user without right of transaction of his rights to other land users.

2. Upon transferring of a land plot to the secondary land use, the primary and secondary land users shall incur obligations to the State to the full extent.

3. Agreement of the secondary land use shall be concluded in a form of rental agreement or agreement of temporary uncompensated use.

4. The secondary land user shall perform the husbandry on a land plot, as well as shall exercise rights and obligations of land user (articles 64 and 65 of this Code) in compliance of conditions established by agreement for the secondary land use (sublease).

5. Delivery of agricultural land plots belonging to the individual and legal entities on the basis of right of temporary land use for agricultural production conducting to the secondary land use shall be prohibited, except the cases of grant of land plots in the procedure of service allotment in accordance with Article 41 of this Code.

Footnote. Article 38 as amended by the Law of the Republic of Kazakhstan dated 10 January, 2006 No. 116 (the order of enforcement see Article 2 No. 116).

Article 39. Special aspects of legal status of state land users

1. State land users shall perform the husbandry on a land plot, as well as shall exercise the other rights of a land user in recognition of designation of this land plot and statutory goals of land user's activity.

2. State land user has no right to alienate, as well as deliver in security for the land use right belonging to him.

Provision of first part of this paragraph shall not apply to the cases of alienation of land use right or its pledge linked with alienation or pledge of realty located on a land plot, with the exception of land plot located on lands of specially protected natural areas.

3. Land use right belonging to the state land users may not be the object of foreclosure after demands of creditors, except the cases of foreclosure on land use right in connection with the foreclosure after demand of creditors for buildings (constructions, installations) belonging to the state land users (paragraph 3 of Article 78 of this Code).

4. In case of leasing by the state land user of buildings (constructions, installations) belonging to him in the prescribed manner, the land plot occupied by the specified property shall be transferred together with them by the rules established by paragraph 3 of Article 52 of this Code and required for its exploitation in accordance with statutory standards.

Leasing of the land plot on which located buildings (constructions, installations) to the other person without relevant leasing of the building (construction, installation) shall be prohibited.

5. The transfer by a state land user of a land plot belonging to him for temporary free use shall be prohibited, except in cases where a land plot is provided in the manner of a service allotment and under public-private partnership agreements, including concessions for the construction, reconstruction and operation of defence facilities.

Footnote. Article 39 as amended by the Law of the Republic of Kazakhstan dated 7 July, 2006 No. 176 (shall be enforced from the date of its first official publication); dated

02.01.2021 No. 399-VI (shall come into effect ten calendar days after the day of its first official publication).

Article 40. Devolution of land use right in procedure of universal legal succession

1. Devolution of land use right in the procedure of universal legal succession means origin of land use right of successor in succession in accordance with the Law and in reorganization of a legal person.

2. In case of death of the citizen whose land plot belongs to him on the basis of long term temporary land use right, the land use right shall be inherited in the manner provided by civil legislation of the Republic of Kazakhstan. If otherwise provided by the agreement of temporary land use, the short slighted temporary land use right shall be inherited in the same manner.

3. In case of reorganization of a legal person, the land use right belonging to him shall be transferred to the successor in accordance with the regulations of civil legislation of the Republic of Kazakhstan and this Code.

Article 41. Service allotment

1. Service allotment is a special kind of temporary long term land use without compensation.

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

3. Service allotment shall be allocated from lands in land use of the state legal entities, where persons entitled to allotment are at work.

4. Service allotment shall be granted for service of dwelling house, crop growing, haying, grazing of livestock, as well as apiary location.

5. Service allotment applies to the secondary temporary uncompensated land use and shall be granted for the period of work in connection of which it is allocated. In case when sowing of crops is performed on the service allotment, the right of use of service allotment shall be terminated after taking in the harvest by the redundant worker.

6. Service allotment shall be preserved by:

1) workers terminated employment after retirement according to age and permanent disablement;

2) families of workers called for active obligated service to the ranks of armed Service or entered the study, for the whole time period of these workers in active obligated service or an educational institution;

3) families of workers died in connection with performance of their official duties: for incapable spouse and aged parents – for the term of life, for children – till their majority age.

7. Right to service allotment in the form of land plot for service of dwelling house shall be preserved to the extent that in accordance with the housing legislation of the Republic of Kazakhstan the habitation shall be preserved in a service housing units.

8. Grant of land plot in the procedure of service allotment shall be performed on the basis of service allotment grant agreement, concluded between worker and administration of a legal person.

9. Consummation of any transactions in relation to right of land use of service allotment shall be prohibited.

Footnote. Article 41 as amended by the Law of the Republic of Kazakhstan dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 5. Land plot as object of property right, land use right and other rights in things

Article 42. Limits of right to land plot

1. Right to land plot, unless otherwise provided by the legislative acts of the Republic of Kazakhstan shall apply to uppermost soil layer, enclosed body of water, plantations within the boundaries of this land plot.

A land plot owner or a subsurface user is permitted to utilize a land plot belonging to him/her/it within its boundaries for the purposes of exercising his/her/its rights provided for in Article 64 of this Code and in accordance with the designated purpose of the land plot and the requirements of the Code of the Republic of Kazakhstan “On Subsurface and Subsurface Use”. The rights to extract common minerals and rights to use groundwater for own needs are granted together with the provision into private ownership or for land use of a land plot, under which the subsurface parcel in question is located.

2. Owners of land plots or land users shall exercise their own rights to land plots at their own convenience, unless otherwise provided by this Code and legislative acts of the Republic of Kazakhstan.

Rights to land of owners of land plots and land users may be limited on the grounds established by this Code and other legislative acts of the Republic of Kazakhstan.

3. Owners of land plots or land users in the exercise of environmental emission shall be obliged to receive environmental permit in accordance with the Environmental Code of the Republic of Kazakhstan.

Footnote. Article 42 as amended by the Law of the Republic of Kazakhstan dated 09.01.2007 No. 213 (the order of enforcement see Article 2); № 126-VI as of 27.12.2017 (shall take effect six months after its first official publication).

Article 43. Procedure for grant of right to land plot

1. The granting of the right to a land plot from lands owned by the state, with the exception of the cases provided for in Articles 44-1 and 44-2 of this Code, as well as lands put up for bidding (auctions) in accordance with Article 48 of this Code, is carried out in the following order:

1) acceptance for consideration of an application (request) for granting the claimed right to a land plot;

2) determination of possibility to use the purchased land plot upon declared designation in accordance with the territorial zoning;

3) preliminary selection of a land plot when requesting a land plot for construction objects, except for the construction of objects within the boundaries of the locality;

4) the land commission's preparation of its opinion;

5) development and approval of land surveying project;

6) making a decision by the local executive body of the region, the town of regional significance (on the territory transferred to its administrative subordination), the district and the akim of the settlement, village, rural district on granting the right to a land plot;

7) conclusion of buy and sell agreement or temporary (short sighted, long term) compensated (uncompensated) land use;

8) establishment of the site boundaries of a land plot;

9) production and issuance of an identification document for a land plot, with the exception of a land plot intended for the construction of facilities within the settlement, village.

1-1. The procedure for granting the right to a land plot when requesting a land plot for the construction of facilities within the settlement, village is regulated by Article 44-1 of this Code.

The procedure for granting the right to a land plot located on the lands of cities of republican significance, the capital, towns of regional significance (with the exception of the territory transferred to their administrative subordination) and district significance is regulated by Article 44-2 of this Code.

The specifics of the provision of land plots, depending on the intended purpose, are determined in accordance with Articles 43-1 and 44 of this Code.

Land plots and the right to lease land plots owned by the state and not yet provided for land use may be put up for bidding (tenders, auctions) subject to the provisions established by Article 48 of this Code.

Local executive bodies shall be obliged to post information on vacant land plots and planned sales (auctions) on the web portal of the state property register, their Internet resources and special information stands in places accessible to the public, with quarterly data update frequency.

1-2. Excluded by the Law of the Republic of Kazakhstan dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023).

1-3. The land plots located on the aerodrome adjacent territory, including those provided in accordance with Articles 43-1, 44, 44-1, 44-2 and 119-2 of this Code, as well as the acquisition of rights to land plots in accordance with Article 48 of this Code, are provided subject to the restrictions provided for by the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities.

2. The provision of land plots to ownership or land use is carried out by local executive bodies of regions, cities of regional significance (on the territory transferred to their administrative subordination), districts and akims of settlements, villages, rural districts within their competence established by this Code.

A decision to provide a land plot is made on the basis of a positive opinion of the land commission and a land management project. In case of requesting land plots for defense and national security needs, a decision to provide a land plot is made on the basis of a positive opinion of the land commission, a land management project and positive coordination of the state bodies specified in part two of paragraph 1 of Article 120 of this Code, within seven working days of receipt of the last opinion required.

At the same time, the developed and approved land management project and the draft decision of the local executive body of the region on granting the right to a land plot for the needs of defense and national security should be sent to the coordinating state bodies within five working days from the date of preparation of the draft of the above decision. Approval of the draft decision is carried out within ten working days from the date of receipt of the draft decision. The positive conclusion of the land commission and the approved land management project are attached to the draft decision.

The decision on the provision of a land plot for the needs of defense and national security on the lands of cities of republican significance, the capital is taken in accordance with the procedure established by Article 44-2 of this Code.

The decision to refuse to provide a land plot shall be made based on a negative conclusion of the land commission within three working days after the expiration of the term for appealing the protocol decision of the land commission.

Refusal to grant the right to a land plot, with the exception of cases of seizure of land plots, including for state needs in accordance with Article 84 of this Code, is formalized by a decision of the local executive body of the region, town of regional significance (on the territory transferred to its administrative subordination), district and akim of settlement, village, rural district and must be reasoned.

The composition of the land commission is formed by the local executive bodies of the region, the town of regional significance (on the territory transferred to its administrative subordination), the district and is sent for approval to the appropriate local representative body. The land commission includes:

- 1) deputies of the local representative body;
- 2) representatives of the authorized body of the region, the town of regional significance (on the territory transferred to its administrative subordination), the district, structural divisions of the relevant local executive bodies performing functions in the field of architecture and urban planning, agriculture;

3) representatives of public councils, non-governmental organizations in the field of the agro-industrial complex and other sectoral non-governmental organizations, as well as local governments;

4) representatives of the National Chamber of Entrepreneurs of the Republic of Kazakhstan;

5) representatives of the local council of the agglomeration (if any).

In the case of the provision of land plots in accordance with Article 43-1 of this Code, the composition of land commissions established at the level of a district, town of regional significance (on the territory transferred to its administrative subordination) also includes:

1) the akim of a town of district significance, rural settlement, village, rural district, inside which the land plot is located;

2) representatives of local population of a concerned town of district significance, rural settlement, village, rural district delegated by the local community gathering.

Representatives of the relevant territorial divisions of authorized bodies in the field of environmental protection, agriculture and forestry, use and protection of water resources, water supply, sanitation are also included in the composition of land commissions established at the level of regions on a compulsory basis.

At the discretion of the local executive body of the region, the town of regional significance (on the territory transferred to its administrative subordination), the district, the composition of the land commission may include other persons.

The land commission is a standing body. The land commission must have the odd number of members and consist of at least nine people. At the same time, the number of representatives of public councils, non-governmental organizations in the field of the agro-industrial complex and other sectoral non-governmental organizations, the National Chamber of Entrepreneurs of the Republic of Kazakhstan, as well as local governments shall be at least fifty percent of the total number of the land commission members.

The composition of the land commission is approved annually after the expiration of the next twelve calendar months with the change of the entire composition, with the exception of the chairman and the persons specified in subparagraphs 2) and 4) of part seven, subparagraph 1) of part eight and part nine of this paragraph.

A deputy akim in charge of land issues is appointed chairman of the land commission.

The working body of the land commission is the relevant authorized body of the region, town of regional significance (on the territory transferred to its administrative subordination), district.

The secretary of the land commission is chosen from among the officials of the working body. The secretary of the land commission does not take part in voting.

A meeting of the land commission shall be considered valid if it is attended by at least two thirds of the total number of its members. At the same time, the number of representatives of public councils, non-governmental organizations in the field of the

agro-industrial complex and other sectoral non-governmental organizations, the National Chamber of Entrepreneurs of the Republic of Kazakhstan, as well as local authorities must be at least fifty percent of the total number of members of the land commission present. Members of the land commission shall participate in its meetings personally.

The land commission shall adopt decisions by open voting.

Voting results are determined by a majority of votes of the total number of members of the land commission present at a meeting, and a decision is considered adopted if voted for by the majority of the land commission members.

In case of disagreement with a decision of the land commission, a member of the land commission has the right to express a special opinion, which must be stated in writing and attached to the decision of the land commission.

The meeting of the land commission is necessarily recorded by means of audio and video recording. The recording of the meeting of the land commission by means of audio and video recording is carried out by the local executive body of the region, the town of regional significance (on the territory transferred to its administrative subordination), the district. The procedure for the technical use of audio and video recording means that ensure the recording of the meeting of the land commission, the storage of audio and video recordings, as well as the procedure for access to audio and video recordings are determined by the central authorized body.

The conclusion of the land commission is drawn up in triplicate in the form of a protocol decision within two working days from the date of submission by the relevant authorized body of the region, the town of regional significance (in the territory transferred to its administrative subordination), the district to the land commission of the recommendation on the possibility of using the requested land for the stated purpose in accordance with territorial zoning or provision of preliminary selection of a land plot (when requesting a land plot for construction of facilities).

One copy of the conclusion of the land commission within one working day from the moment of signing shall be handed over (sent) to the applicant (his representative) in one of the following ways:

- by courier;
- in the form of registered mail with acknowledgement of receipt;
- an electronic document signed through an electronic digital signature;
- to the applicant's email address.

The protocol decision of the land commission within seven working days from the date of its receipt by the applicant may be appealed to the court in the manner prescribed by the Administrative Procedural and Process-Related Code of the Republic of Kazakhstan.

Based on the positive conclusion of the land commission, the applicant makes a land management project. As part of the land management project, the area of the provided land

plot, its boundaries and location, adjacent owners of the land plot and land users, as well as encumbrances and easements of the provided land plot are specified.

In case of compulsory alienation of a land plot for state needs, calculations of losses subject to reimbursement (compensation) to owners of land plots and land users, losses of agricultural and forestry production, depending on the type of land seized, are attached.

The validity of a positive opinion of the land commission is one year from the date of its adoption, except for land plots provided in accordance with Article 43-1 of this Code. Inaction within this one-year term is a ground for the local executive body to refuse to grant the right to a land plot.

2-1. The working body of the land commission is obliged to post the protocol decisions of the land commission on the Internet resource of the relevant authorized body of the region, town of regional significance (on the territory transferred to its administrative subordination), district monthly.

The provisions of this paragraph shall apply to land plots provided in accordance with the procedure specified by this Article and Article 44 of this Code.

3. Individuals and legal entities interested in granting them ownership and (or) land use rights to land plots, submit an application to the local executive body of the region, town of regional significance (on the territory transferred to its administrative subordination), district, akim of the settlement, village, rural district at the location of the land plot, which issue the applicant a document confirming the submission of the application.

The application must indicate: the purpose of use of a land plot; its estimated area; location; the claimed right of use; whether an applicant has or doesn't have another land plot (with regard to land plots indicated in paragraph 2 of Article 50 of this Code).

In case of requesting a land plot for the purposes of mining, subsurface use or prospecting, an application shall be submitted together with copies of appropriate subsurface use licenses or a subsurface use contract.

The application for granting the right to a land plot within one working day is received by the authorized bodies of regions, towns of regional significance (on the territory transferred to their administrative subordination), districts and structural divisions of the relevant local executive bodies performing functions in the field of architecture and urban planning, at the location of the land plot to determine the possibility of using the requested land] plot according to the stated intended purpose in accordance with the territorial zoning.

The authorized bodies of regions, towns of regional significance (on the territory transferred to their administrative subordination), districts and structural subdivisions of the relevant local executive bodies performing functions in the field of architecture and urban planning, at the location of the land plot, determine the possibility of using the requested land plot for the stated intended purpose in accordance with territorial zoning and submit the materials to the land commission within seven working days from the date of receipt of the application.

When requesting a land plot, with the exception of a land plot located in cities of republican significance, the capital, towns of regional (with the exception of the territory transferred to their administrative subordination) and district significance, a land plot is pre-selected for the construction of the object. The results of the selection of a land plot for the construction of an object, and, if necessary, for the establishment of its security or sanitary protection zone, are drawn up by an act on the selection of a land plot by the authorized body of the region, the town of regional significance (on the territory transferred to its administrative subordination) and the district together with the structural subdivisions of the relevant local executive bodies performing functions in the field of architecture and urban planning, at the location of the land plot.

The selection of the land plot and the registration of the act on the selection of the land plot shall be carried out within ten working days, followed by the sending of the act on the selection of the land plot to the land commission for consideration and preparation of the conclusion in accordance with paragraph 2 of this article.

If an applicant is entered in the register of persons whose land plots were expropriated or submits an incomplete set of documents necessary for making a decision on granting or refusing the right to a land plot, the authorized bodies of regions, cities of republican significance, the capital, districts, cities of regional significance at the location of the land plot, within two working days, shall refuse to consider the applicant's application in writing.

The total term for consideration of an application for granting the right to a land plot shall be up to fifteen working days from the date of its receipt, except for cases of requesting land plots for defence and national security needs.

The specified period does not include periods for:

drawing up a land management project;

approval established by paragraph 7 of Article 44 of this Code;

demarcating the boundaries of a land plot on the ground.

4. Is excluded by Law of the Republic of Kazakhstan № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication).

5. Is excluded by Law of the Republic of Kazakhstan № 225-V as of 02.07.2014 (shall take effect on 01.01.2015).

6. Is excluded by Law of the Republic of Kazakhstan № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication).

6-1. In case of refusal to grant the right to a land plot due to the need for such provision at bidding (auctions) by the local executive body of the region, town of regional significance (on the territory transferred to its administrative subordination), district, akim of the settlement, village, rural district, bidding (auction) for the requested land plot must be conducted no later than ninety calendar days from the date of the decision to refuse to grant the right to a land plot.

7. A copy of the decision of the local executive body of the region, town of regional significance (on the territory transferred to its administrative subordination), district, akim of the settlement, village, rural district on granting or refusing to grant the relevant rights to land plots is handed over (sent) to the applicant within five working days from the date of the decision.

In cases where the provision of land plots falls within the competence of a higher local executive body, the lower local executive body, the akim of a settlement, village, rural district send a land management project with their decision on the possibility of such provision to a higher local executive body for making a final decision.

To make a decision on granting the right to a land plot, the authorized body of the region, the town of regional significance (on the territory transferred to its administrative subordination), the district within one working day sends the approved land management project to the local executive body of the region, the town of regional significance (on the territory transferred to its administrative subordination), the district, the akim of the settlement, village, rural district.

The decision of the local executive body of the region, town of regional significance (on the territory transferred to its administrative subordination), district, akim of the settlement, village, rural district on granting the right to a land plot is taken within three working days from the date of receipt of the approved land management project and the positive conclusion of the land commission.

The contract of purchase and sale or temporary (short-term, long-term) paid (gratuitous) land use is concluded by the relevant authorized body of the region, town of regional significance (on the territory transferred to its administrative subordination), district on the basis of a decision to grant the right to a land plot within no later than ten working days from the date of the decision.

The boundaries of a land plot are demarcated on the ground pursuant to an applicant's request in the manner established by the legislation of the Republic of Kazakhstan.

7-1. The draft decision of the local executive body of the region, the town of regional significance (on the territory transferred to its administrative subordination), the district and the akim of the settlement, village, rural district on granting the right to a land plot must contain:

surname, name, patronymic (if it is indicated in the identity document) of the individual or the name of the legal entity that is granted the right to a land plot;

the location of the land plot;

purpose of the land plot;

land category;

land area;

type of right to land, encumbrances, easements;

number and date of the protocol decision of the land commission;

number and date of approval of land management projects for the formation of land plots;
type of allotment of land provided for personal subsidiary farming;
the redemption price of a land plot or land use rights in case of provision of a land plot for a fee;

terms of conclusion of contracts of sale and lease of land;

surname, name, patronymic (if it is indicated in the identity document) of the individual or the name of the legal entity from which the seizure, forced alienation for state needs of land plots is carried out, indicating the identification characteristics of such land plots;

information on the divisibility (indivisibility) of the land plot;

other information related to the provision of a land plot.

8. The production and issuance of an identification document for a land plot is carried out within four working days in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

9. Identification documents for a land plot, with the exception of a land plot located on the lands of cities of republican significance, the capital, towns of regional (with the exception of the territory transferred to their administrative subordination) and district significance, are:

a certificate of the private ownership right to a land plot – in case of private ownership of a land plot;

a certificate of permanent land use right - in case of permanent land use;

a certificate of temporary paid (long-term, short-term) land use (lease) - in case of temporary paid land use (lease);

a certificate of temporary free land use right – in case of temporary free land use.

In case of transfer of rights to a land plot, an identification document shall be transferred to an acquirer or another holder of the right. In case of no changes in identification characteristics of a land plot, the State Corporation, which maintains the state land cadastre, does not issue a new identification document, but enters information on the transfer of land rights into the land cadastral book and the unified state land register based on the information of the legal cadastre provided for by the Law of the Republic Kazakhstan “On State Registration of Rights to Immovable Property”.

9-1. The identification document for a land plot located on the lands of cities of republican significance, the capital, town of regional (with the exception of the territory transferred to their administrative subordination) and district significance is the cadastral passport of the real estate object.

10. The use of a land plot is not allowed until its boundaries are established in kind (on the ground) and the issuance of title documents, unless otherwise provided in the decision of the local executive body of the region, the town of regional significance (on the territory transferred to its administrative subordination), the district and the akim of the settlement,

village, rural district on the provision of a land plot. Non-compliance with this norm is qualified as unauthorized occupation of a land plot and provides for administrative liability in accordance with the legislation of the Republic of Kazakhstan on administrative offenses.

Consummation of transactions shall be prohibited in reference to land plots, the title documents of which are not executed.

11. The title and identity documents for land plots granted to citizens and legal entities before enforcement of this Code in accordance with the previous legislation of the Republic of Kazakhstan shall preserve the legal force in recognition of change of rights to land plots established by the land legislation of the Republic of Kazakhstan.

Substitution of these documents to the documents identifying the property right or right to use of land plots in accordance with this Code shall be performed at the wish of possessor of a right.

11-1. When changing the administrative-territorial structure of settlements by decision of state bodies or when land plots are included in the boundaries of settlements in the event of a change in the boundaries (lines), the replacement of identification documents for land plots shall be carried out at the expense of budgetary funds.

Replacement of such documents shall be carried out in the event of cases of re-registration of rights to a land plot or the commission of civil law transactions or in other cases.

12. Right to land plot shall be granted to the persons attained the age of majority, with the exception of cases of registration of rights to land plots for non-adult persons received these land plots under procedure of inheritance in accordance with civil legislation of the Republic of Kazakhstan. Legal representatives of non-adult persons shall have the right to let the land plots on lease until the attainment of heir's majority.

13. Order of grant of rights to land plots authorized in accordance with the legislative act of the Republic of Kazakhstan on grace in connection with legalization of property shall be established by the Government of the Republic of Kazakhstan.

14. Local executive bodies shall be obliged to post information with lists of persons who have received a land plot, indicating the grounds for granting a land plot, purpose, area, location, type of right, lease term, and for agricultural land plots provided for conducting a peasant or farm economy, agricultural production, including the business identification number of a legal entity, on special information stands in places accessible to the public, as well as by publishing on its Internet resource and the Internet resource of the relevant authorized body of the region, city of republican significance, the capital, district, city of regional significance monthly, and in periodicals distributed on the territory of the corresponding administrative-territorial unit - at least once a quarter.

The provisions of this paragraph shall apply to land plots granted in accordance with the procedure specified by this Article and Articles 43-1, 44, 44-1 and 44-2 of this Code, as well as to land plots put up for bidding (auctions) in accordance with Article 48 of this Code.

The data specified in part one of this paragraph on agricultural land plots provided for farming, agricultural production, are placed in open access on the Internet resource of the State Corporation.

Footnote. Article 43 is in the wording of the Law of the Republic of Kazakhstan dated 21.07.2011 No. 470-IV (shall be enforced from 01.04.2012); as amended by the Law of the Republic of Kazakhstan dated 08.01.2013 No. 64-V (shall be enforced from 01.01.2013); dated 04.07.2013 No. 130-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 225-V as of 02.07.2014 (shall take effect on 01.01.2015); № 269-V as of 29.12.2014 (shall take effect on 01.01.2015); № 408-V as of 17.11.2015 (shall take effect on 01.03.2016); № 479-V as of 29.03.2016 (shall take effect twenty-one calendar days after its first official publication); № 506-V as of 28.04.2016 (shall take effect sixty calendar days after its first official publication); № 126-VI as of 27.12.2017 (shall take effect six months after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication); № 243-VI as of 03.04.2019 (shall take effect ten calendar days after its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 29.06.2020 No. 352-VI (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022); dated 29.12.2022 No. 174-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 01.01.2023 No. 182-VII (shall be enforced ten calendar days after the date of its first official publication); dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023).

Article 43-1. Features of provision of state-owned land plots for running a peasant or farm enterprise, agricultural production

1. State-owned land plots not yet provided for land use are provided on the basis of the right of temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production through a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production in the manner and subject to conditions established by this article.

1-1. In case of refusal to grant the right to a land plot due to the need for such provision at tenders for granting the right of temporary paid land use (lease) for farming, agricultural production by the local executive body of the town of regional significance and the district, tenders for the requested land plot must be held no later than ninety calendar days from the date the decision was made to refuse to grant the right to a land plot.

2. The list of land plots put up for tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production, shall be formed by the authorized body of the district, city of regional significance, taking into account previously received applications for the provision of such land plots and shall be agreed with

public councils, non-governmental organizations in the field of agro-industrial complex, the National Chamber of Entrepreneurs of the Republic of Kazakhstan and local governments

Within ten working days of receipt of the list of land plots put up for a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production, coordinating bodies and organizations shall give their opinions and reasons to substantiate them.

The list of land plots put up for a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production is considered to be agreed in case of positive opinion of at least three fourths of the total number of coordinating bodies and organizations.

The agreed list of land plots put up for a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production shall be approved by the local executive body of a district, city of regional importance within three working days of its approval.

Land plots included in the list are put up for a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production after land surveying, which shall not exceed forty-five working days of approval of this list.

2-1. The maximum sizes of land plots put up for tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production shall be determined by joint decisions of local representative and executive bodies of districts, cities of regional significance, depending on local conditions and features.

Therewith, the indicated sizes shall not exceed the limit (maximum) sizes of land plots established in accordance with paragraph 4 of Article 50 of this Code.

3. A tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production is organized and held by local executive bodies of districts and cities of regional significance.

4. To hold a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production, the local executive body of a district, city of regional significance shall:

1) publish an invitation to a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production in print periodicals distributed in the territory of a respective administrative-territorial unit, and also on the website of the local executive body;

2) send invitations to a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production to local executive bodies of districts, cities of regional significance within a respective region, and also to the central authorized body for posting them on its website.

To make information on a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production available to the public, the

local executive body of a district, city of regional significance, in accordance with subparagraph 2) of part one of this paragraph, shall place this invitation on its website, and also on special information boards of state bodies in places accessible to the public, and immediately send it to akims of towns of district significance, rural settlements, villages, rural districts to place it on their websites and special information boards in places accessible to the public.

5. The invitation must contain:

1) the date, time and place of the tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production, as well as the time and place for filing applications;

2) the characteristics of a land plot (location, area, composition of land, qualitative characteristics of soils, quality score, water availability, agricultural specialization of the region).

6. The local executive body of a district, city of regional significance begins accepting applications for participation in a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production thirty calendar days after the first publication of the invitation to the tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production in print periodicals distributed in the territory of a respective administrative-territorial unit, and on the website of the local executive body, and in case of a repeated tender – upon the expiry of fifteen calendar days.

Applications for participation in a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production are accepted and registered within fifteen working days of commencement of applications' acceptance, and in case of a repeated tender - within ten working days.

An application for participation in a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production is submitted in paper form or through the “electronic government” web portal in accordance with the legislation of the Republic of Kazakhstan, and it is mandatory to assign it a registration number and issue a notification to an applicant.

An application for participation in a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production, submitted through the “electronic government” web portal, shall be sent to the local executive body of a district, city of regional significance on the day of summing up the tender results in accordance with the procedure established by the central authorized body.

7. The final day of a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production is the day, on which its results are summed up.

The results of a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production are summed up the next day after the deadline for submitting applications for participation in a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production.

8. Persons entered in the register of persons whose land plots were expropriated, as well as persons specified in part five of paragraph 19 of this article, are not entitled to participate in tenders for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production.

9. An application for participation in a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production must contain:

1) the name of a legal entity, its location, information on state registration (re-registration) as a legal entity, information on managers and participants or shareholders of an applicant that is a legal entity, indicating the size of their share in the authorized capital (of the total authorized capital), information on the applicant's affiliates - for non-state legal entities of the Republic of Kazakhstan;

2) the last and first names, and patronymic (if it is indicated in the identity document) of an applicant, place of residence, citizenship, individual identification number, information on the document certifying the applicant's identity - for individuals;

3) the location of a land plot claimed by an applicant;

4) tender offer;

5) the obligation to conclude a contract for temporary land use (lease) of an agricultural land plot for running a peasant or farm enterprise or agricultural production within three working days of receipt of a notification of the need to sign the said contract if an applicant is recognized as winner of the tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production.

Authorized representatives of an individual or non-state legal entity of the Republic of Kazakhstan on the basis of a power of attorney issued and executed in accordance with the legislation of the Republic of Kazakhstan may submit an application for participation in a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production

10. The tender offer must contain:

1) a business plan (the projected amount of investment, the area of cultivation of agricultural crops, farm animal inventory, applied agricultural technologies, availability of agricultural machinery and technological equipment, qualified specialists in the field of agriculture, the number of jobs to be created);

2) obligations for the preparation and development of on-farm land management project, implementation of measures for the development of agricultural infrastructure;

3) obligations to fulfill the requirements of the land legislation of the Republic of Kazakhstan, including the rules for rational use of agricultural land, fulfillment of indicative figures for diversifying the structure of crop areas of agricultural crops in accordance with the specialization of a region, compliance with scientifically based agricultural technologies, phytosanitary and quarantine requirements.

The pages of the tender offer shall be bound, numbered and it shall be submitted in a closed envelope, except for cases of its submission through the “electronic government” web portal.

11. Obligations and a business plan proposed by an applicant in his/her/its tender offer are an integral part of a contract for temporary paid land use (lease) of an agricultural land plot for running a peasant or farm enterprise, agricultural production.

12. An application for participation in a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production not meeting the requirements of paragraph 9 of this article shall be rejected.

13. A tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production shall be conducted by the land commission in accordance with paragraph 2 of Article 43 of this Code.

14. The winner of a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production is determined by the land commission after comparing tender offers and giving points with account of appropriate criteria.

Persons residing in a given district, city, village, settlement for at least 5 years shall be given an advantage in the form of additional points assigned to their competitive bids upon receipt of a land plot in accordance with the procedure determined by the central authorized body.

The land commission evaluates, compares tender offers and determines a winning bid.

When considering tender offers and applications for participation in a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production, neither grammatical mistakes nor arithmetic errors, which do not affect the essence of submitted tender offers and bids and can be corrected, shall be taken into account.

15. The results of a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production are documented by a record of decision of the land commission.

The record of decision of the land commission shall be signed by its chairman and all the members present at a meeting, as well as by the secretary of the land commission, on the summing-up day.

In case of disagreement with the record of decision of the land commission, a member of the land commission has the right to express a special opinion, which must be stated in writing and attached to the record of decision of the land commission.

The record of decision, signed by the land commission members, on the results of a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production, within one working day, shall be placed on the website of the authorized body of the district, city of regional significance and, within three working days, shall be sent to all applicants and the central authorized body for posting it on its website.

The record of decision of the land commission on the results of a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production can be challenged in court. The execution of the record of decision of the land commission is suspended after the submission of an application to court.

16. The record of decision of the land commission on the results of a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production shall contain the following information on:

1) applicants, whose applications for participation in the tender were rejected, with a reasoned response to substantiate their rejection;

2) an applicant, whose application for participation in the tender was approved, and the reasons for selecting his/her/it as the most successful tenderer.

17. The record of decision of the land commission on the results of a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production, within two working days, shall be sent to the local executive body of a district, city of regional significance for adopting a decision on granting the right to temporary paid land use (lease) of an agricultural land plot for running a peasant or farm enterprise or agricultural production.

The local executive body of a district, city of regional significance shall make a decision on granting the right to temporary paid land use (lease) of an agricultural land plot for running a peasant or farm enterprise or agricultural production within three working days of receipt of the land commission's decision on the results of a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production.

18. Based on the decision of the local executive body of a district, city of regional significance on granting the right to temporary paid land use (lease) of an agricultural land plot for running a peasant or farm enterprise or agricultural production, the authorized body of the district, city of regional significance, within three working days of adoption of the said decision, shall prepare a draft contract for temporary paid land use (lease) of the agricultural land plot for running a peasant or farm enterprise or agricultural production in accordance

with the standard contract for temporary paid land (lease) of an agricultural land plot for running a peasant or farm enterprise or agricultural production and notify the successful tenderer thereof.

19. The winner of a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production, within three working days of receipt of the notification, must appear before the authorized body of the district, city of regional significance for signing a contract for temporary paid land use (lease) of an agricultural land plot for running a peasant or farm enterprise, or agricultural production.

The authorized body of a district, city of regional significance shall send the notification to the winner of a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production by registered letter, telegram with return receipt, also using notification over the phone, short text messages via cellular communication channels or e-mail, as well as other means of communication fixing the notification's receipt.

In case the winner of a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production refuses to sign an agreement on temporary paid land use (lease) of an agricultural land plot for running a peasant or farm enterprise, or agricultural production, he/she must notify the authorized body of the district, city of regional significance thereof in writing.

In case the winner of a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production does not sign an agreement on temporary paid land use (lease) of an agricultural land plot for running a peasant or farm enterprise, or agricultural production within the time frames established by this Paragraph, the local executive authority of the district, city of regional significance, within three working days of receipt of the written refusal on paper or non-signing of the above agreement, shall make a decision to re-hold the tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production and send it to the land commission.

The winner of a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production, who refused to sign an agreement for temporary paid land use (lease) of an agricultural land plot for running a peasant or farm enterprise, or agricultural production, has no right to participate in other tenders within one year.

20. Pursuant to the results of the concluded agreement on temporary paid land use (lease) of an agricultural land plot for running a peasant or farm enterprise, or agricultural production, it is necessary to monitor the use of agricultural lands provided for running a peasant or farm enterprise, agricultural production, and also the fulfillment of obligations for land use taken on by the most successful tenderer:

1) during the first five years of the lease - annually;

2) in subsequent periods: on irrigated agricultural land – once every three years, on non-irrigated agricultural land – once every five years.

Positive results of the monitoring of the use of agricultural land provided for running a peasant or farm enterprise, agricultural production, conducted with the involvement of representatives of the public council, non-governmental organizations in the field of the agro-industrial complex and local governments, underlie a decision of the local executive body of a district, city of regional significance to extend the agreement on temporary paid land use (lease) of the agricultural land plot for running a peasant or farm enterprise, or agricultural production.

21. A tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production shall be deemed failed if:

1) less than two applications for participation in the tender for each land plot put up for the tender were received;

2) less than two participants were admitted to participate in the tender for each land plot put up for the tender.

The recognition of a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, agricultural production as failed shall be documented in the record of decision of the land commission, which is posted on the website of the local executive body of a district, city of regional significance and the authorized body of the district, city of regional significance within three working days.

22. In case of recognition of a tender for granting the right to temporary paid land use (lease) for running a peasant or farm enterprise, or agricultural production as failed, the local executive body of a district, city of regional significance shall hold a repeated tender in the manner and within the time frames provided for by this article.

Footnote. Chapter 5 is supplemented with Article 43-1 in accordance with Law of the Republic of Kazakhstan № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); as amended by the Laws of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022); dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023).

Article 44. Features and conditions of provision of land plots depending on the requested purpose

1. The provision of land plots owned by the state and not provided for land use is carried out by local executive bodies of regions, cities of republican significance, the capital, districts, towns of regional significance, akims of towns of district significance, settlements, villages, rural districts within their competence established by this Code, depending on the location and the requested intended purpose of the land plots.

2. The request for a land plot for the construction of antenna-mast structures and (or) supports for cellular or satellite communication equipment is carried out in accordance with Articles 44-1 and 44-2 of this Code.

3. The request for a land plot for the construction of facilities within the boundaries of settlements is carried out in accordance with Articles 44-1 and 44-2 of this Code.

4. When requesting a land plot for the construction of oil and gas transportation infrastructure facilities related to transportation via trunk oil pipelines, subsequent storage and transshipment of oil and gas to other modes of transport, the act of selecting a land plot and the land management project are also coordinated with the authorized body that manages and conducts inter-sectoral coordination in the field of the trunk pipeline.

5. A land plot for the construction of a religious building (structure) is provided in the presence of a decision of the local executive body of the region, the city of republican significance, the capital on its construction, issued in accordance with the legislation of the Republic of Kazakhstan on religious activities and religious associations.

6. The provision of land plots for individual housing construction is allowed on sites provided with water and electricity supply networks.

In localities where there is no centralized water supply, the provision of such land plots is allowed only if there are power supply networks.

When requesting land plots for individual housing construction, applications (petitions) of citizens are taken into special account and satisfied as sites are prepared for allotment or if there are free territories used for individual housing construction. The rules for granting land plots for individual housing construction to citizens are approved by the central authorized body. When providing land plots for individual housing construction on a free basis, the availability or lack of land plots in a citizen, the rights to which were granted by the state for individual housing construction, is taken into account.

When registering for a special account, the availability or lack of land plots in a citizen, the rights to which were granted by the state for individual housing construction, information about which is requested from the State Corporation, is taken into account.

Local executive bodies of the city of republican significance, the capital, the district, the town of regional significance, akims of settlements, villages, rural districts are obliged to ensure the availability of information on the preparation of sites for allotment and on the priority lists for obtaining a land plot for individual housing construction by placing them on special information stands and (or) by publishing in the media in Kazakh and Russian at least once a quarter.

7. In the event that residential buildings, other buildings and structures, as well as utilities, green spaces and other plants subject to demolition or transfer are located on the territory selected for the placement of the construction object (including those that fall into the sanitary protection zone of industrial enterprises during the allocation of land), the applicant or his proxy person provides the approvals required for the allotment of the land plot independently.

Additionally, the applicant submits an agreement concluded with each of the property owners on the terms of compensation of losses to the owner.

The agreement specifies the specific conditions and terms of relocation, transfer of existing buildings, utilities, green spaces, obligations of the developer to compensate for all losses associated with the demolition of real estate.

8. The provision of land plots located within five hundred meters from the shoreline of a water body is carried out after determining the boundaries of water protection zones and strips, as well as establishing the regime of their economic use, with the exception of lands of specially protected natural territories and the state forest fund.

The procedure for determining the shoreline is determined by the rules for establishing water protection zones and strips approved by the authorized body in the field of use and protection of the water fund, water supply, sanitation.

9. The specifics of the provision of land plots for the creation of special economic zones or industrial zones of republican or regional significance are determined in accordance with Article 119-2 of this Code.

10. For small business entities, including for social entrepreneurship entities, the purpose of the land plot, regardless of the types of activity, is established as for the construction and maintenance of buildings (structures and facilities).

Footnote. Article 44 as amended by the Law of the Republic of Kazakhstan dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023).

Article 44-1. Provision of a land plot for construction of an object within the settlement, village

Footnote. Title of Article 44-1 as amended by the Law of the Republic of Kazakhstan dated 05.04.2023 No. 221-VII (effective from 01.07.2023).

1. A land plot from the lands of a settlement, village is provided by the local executive body of a region, a town of regional significance (on the territory transferred to its administrative subordination), the akim of a settlement, village within their competence established by this Code, and is provided in the following order:

1) acceptance for consideration of an application for granting the claimed right to a land plot;

2) preliminary selection of a land plot;

2-1) drawing up an architectural and planning task, technical conditions for connection to engineering networks and topography;

3) coordination of preliminary selection of a land plot through state information systems or in paper form if coordinating bodies do not have these systems;

4) development of a land cadastral plan;

5) making a decision by the local executive body of the region, town of regional significance (on the territory transferred to its administrative subordination) and the akim of

the settlement, village, rural district on granting the right of land use to a land plot with the land cadastral plan attached;

6) the conclusion of an agreement on temporary (short-term, long-term) paid (free) land use;

7) the demarcation of the boundaries of a land plot on the ground.

The provision of a land plot from the lands of a settlement, village is a public service and is regulated by the legislation of the Republic of Kazakhstan.

The provisions of this Article apply to the exceptional cases provided for in paragraph 1 of Article 48 of this Code, when requesting a land plot from the lands of a settlement, village for construction purposes.

2. The provision of a land plot for land use for the construction of an object is carried out by local executive bodies of regions, towns of regional significance (on the territory transferred to their administrative subordination) and akims of settlements, villages, rural districts within their competence established by this Code.

A land plot provided for land use is purchased into private ownership after the facility's commissioning.

Local executive bodies, in coordination with the national security authorities and territorial units of the authorized body for civil protection, are obliged to post information on the approved master plan schemes, detailed planning projects, layouts of utility lines of populated localities on their websites and special information boards in places accessible to the public, updating the data on a quarterly basis.

In cases of provision of a land plot in districts without utility lines and facilities, it is necessary to specify the dates of commissioning these lines and facilities, and also points of connection to them.

The state corporation is obliged to post land cadastral schemes of towns and districts on the Internet resource with the weekly updating of data.

Application forms, conclusions of the coordinating authorities, the act of choosing a land plot, architectural and planning assignment, and technical conditions for connection to engineering networks and topography, the land cadastral plan shall be approved by the relevant central authorized bodies.

3. Individuals and legal entities interested in granting them the right to the land use for land plots, submit a standard application to the local executive body of the region, the town of regional significance and the akim of the settlement, village, rural district at the location of the land plot through the web portal "electronic government" or the State Corporation in accordance with the legislation of the Republic of Kazakhstan. In this case, the application must be assigned a registration number according to the date of acceptance of the application. The applicant is given a notification confirming the submission of the application, which indicates the date of receipt of the act of selecting a land plot for approval.

The application must contain information established by the legislation of the Republic of Kazakhstan. The electronic layout of the land plot shall be attached to the application.

The local executive body of the region, town of regional significance within one working day sends the received application on granting the right to a land plot to the structural subdivision of the relevant local executive body performing functions in the field of architecture and urban planning, at the location of the land plot.

The akim of a settlement, village, rural district sends an application to the structural subdivision of the local executive body of the district, town of regional significance (on the territory transferred to its administrative subordination), performing functions in the field of architecture and urban planning, at the location of the land plot.

4. The structural subdivision of the local executive body performing functions in the field of architecture and urban planning, within seven working days, in accordance with the approved urban planning documents, prepares an act of selecting a land plot with its situational scheme, an architectural and planning assignment, a questionnaire for obtaining technical specifications, topography and sends them for approval simultaneously to all interested state bodies, relevant services, subjects of natural monopolies, the State Corporation by means of information systems of state bodies or on paper in the absence of the coordinating bodies of these systems.

The certificate of selection of a land plot shall indicate existing utility lines, and, if necessary, it shall make provisions for the movement of utility lines beyond the boundaries of the land plot.

Within twelve working days, coordinating bodies shall submit an opinion pertaining to the possibility to provide a land plot for the stated designated purpose.

Natural monopoly entities from the date of receipt of the questionnaire for obtaining technical specifications, situational diagram and topography within five working days shall prepare and submit technical specifications for connection to engineering networks.

The conclusion of the State Corporation is accompanied by information on the requested land plot and an estimate for land cadastral works.

If the requested land plot is occupied, the State Corporation within three working days sends the relevant information to the structural subdivision of the local executive body performing functions in the field of architecture and urban planning, which will serve as a basis for refusing to grant the right to the land plot.

Refusal to grant the right to a land plot is documented as an opinion of the structural unit of the local executive body for architecture and urban planning, and shall be sent to the applicant within three working days.

In case of receipt of positive conclusions by the structural subdivision of the local executive body, performing functions in the field of architecture and urban planning, within

five working days, the final act of choosing a land plot shall be prepared and sent with the application of an architectural and planning assignment, technical conditions for connection to engineering networks and topography.

4-1. In case of refusal to grant the right to a land plot due to the need for such provision at bidding (auctions) by the local executive body of the region, district, town of regional significance (on the territory transferred to its administrative subordination) and the akim of the settlement, village, rural district, the bidding (auctions) for the requested land plot must be conducted no later than ninety calendar days from the date of the decision to refuse to grant the right to a land plot.

5. The structural unit of the local executive body for architecture and urban planning shall have the final certificate of selection approved by the applicant by sending him/her a notification through the web portal of “electronic government” or the State Corporation.

The applicant shall approve the final selection certificate and pay for land cadastral services within three working days. The validity period of the certificate of selection not approved by the applicant is ten working days.

After the final selection certificate’s approval by the applicant, the latter is given a notification indicating the date of receipt of a temporary land use agreement for signing.

6. Signed materials are submitted to the State Corporation for production of a land cadastral plan.

7. The land cadastral plan is made and sent within ten working days to the authorized body of the region, the town of regional significance and the district for approval and preparation of the draft decision of the local executive body of the region, the town of regional significance (on the territory transferred to its administrative subordination), the akim of the settlement, village, rural district on granting the right to land plot.

The land cadastral plan shall include:

the cadastral number of the land plot;

location of the land plot;

the land plot’s plan;

the land plot’s area;

type of the land right;

the purpose of the land plot in accordance with the functional zones provided for in paragraph 3 of Article 107 of this Code;

restrictions and encumbrances on the land plot;

divisibility or indivisibility of the land plot;

information on adjacent land plot owners and land users;

the cadastral (appraised) value of the land plot or the value of the land use right.

The land cadastral plan is approved within three working days and is the basis for making a positive decision by the local executive body of the region, district, town of regional

significance (on the territory transferred to its administrative subordination) and the akim of the settlement, village, rural district on granting the right to a land plot.

The boundaries of the land plot on the ground are established after the approval of the land cadastral plan within one month after the decision is made by the local executive body of the region, district, town of regional significance (on the territory transferred to its administrative subordination) and the akim of the settlement, village, rural district.

8. The decision of the local executive body of the region, town of regional significance (on the territory transferred to its administrative subordination) and akim of settlement, village, rural district on granting the right to a land plot is taken within five working days from the date of approval of the land cadastral plan.

A copy of the decision of the local executive body of the region, the town of regional significance (on the territory transferred to its administrative subordination), the akim of the settlement, village, rural district and the land cadastral plan are sent to the authorized body of the region, the town of regional significance and the district for preparation of a contract of temporary (short-term, long-term) paid land use (lease) during one working day.

The land cadastral plan is an integral part of the decision of the local executive body of the region, the town of regional significance (on the territory transferred to its administrative subordination) and the akim of the settlement, village, rural district. The decision is considered invalid in its absence.

When the rights to a land plot are transferred, the land cadastral plan is transferred to the acquirer or other rightholder. In the absence of changes in the identification characteristics of the land plot, the State Corporation does not issue a new land cadastre plan, but information on the transfer of rights to the land plot is entered into the land cadastre book and the unified state register of lands on the basis of information from the legal cadastre provided for by the Law of the Republic of Kazakhstan "On state registration of rights to immovable property".

A copy of the decision of the local executive body of the region, the town of regional significance (on the territory transferred to its administrative subordination) and the akim of the settlement, village, rural district and the contract of temporary (short-term, long-term) paid land use (lease), signed by the authorized body of the region, the town of regional significance (on the territory transferred to its administrative subordination) and the district are sent through the State Corporation or the e-government web portal to the applicant for signing.

The acquisition of property rights by a land user is regulated by Articles 47 and 49 of this Code.

The applicant, after receiving the notification, within three working days shall sign a temporary land use agreement.

After receiving documents confirming the right to the land plot, the applicant submits an application for state registration of rights to immovable property in accordance with the legislation of the Republic of Kazakhstan.

The decision of the local executive body of the region, the town of regional significance (on the territory transferred to its administrative subordination) and the akim of the settlement, village, rural district on granting the right to a land plot must contain:

the surname, first name, patronymic (if it is indicated in the identity document) of an individual or the name of the legal entity that receive the right to a land plot;

location of the land plot;

the purpose of the land plot in accordance with the functional zones provided for in paragraph 3 of Article 107 of this Code;

land category;

land area;

type of right to land, encumbrances, easements;

terms of conclusion of the contract of temporary (short-term, long-term) paid land use (lease) of the land plot;

information about the divisibility (indivisibility) of the land plot;

other information related to the provision of a land plot.

At the same time, it is prohibited to provide land plots for construction without draft detailed plans or master plans for populated localities with estimated population of over twenty thousand people and master plans combined with a draft detailed plan with population of up to twenty thousand people (or a plan for the development of populated localities with up to five thousand people, which replaces them).

Footnote. Chapter 5 is supplemented with Article 44-1 in accordance with Law of the Republic of Kazakhstan № 225-V as of 02.07.2014 (shall take effect on 01.01.2015); as amended by Laws of the Republic of Kazakhstan № 322-V as of 15.06.2015 (shall take effect ten calendar days after its first official publication), № 366-V as of 28.10.2015 (shall take effect ten calendar days after its first official publication); № 408-V as of 17.11.2015 (shall take effect on 01.03.2016); № 479-V as of 29.03.2016 (shall take effect twenty-one calendar days after its first official publication); № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication); dated 29.06.2020 No. 352-VI (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 24.06.2021 No. 52-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022); dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023).

Article 44-2. Procedure for granting the right to a land plot within the city of republican significance, the capital, towns of regional and district significance

1. A land plot from the lands of the city of republican significance, the capital, the town of regional and district significance is provided by the local executive body of the region, the city of republican significance, the capital, the town of regional significance and the akim of the town of district significance within their competence established by this Code.

2. The provisions of this Article shall apply to the exceptional cases provided for in paragraph 1 of Article 48 of this Code.

3. The local executive body of the region, the city of republican significance, the capital, the town of regional significance, the akim of the town of district significance must ensure strict compliance with the approved master plans and detailed planning projects or schemes for placement of the territory of settlements.

It is prohibited to provide land plots for construction without the presence of detailed planning projects or master plans of settlements with an estimated population of more than twenty thousand people and master plans combined with a detailed planning project with a population of up to twenty thousand people (or their replacement scheme of development and development of settlements with a population of up to five thousand people), and also in the absence of engineering networks.

4. A land plot is provided in the following order:

1) acceptance for consideration of an application on granting the relevant rights to the land plot;

2) determination of the possibility (impossibility) of providing the requested land plot for the stated intended purpose in accordance with the urban planning document;

3) formation and approval of the allotment scheme of the land plot;

4) making a decision by the local executive body of the region, the city of republican significance, the capital, the town of regional significance and the akim of the town of district significance on granting the right to a land plot;

5) conclusion of a contract for the purchase and sale of a land plot or temporary (short-term, long-term) paid (gratuitous) land use (lease);

6) establishment of the boundary of the land plot on the ground;

7) production and issuance of the cadastral passport of the real estate object.

Actions specified in the sub-paragraphs 1), 2), 3), 4), 5) and 7) of part one of this paragraph, are made in electronic format using the objects of informatization of state bodies and other persons.

The provision of a land plot from lands within the city of republican significance, the capital, the town of regional and district significance is a public service and is regulated by the legislation of the Republic of Kazakhstan.

5. The total term for consideration of an application for granting the right to a land plot is up to thirty working days from the date of receipt of the application, except in cases of requesting a land plot for the needs of defense and national security specified in paragraph 7 of this article.

The specified period does not include the following periods:

approval of the scheme of allotment of a land plot by the applicant;

conclusion of a contract for the purchase and sale of a land plot or temporary (short-term, long-term) paid (gratuitous) land use (lease);

establishing the boundaries of the land plot on the ground;
production and issuance of a cadastral passport of a real estate object.

6. In the case of requesting a land plot for construction purposes, the land plot is provided on the right of land use. The purchase of the land plot provided for land use in private ownership is made after the commissioning of the object. The acquisition of ownership rights by a land user is regulated in accordance with Articles 47 and 49 of this Code.

7. In the case of requesting land plots for the needs of defense and national security, after receiving a positive conclusion from the coordinating state bodies and organizations, the scheme of allotment of the land plot and the draft decision of the local executive body of the region, the city of republican significance, the capital at the location of the land plot are sent for additional approval to the state bodies specified in part two of paragraph 1 of Article 120 of this Code, within five working days from the date of receipt of the last conclusion.

Additional approval is made within ten working days.

8. Individuals and legal entities interested in obtaining the right to a land plot, through the e-government web portal or through the State Corporation, submit an application with the independent formation of a scheme for the allotment of the requested land plot on a public cadastral map.

The following is attached to the application:

the scheme of land allotment;

other documents related to the provision of land plots specified in paragraph 1 of Article 48 of this Code.

In the case of requesting a land plot for construction purposes, a questionnaire for connection to utility networks is attached to the application.

Individuals and legal entities, after submitting an application for a land plot, are notified of its receipt to their personal accounts on the e-government web portal, which indicates the expected date of approval of the allotment scheme of the land plot.

9. The local executive body of the region, the city of republican significance, the capital, the town of regional significance, within one working day from the moment of receipt of the application for granting the right to a land plot, sends it to the structural subdivision of the relevant local executive body performing functions in the field of architecture and urban planning, at the location of the land plot.

The akim of the town of district significance sends an application to the structural subdivision of the local executive body of the district, performing functions in the field of architecture and urban planning, at the location of the land plot.

10. The structural subdivision of the local executive body performing functions in the field of architecture and urban planning, within two working days from the date of receipt of the application for granting the right to a land plot determines the possibility (impossibility) of its provision for the stated purpose in accordance with the approved urban planning document.

If it is determined that it is impossible to provide the requested land plot for the stated purpose within two working days, the structural subdivision of the local executive body performing functions in the field of architecture and urban planning sends the applicant a reasoned refusal justifying the reason for the impossibility of allocating the requested land plot with reference to the norms of the legislation of the Republic of Kazakhstan to his personal account on the web portal "electronic governments".

If the possibility of providing the requested land plot is determined, its allotment scheme is formed within five working days.

The scheme of allotment of a land plot within one working day from the moment of its preparation is sent simultaneously for approval to state bodies and other organizations, the list of which is approved by the local executive body of the region, the city of republican significance, the capital, the town of regional significance and the akim of the town of district significance.

The scheme of allotment of the land plot indicates the existing engineering communications, and if necessary, provides for the transfer of engineering communications beyond the boundaries of the provided land plot.

The conclusion of the coordinating state bodies and other organizations is submitted electronically within five working days from the date of receipt of the allotment scheme of the land plot.

The approval of the allotment scheme of the land plot is carried out without any notes and reservations.

Subjects of natural monopolies additionally submit technical conditions for connection to utility networks.

If a negative conclusion is received from the coordinating state bodies and other organizations within two working days from the date of its receipt by the structural subdivision of the local executive body performing functions in the field of architecture and urban planning, the applicant receives a reasoned refusal to grant the right to a land plot to his personal account on the e-government web portal.

A reasoned refusal is issued in the form of a conclusion of the established form of a structural subdivision of the local executive body performing functions in the field of architecture and urban planning.

11. If a positive conclusion is received from the coordinating state bodies and other organizations within one working day from the moment of its receipt, the scheme of allotment of the land plot is sent to the applicant for approval to his personal account on the web portal of "electronic government".

The applicant is obliged to agree on the scheme of allotment of the land plot within ten working days from the date of its receipt.

The expiration of the deadline for approval by the applicant of the allotment scheme of the land plot is the basis for a reasoned refusal to grant the right to the land plot, which is sent

by the structural subdivision of the local executive body performing functions in the field of architecture and urban planning to the applicant within one working day to his personal account on the "electronic government" web portal.

12. The structural subdivision of the local executive body performing functions in the field of architecture and urban planning, after receipt of the agreed scheme of allotment of the land plot, sends it within one working day from the moment of receipt to the relevant authorized body and the akim of the town of district significance to prepare a draft decision on granting the right to the land plot.

In the case of requesting a land plot for construction purposes, an architectural and planning assignment is additionally attached to the allotment scheme, which is prepared within two working days from the date of receipt of technical conditions for connection to engineering networks from natural monopoly entities.

The agreed scheme of allotment of a land plot is the basis for making a decision within five working days by the local executive body of the region, the city of republican significance, the capital, the town of regional significance and the akim of the town of district significance to grant the right to a land plot and is an integral part of such a decision.

13. When requesting a land plot for the needs of defense and national security, the agreed scheme of allotment and the positive approval of the state bodies specified in part two of paragraph 1 of Article 120 of this Code are the basis for making a decision within five working days by the local executive body of the city of republican significance and the capital to grant the right to the land plot and by the local executive body of the town of regional significance and the akim of the district - on the possibility of granting the right to a land plot.

14. In cases where the provision of land plots falls within the competence of a higher executive body, the decision of a lower local executive body on the possibility of granting the right to a land plot within one working day is sent to the relevant authorized body for preparation of a draft decision of a higher local executive body on granting the right to a land plot within their competence, established by this Code.

The final decision of the higher local executive body on granting the right to a land plot is made within five working days from the date of receipt of the decision of the lower local executive body.

15. The decision of the local executive body of the region, the city of republican significance, the capital, the town of regional significance and the akim of the town of district significance on granting the right to a land plot should contain the following information:

the surname, first name, patronymic (if it is indicated in the identity document) of an individual or the name of a legal entity to which the right to a land plot is granted;

location of the land plot;

the purpose of the land plot in accordance with the functional zones provided for in paragraph 3 of Article 107 of this Code;

land category;

land area;

type of right to land, encumbrances, easements;

terms of conclusion of purchase and sale agreements and temporary (short-term, long-term) paid (gratuitous) land use (lease) of a land plot;

information about the divisibility (indivisibility) of the land plot;

other information related to the provision of a land plot.

16. Based on the decision of the local executive body of the region, the city of republican significance, the capital, the town of regional significance and the akim of the town of district significance on granting the right to a land plot, a contract for the purchase and sale of a land plot or temporary (short-term, long-term) paid (gratuitous) land use (lease) is concluded in electronic form in the manner and terms, established by the legislation of the Republic of Kazakhstan.

Untimely conclusion of a contract for the purchase and sale of a land plot or temporary (short-term, long-term) paid (gratuitous) land use (lease) or refusal to conclude them is the basis for canceling the decision to grant the right to a land plot within three working days from the date of expiration of the term of conclusion of such a contract or receipt of a refusal.

17. The establishment of the boundary of the land plot on the ground is carried out on the basis of the applicant's application within one month after the decision to grant the right to the land plot is made.

18. The production and issuance of a cadastral passport of a real estate object, as well as the state registration of the right to a land plot are carried out by the State Corporation on the basis of an application in electronic format in accordance with the procedure and terms established by the legislation of the Republic of Kazakhstan.

19. It is not allowed to use a land plot without state registration of rights to a land plot in accordance with the procedure and terms established by the legislation of the Republic of Kazakhstan on state registration of rights to immovable property.

Non-compliance with this norm is qualified as unauthorized occupation of a land plot and provides for administrative liability in accordance with the legislation of the Republic of Kazakhstan on administrative offenses.

Footnote. Chapter 5 is supplemented by Article 44-2 in accordance with the Law of the Republic of Kazakhstan dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023).

Article 45. Grant of land plots that are not linked with building construction

Footnote. Article 45 is excluded by the Law of the Republic of Kazakhstan dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023).

Article 46. Provision of land plots to kandas

1. Provision of land plots for personal subsidiary farming, gardening and summer cottage construction to kandas shall be carried out based on the right of temporary free land use.

2. Excluded by the Law of the Republic of Kazakhstan dated 13.05.2021 No. 39-VII (shall come into effect ten calendar days after the day of its first official publication).

3. After acquisition of nationality of the Republic of Kazakhstan, the granted land plots shall come into their private ownership in a manner and in terms established by this Code.

4. The norms of Article 48 of this Code shall not apply to land plots provided to kandas.

Footnote. Article 46 as amended by the Law of the Republic of Kazakhstan dated 24.03.2011 No. 420-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.05.2021 No. 39-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

Article 47. Acquisition of rights to land plots that are in the state ownership

1. Grant of the land plots in the state ownership to the ownership of citizens and non-state legal entities entitled to acquire land plots in a private ownership shall be performed on a remuneration basis.

Grant of the land plots to the ownership of citizens and non-state legal entities may be performed by gratuitous title in cases provided by this Code and other legislative acts of the Republic of Kazakhstan.

2. Persons, interested in purchasing a land plot, shall submit an application to the local executive body of a region, city of republican significance, the capital, district, city of regional significance, akim of a town of district significance, rural settlement, village, rural district at the location of the land plot, which is considered in accordance with the procedure specified in Articles 43, 44, 44-1 and 44-2 of this Code, depending on the designated purpose of the land plot.

3. If the physical or non-state legal entity intent to ransom the land plot to the private ownership, which previously was granted him for land use, this person shall file an application to the local executive body of oblast, city of republican significance, the capital, district, city of oblast subordination, the akim of city of district subordination, rural settlement, village, rural district.

The application shall be accompanied by:

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

a copy of tax inspection certificate;

a certificate from the estate center on the absence of encumbrance on a land plot, which bars the making of transaction;

a certificate on a state registration (re-registration) of a legal entity.

The authorized authority of region, city of republican significance, capital, district, city of region significance at location of a land plot shall identify a land plot on a cadastral documentation and shall prepare a draft decision on a grant of the right to private ownership on a land plot.

The authorized body of a region, city of republican significance, the capital, district, city of regional significance at the location of a land plot, in case of a request of the management company of an industrial zone of republican or regional significance for the sale of a part of the land plot, provided to it for temporary land use, to a participant in the industrial zone of

republican or regional significance in accordance with subparagraph 2) of part one of paragraph 2 of Article 119-2 of this Code, shall parcel out the part of the land plot to be sold in accordance with this Code.

The decision to grant a land plot into ownership shall be made within five working days from the date of submission by the land user of an application in writing to the local executive body.

The authorized body of oblast, city of republican significance, the capital, district, city of oblast subordination at location of a land plot shall draw up and sign a buy and sell agreement of a land plot together with a customer.

3-1. If a participant in a special economic zone or industrial zone of republican or regional significance, or a person carrying out a support activity in the territory of a special economic zone, has an intention to purchase a land plot allocated to him/her/it, in accordance with the legislation of the Republic of Kazakhstan on special economic and industrial zones, into private ownership, this participant or person shall submit an application to the management company of the special economic or industrial zone in accordance with Article 119-2 of this Code.

4. When the customer received a land plot doesn't perform his duties on a payment basis within the period established by agreement, the seller is entitled to ask for payments of the transferred land plot or ask for its return.

In cases where the buyer fails to fulfil the obligation to pay for the transferred land plot within the time established by the contract and otherwise is not provided for by the contract, a penalty for the overdue amount shall be paid from the day when the land plot was supposed to be paid until the day the buyer pays for the land plot. The amount of the penalty shall be calculated based on the base rate of the National Bank of the Republic of Kazakhstan.

5. The buy and sell agreement of a land plot and the document on a payment of redemption price of a land plot are the cause for issuing the identification document on a land plot.

Upon the installment selling of a land plot, the relevant record on the prohibition on consummation of transactions shall be made in the identification document issued to the customer, on the basis of buy and sell agreement, with the exception of hypothecation of a land plot.

Footnote. Article 47 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); dated 06.07.2007 No. 279; dated 24.12.2012 No. 60-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 08.01.2013 No. 64-V (shall be enforced from 01.01.2013); № 269-V as of 29.12.2014 (shall take effect on 01.01.2015); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); № 243-VI as of 03.04.2019 (shall take effect ten calendar days after its first official publication); dated 25.11.2019 No. 272-VI (shall be enforced upon expiry of ten calendar days after the day of its

first official publication); dated 29.06.2020 No. 352-VI (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 02.01.2021 No. 399-VI (shall come into effect from 01.01.2021); dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023).

Article 48. Acquisition of rights to land plots that are in the state ownership, in trading (tenders, auctions)

1. Grant of the land plots or right to lease of the land plots which are in the state ownership and not provided to the land use shall be performed in trading (tenders, auctions), with the exception of cases, when the land plot or right to lease of the land plot shall be provided:

1) for implementation of investment projects in accordance with Article 284 of the Entrepreneurial Code of the Republic of Kazakhstan;

2) foreign states and international organizations in accordance with the international treaties;

3) for the public land users of the Republic of Kazakhstan;

4) persons who won the competitive biddings (tenders) for the construction of facilities, conducted by the state authorities, and when such a construction requires a grant of land plots directly to mentioned persons;

5) physical and legal entities for building operations and building (constructions, installations) maintenance belonging to them as a property and (or) other rights to things, including for improvement and conversion of buildings (constructions, installations) on an adjacent territory in accordance with the architectural town-planning and (or) construction documents approved in the manner prescribed by the legislation of the Republic of Kazakhstan on architectural, town-planning and building activities;

5-1) to individuals and legal entities for the construction of buildings (constructions, structures) and their utility networks in the territory earlier surveyed by them for construction purposes in accordance with Article 71 of this Code, provided that they purchased the rights to land plots, earlier belonged to third parties, within the limits of the planned development in accordance with the detailed planning project;

5-2) individuals and legal entities for the construction of engineering and communication networks and systems to land plots owned by them on the right of ownership and land use, according to the route diagrams issued by the architecture and urban planning authorities along with the technical conditions for connection to engineering networks and architectural and planning assignment in the manner prescribed by the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activities;

6) participants of condominium for use and maintenance of the object of condominium;

7) for use of pasture and grass lands in order to meet demands of the population on maintenance of their own farmsteads, as well as the gardening;

8) for the purposes of subsurface use on the basis of a license for subsurface use or a subsurface use contract in accordance with the Code of the Republic of Kazakhstan “On Subsurface and Subsurface Use”, and also for the construction and (or) placement of utility, transport and other infrastructure necessary for mining minerals, subsurface use;

9) as state land grants under a contract concluded in accordance with the investment legislation of the Republic of Kazakhstan;

10) to a participant in a special economic zone or industrial zone of republican or regional significance, the management company of a special economic zone or industrial zone in accordance with the legislation of the Republic of Kazakhstan on special economic and industrial zones;

10-1) from the lands of water resources inventory, occupied by the territorial waters for construction of artificial structures;

11) for needs of railroad transport, motor vehicles, marine and inland water transport, air and pipeline transport, for the needs of communication and energy production, as well as for construction of the other buildings of national standing;

12) for public facilities intended to meet the needs of the population (water pipelines, heating mains, sewage treatment plants and other engineering and communication networks and systems, infrastructure for the separate collection of municipal solid waste), as well as for special-purpose facilities in accordance with subparagraph 8) of part fifth paragraph 3 of Article 107 of this Code;

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

14) for management of peasant or agrarian economy, gardening, individual housing and suburban construction in accordance with paragraph 3 of Article 9 of this Code;

14-1) for the private forest planting;

15) for construction of the projects provided by the state and regional programs, for construction of investment projects, providing the state interests and the achievement of worthwhile objectives;

16) for scientific centers with international participation and for domestic industrial enterprises in accordance with paragraph 3 of Article 9 of this Code;

17) to private partners for implementation of public-private partnership projects or a concession holder for implementation of concession projects;

18) to social-entrepreneurship corporations for implementation of investment and innovative projects;

19) subjects of industrial and innovative activity for implementation of industrial and innovative projects;

20) to participants (members) in (of) a business partnership or production cooperative, when resigning the participation (membership) in accordance with paragraph 3 of Article 101 of this Code;

21) to new settlers in the regions determined by the Government of the Republic of Kazakhstan for the construction of facilities inside populated localities settlements, except for cities of regional significance.

When the period of temporary land use expires, the agricultural land plots shall be put up for tenders (competitive biddings, auctions) only in default of conclusion of agreement on a temporary land use for a new term by the temporary land user.

2. Excluded by the Law of the Republic of Kazakhstan dated 13.05.2021 No. 39-VII (shall come into effect ten calendar days after the day of its first official publication).

3. A land plot intended for sale shall be put up for bidding (auction) after:

determination of boundaries of the land plot;

establishment of designation of the land plot and its cadastral (assessed) value;

decision on bidding (competitive bidding, auction) process;

publishing report on bidding (competitive bidding, auction) process;

4. The local executive body shall act as seller of a land plot or seller of the right to lease of a land plot.

The owner or the specialized organization acting with him on the basis of agreement shall act as bidding process (competitive bidding, auctions) organizer.

5. The owner of the land plot shall determine the form of bidding (tenders, auctions), the initial price of the subject of bidding (auctions) and the amount of the deposit.

6. Bidding (tenders, auctions) for the sale of land plots or the right to lease land plots shall be carried out electronically on the web portal of the state property register in the manner determined by the central authorized body, except for land plots for conducting a peasant or farm enterprise, agricultural production,

6-1. In case of refusal to grant the right to a land plot due to the need to carry out such provision at bidding (tenders, auctions) by the local executive body of the region, city of republican significance, the capital, district, city of regional significance, akim of the city of district significance, settlement, village, rural district bidding (tender, auction) for the requested land plot shall be held no later than ninety calendar days from the date of the decision to refuse to grant the right to the land plot.

7. The results of bidding (tender, auction) for the sale of a land plot or the granting of the right to lease a land plot shall be documented in a protocol that shall be posted on the Internet resource of the relevant authorized body of a region, city of republican significance, the capital, district, city of regional significance monthly. Based on the protocol, within two working days, a contract for the sale or lease of a land plot shall be concluded in the form approved by the central authorized body.

Footnote. Article 48 is in the wording of the Law of the Republic of Kazakhstan dated 13.09.2009 No. 135-IV (the order of enforcement see Article 3); as amended by the Law of the Republic of Kazakhstan dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.07.2011 No. 470-IV (shall be

enforced from 01.04.2012); dated 09.01.2012 No. 535-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 208-V as of 10.06.2014 (shall take effect ten calendar days after its first official publication); № 209-V as of 12.06.2014 (shall take effect ten calendar days after its first official publication); № 239-V as of 29.09.2014 (shall take effect ten calendar days after its first official publication); № 269-V as of 29.12.2014 (вводится в действие с 01.01.2015); № 366-V as of 28.10.2015 (shall take effect ten calendar days after its first official publication); № 376-V as of 29.10.2015 (shall take effect on 01.01.2016); № 380-V as of 31.10.2015 (shall take effect ten calendar days after its first official publication); № 5-VI as of 30.06.2016 (вводится в действие со дня его первого официального опубликования); № 126-VI as of 27.12.2017 (shall take effect six months after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication); № 241-VI as of 02.04.2019 (shall take effect ten calendar days after its first official publication); № 243-VI as of 03.04.2019 (shall take effect ten calendar days after its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 29.06.2020 No. 352-VI (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 13.05.2021 No. 39-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 02.01.2021 No. 401-VI (shall come into effect from 01.07.2021); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022); dated 27.12.2021 No. 87-VII (shall be enforced upon expiration of ten calendar days after the day of its first official publication);

Chapter 5 is envisaged to be supplemented with Article 48-1 in accordance with the Law of the Republic of Kazakhstan dated November 2, 2015 No. 389-V (suspended until December 31, 2026).

Article 49. Acquisition of rights to land plots that are in the state ownership, at their installment selling

1. The land plot which is in the state ownership shall be sold by installment for a period of ten years upon a written application of the customer by conclusion of the buy and sell agreement.

2. The customer must pay in advance in amount of not less than five percent of the price of a land plot within ten business days from the date of conclusion of a buy and sell agreement. In the following, the payment for a land plot shall be contributed by the customer every month, according to the schedule of payments which shall be accompanied to the buy

and sell agreement and which is the integral part of it. The payment for a land plot may be performed either by cash or by wire payment on account of the seller, mentioned in the buy and sell agreement.

The customer shall have the right to discharge his obligations before expiry, either in full or in part. In case of partial discharge of obligations, the schedule of payments shall be restated.

3. In case of delay of the monthly payment for a land plot, the customer shall pay a penalty in amount of 0.1 percent from the unsettled redemption price of a land plot to the seller for each day of delay.

If the customer doesn't perform the payment for a land plot within three months in succession, and for a land plot designed for agricultural purposes – within two years in succession, the seller shall have the right to terminate the buy and sell agreement and claim a return of the sold land plot, with the exception of cases, when the sum of payments received from the customer exceeds a half of redemption price of a land plot.

4. The consummation of transactions shall be prohibited until the payment in full of the redemption price in respect of the land plot sold by installment, with the exception of hypothecation.

Part two of paragraph 4 is provided for to be excluded by the Law of the Republic of Kazakhstan dated 02.11.2015 No. 389-V (suspended until 31.12.2026).

The right to consummation of transactions with the land plot sold by installment at preferential prices shall be allowed upon expiry of restriction period for a consummation of transactions with a land plot, provided by paragraph 3 of Article 24 of this Code and reckoned from the date of payment in full of its redemption price.

5. The hypothecation of the land plot sold by installment by the customer shall be allowed at the payment of not less than fifty percent from its redemption price. By this, only the part of a land plot for which redemption price was paid may be the subject of a pledge.

6. The restrictions on consummation of transactions with the land plot sold by installment shall reflect in the buy and sell agreement and in the identification document on a land plot. The document on a payment of redemption price of a land plot is the basis for lifting restriction in the buy and sell agreement and in the identification document on a land plot.

Article 49-1. Procedure for changing the purpose of the land plot

1. The change of the purpose of the land plot is carried out by the local executive bodies of the region, the city of republican significance, the capital, the district, the town of regional significance, the akim of the town of district significance, the settlement, the village, the rural district at the location of the land plot.

Changing the purpose of a land plot is a public service and is regulated by the legislation of the Republic of Kazakhstan.

2. Individuals and legal entities interested in changing the purpose of the land plot submit an application to the local executive body of the region, city of republican significance, the

capital, district, town of regional significance, akim of the town of district significance, settlement, village, rural district at the location of the land plot on paper or through the web portal "electronic government" or the State Corporation in accordance with the legislation of the Republic of Kazakhstan.

The application is assigned a registration number by the date of its acceptance and the applicant is given a notification confirming the submission of the application, which indicates the date of the decision on the issue of changing the purpose of the land plot.

The following information is indicated in the application:

cadastral number of the land plot;

the requested purpose of the land plot;

land area;

location of the land plot;

the number and date of the title and identification documents for the land plot, the land cadastral plan.

3. An application for changing the purpose of a land plot located within a settlement is considered within up to eight working days from the date of its receipt by the local executive body of the region, city of republican significance, the capital, town of regional significance and akim of the town of district significance, settlement, village, rural district.

The specified period does not include the following periods:

the conclusion of a contract for the purchase and sale of a land plot or temporary (short-term, long-term) paid (gratuitous) land use (lease) of a land plot;

production and issuance of a cadastral passport of a real estate object or a land cadastral plan.

The local executive body of the city of republican significance, the capital, the town of regional significance within one working day sends the received application for changing the purpose of the land plot to the structural subdivision of the relevant local executive body performing functions in the field of architecture and urban planning.

The akim of a town of district significance, a settlement, a village, a rural district within one working day sends the received application for changing the purpose of the land plot to the structural subdivision of the local executive body of the district, performing functions in the field of architecture and urban planning, at the location of the land plot.

The structural subdivision of the local executive body performing functions in the field of architecture and urban planning, within three working days from the date of receipt of the application, determines the possibility of using the land plot for the stated purpose, draws up a scheme for the use of the land plot and sends it for approval simultaneously to all interested state bodies and other organizations.

The coordinating state bodies and other organizations within three working days submit the relevant conclusions on the possibility (impossibility) of using the land plot for the stated intended purpose.

If a negative conclusion is received from the coordinating state bodies and other organizations, the applicant is sent a reasoned refusal to change the purpose of the land plot within two working days from the date of its receipt by the relevant structural subdivision of the local executive body performing functions in the field of architecture and urban planning.

A reasoned refusal to change the purpose of a land plot is issued in the form of a conclusion of the established form of the relevant structural subdivision of the local executive body performing functions in the field of architecture and urban planning.

If a positive conclusion is received from the coordinating state bodies and other organizations on the possibility of using the land plot for the stated intended purpose, within two working days from the date of its receipt, the relevant structural subdivision of the local executive body performing functions in the field of architecture and urban planning prepares a final conclusion on changing the intended purpose of the land plot and sends it to the authorized body of the city of republican significance, the capital, town of regional significance, to the akim of a town of district significance, a settlement, a village, a rural district to prepare a draft decision on changing the purpose of the land plot.

The decision of the local executive body of the city of republican significance, the capital, the town of regional significance, the akim of the town of district significance, settlement, village, rural district on changing the purpose of the land plot is taken within four working days from the date of receipt of the final conclusion on changing the purpose of the land plot from the relevant structural subdivision of the local executive body performing functions in the field of architecture and urban planning.

4. An application for changing the purpose of a land plot located outside a settlement is considered within up to sixteen working days from the date of its receipt by the local executive body of the region, district, town of regional significance (on the territory transferred to its administrative subordination).

The specified period does not include the periods of:

conclusion of a contract for the purchase and sale of a land plot or temporary (short-term, long-term) paid (gratuitous) land use (lease) of a land plot;

production and issuance of an identification document for a land plot.

The local executive body of the region, district, town of regional significance (on the territory transferred to its administrative subordination) within one working day sends the received application to the authorized body of the region, district, town of regional significance.

The authorized body of the region, district, town of regional significance within three working days from the date of receipt of the application determines the possibility of using the land plot for the stated purpose, draws up a scheme for using the land plot and sends it for approval simultaneously to all interested state bodies and other organizations.

The coordinating state bodies and other organizations within three working days submit the relevant conclusions on the possibility of using the land plot for the stated intended purpose.

If a negative conclusion is received from the coordinating state bodies and other organizations, the applicant is sent a reasoned refusal to change the purpose of the land plot within two working days from the moment of its receipt by the authorized body of the region, district, town of regional significance.

A reasoned refusal to change the purpose of a land plot is issued in the form of a conclusion of the prescribed form by the authorized body of the region, district, town of regional significance.

In case of receipt of a positive conclusion from the coordinating state bodies and organizations on the possibility of using the land plot for the stated purpose, the authorized body of the region, district, town of regional significance submits materials with a recommendation on the possibility of changing the purpose of the land plot to the land commission within two working days from the date of its receipt.

The conclusion of the land commission is drawn up in two copies in the form of a protocol decision within five working days from the date of receipt by the land commission of a recommendation on the possibility of changing the purpose of the land plot.

The authorized body of the region, district, town of regional significance within one working day from the date of receipt of the relevant conclusion of the land commission prepares the relevant decision of the local executive body of the region, district, town of regional significance (on the territory transferred to its administrative subordination).

The decision of the local executive body of the region, district, town of regional significance (on the territory transferred to its administrative subordination) to change the purpose of the land plot is made on the basis of a positive conclusion of the land commission.

The decision of the local executive body of the region, district, town of regional significance (on the territory transferred to its administrative subordination) to refuse to change the purpose of the land plot is taken within two working days from the date of receipt of the negative conclusion of the land commission. Refusal to change the purpose of the land plot must be reasoned.

5. The decision of the local executive body of the region, city of republican significance, the capital, district, town of regional significance, akim of the town of district significance, settlement, village, rural district on consent or refusal to change the purpose of the land plot is sent to the applicant within three working days after its adoption.

If an application is submitted in the form of an electronic document via the "electronic government" web portal, the decision of the local executive body of the region, city of republican significance, capital, district, town of regional significance, akim of the town of

district significance, settlement, village, rural district on consent or refusal to change the purpose of the land plot is sent to the applicant in the form of an electronic document no later than three working days after its acceptance.

The decision of the local executive body of the region, city of republican significance, the capital, district, town of regional significance, akim of the town of district significance, settlement, village, rural district on changing the purpose of the land plot must contain:

surname, first name, patronymic (if it is indicated in the identity document) of an individual or the name of a legal entity;

changed purpose of the land plot;

the number and date of the conclusion on the possibility of using the land plot for the stated purpose or the conclusion of the land commission;

cadastral number of the land plot;

land category;

location of the land plot;

land area;

type of allotment of a land plot in case of a change in the purpose for conducting a personal subsidiary farm;

type of right to land, encumbrances, easements;

the purchase price of the land plot and the terms for the provision of installments in case of the need to pay to the budget the amount equal to the cadastral (estimated) value of the land plot provided for by the legislation of the Republic of Kazakhstan for the changed purpose, or payment to the budget of an amount equal to the difference between the cadastral (estimated) value provided for by the legislation of the Republic of Kazakhstan for the changed purpose, and the price for which this plot was previously acquired from the state;

terms of conclusion of contracts for the purchase and sale of a land plot in case of the need to pay to the budget the amount equal to the cadastral (estimated) value of a land plot provided for by the legislation of the Republic of Kazakhstan for a changed purpose, or payment to the budget of an amount equal to the difference between the cadastral (estimated) value provided for by the legislation of the Republic of Kazakhstan for a changed purpose, and the price for which this plot was previously acquired from the state.

6. On the basis of the decision of the local executive body of the region, the city of republican significance, the capital, the district, the town of regional significance, the akim of the town of district significance, the settlement, the village, the rural district on changing the purpose of the land plot, a contract for the purchase and sale of the land plot or temporary (short-term, long-term) paid (gratuitous) land use (lease) is concluded in accordance with the procedure and terms established by the legislation of the Republic of Kazakhstan.

7. When changing the purpose of a land plot, the production period of identification documents or a land cadastral plan is no more than four working days.

Footnote. Chapter 5 is supplemented with Article 49-1 in accordance with Law of the Republic of Kazakhstan N 279 as of 06.07.2007; as amended by the Law of the Republic of Kazakhstan dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023).

Article 49-2. Reservation of lands

1. Lands are reserved through the creation of reserve territories on state-owned lands in order to ensure the development of populated localities, the placement of planned utility, transport and social infrastructure facilities, strategic facilities, defense and security, space facilities, the creation of specially protected natural areas, including protective forest plantations, for the use of pastures and hay fields by the population to satisfy the needs of their private farmsteads and in the gardening, and also for the purposes of subsurface use and the creation of special economic zones or industrial zones of republican or regional significance.

2. Grounds for reserving land shall be approved in accordance with the established procedure, integrated urban planning schemes for territories, the master plan of settlement, projects (schemes) for roads and railways, conclusions on determining the scope of environmental impact assessment, documents of the State Planning System in the Republic of Kazakhstan.

Lands for subsurface use are reserved on the basis of the program for the state subsurface fund management or other documents that, in accordance with the Code of the Republic of Kazakhstan “On Subsurface and Subsurface Use”, are the grounds for such a reservation.

3. The reservation of lands shall be performed for the period until twenty days by the local executive bodies of oblasts, cities of republican significance, the capital, with the exception of creation of the specially protected natural areas, and within the boundaries of inhabited localities – by the local executive bodies of districts, cities of oblast subordination, with the exception of cities of republican significance, the capital.

The reservation of lands occupied by the specially protected natural areas shall be performed in accordance with the legislation of the Republic of Kazakhstan in the field of specially protected natural areas.

Reservation of land during the environmental impact assessment shall be carried out for not more than three years in the event of an application by the initiator of the planned activity with the conclusion of the authorized body in the field of environmental protection on determining the scope of the environmental impact assessment, provided for by the environmental legislation of the Republic of Kazakhstan.

4. A decision of local executive bodies on the land reservation shall indicate a ground, purpose and timing of the reservation, the total area and land category, as well as restrictions on land use. When reserving land plots earlier provided on the basis of the right of land use or limited intended use, it is also necessary to indicate land users and easement owners.

5. The local executive bodies mentioned in the first part of paragraph 3 of this Article shall be obliged to notify the land users and servitude owners on reservation of lands, plots of

which are included in reserved areas within thirty days from the date of decision, as well as provide information accessibility on reservation of lands by printed matters publishing in the territory of the relevant administrative-territorial entity.

6. The reservation of lands doesn't entail a termination of land use right of the land users, whose land plots are included in the reserved lands.

Land plots from reserved lands may be provided for temporary land use for a term prior to the commencement of development of land plots for the purposes they were reserved for, for placing temporary facilities or for purposes not related to construction, based on their land category and permitted use in accordance with land zoning.

Footnote. Code is supplemented by Article 49-2 in accordance with the Law of the Republic of Kazakhstan dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 126-VI as of 27.12.2017 (shall take effect six months after its first official publication); № 243-VI as of 03.04.2019 (shall take effect ten calendar days after its first official publication); dated 02.01.2021 No. 401-VI (shall come into effect from 07.01.2021).

Article 50. Standards of granting the land plots

1. The sizes of the land plots granted for citizens and legal entities for non-agricultural activities shall be established upon approved standards of allotment of lands for these types of activities, in the permitted manner by the legislation of the Republic of Kazakhstan or in accordance with the architectural and urban planning and (or) construction documentation.

2. The land plots shall be granted to the citizens of the Republic of Kazakhstan in private ownership without charge, with the exception of the land plots, which are included to the list of lands for sale in trading (tenders, auctions) in accordance with paragraph 1 of Article 48 of this Code, in the following sizes:

1) for the personal subsidiary economy (including the personal and agrarian plots) in the rural area – 0,25 hectares on the rain-fed lands and 0,15 hectares on the irrigated lands;

2) for the individual housing construction - 0,10 hectares;

3) for the gardening, as well as suburban construction – 0,12 hectares.

The repeated free granting of land plots is not allowed for the mentioned purposes, with the exceptions of case, mentioned in paragraph 4 of Article 94 of this Code.

The granting of land plots in a private ownership without charge for the personal subsidiary economy (subsidiary plots) and individual housing construction shall be performed after development of the land plots. The granting of land plots for the mentioned purposes for the period of development shall be performed as a temporary compensated land use (lease) with establishment of conditions and terms of development of these land plots in accordance with Article 92 of this Code.

In existence of free lands in the territory of rural-type settlements, the land plots intended for the individual housing construction and personal subsidiary economy shall be granted as single massifs within standards of the land plots, provided for mentioned purposes.

2-1. Land plots for gardening are provided to citizens of the Republic of Kazakhstan on the basis of the right of temporary free land use and their area shall not be more than 1 hectare

3. The limiting (maximum) sizes of the land plots mentioned in paragraph 2 of this Article, which may be in a private ownership, shall be established by the joint decisions of representative and executive bodies of oblasts, cities of republican significance, the capital, depending on local conditions and specifics.

4. The Government of the Republic of Kazakhstan, on the basis of a joint proposal of representative and executive bodies of regions, cities of republican significance, the capital shall set the greatest possible (maximum) area of agricultural land plots by types of agricultural lands within the republic and one administrative district (city), region, which:

on the basis of the right of private ownership by a citizen of the Republic of Kazakhstan for conducting a peasant or farm enterprise, a non-state legal entity of the Republic of Kazakhstan without foreign participation and its affiliates for agricultural production;

on the basis of the right of temporary land use by a citizen of the Republic of Kazakhstan for conducting a peasant or farm enterprise, a non-state legal entity of the Republic of Kazakhstan without foreign participation and its affiliates for agricultural production.

It is not allowed to provide land plots, the area of which exceeds the greatest possible (maximum) one, for the purposes specified in this paragraph.

5. For the purposes of rational use of agricultural land plots, the minimum sizes of agricultural land plots shall be established by the joint decisions of oblast representative and executive bodies, depending on local conditions and specifics of use of the mentioned lands, granted in ownership or land use.

Footnote. Article 50 as amended by the Laws of the Republic of Kazakhstan dated 06.07.2007 No. 279; dated 10.07.2009 No. 180-IV; dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); dated 13.05.2021 No. 39-VII (shall be enforced upon expiration of ten calendar days after the day of its first official publication).

Article 51. Divisible and indivisible land plots

1. The land plots may be divided into divisible and indivisible land plots. Divisible land plot may be divided into parts, each of which may form independent land plot after division, without change of its designation and without violations of fire protection, sanitary, building construction and other obligatory rules and regulations, otherwise it is indivisible land plot.

1-1. Agricultural land plots are divided with account of the provisions stipulated in paragraph 3-1 of Article 97 of this Code.

2. The divisibility and indivisibility of a land plot shall be indicated in its identification document.

3. Upon the consummation of transactions with a part of divisible land plot, this part shall be preliminary assigned as independent land plot, in the permitted manner. Otherwise, the subject of transaction may be determined by its description in agreement or by introduction of the incidence of established right on identification document to the part of a land plot (lease, uncompensated use, servitude and others).

Footnote. Article 51 as amended by the Law of the Republic of Kazakhstan dated 26 July 2007 No. 311 (shall be enforced upon expiry of ten calendar days after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication).

Article 52. Right to land plot and right to buildings (constructions, installations) located on it

1. Right of property on buildings (constructions, installations) entails the right of property on a land plot, which is occupied by mentioned buildings (constructions, installations), in a manner prescribed by the legislation, except to the extents provided by the Code. Right of economic or operational management of the state legal entities on the buildings (constructions, installations) entails right of permanent land use on a land plot, occupied by the mentioned objects in the permitted manner, with the exception of case provided by paragraph 7 of this Article.

The mentioned rights are inseparable from each other.

2. When transferring right of property or right of economic management or right of operational management on the buildings (constructions, installations) and other real property, the right of property shall be transferred to the acquirer, and in cases established by this Code, the right of permanent or temporary long-termed land use on a whole land plot or its part, apportioned at the building (construction, installation) alienation into independent land plot, or a share in the common property on a land plot, in the common land use, if the land plot is not divisible or is not subject to division in connection with indivisibility.

In the subdivision of a land plot, the acquirer of the building (construction, installation) shall be apportioned by the part of divisible land plot, which occupied by the building (construction, installation) and which is needed for building operation. By agreement of the parties, the acquirer of the building (construction, installation) may be granted by the greater part of a land plot than the part, which is needed for building operation and maintenance of the building (construction, installation).

If mentioned land plot is indivisible or specially designed for maintenance of the buildings (constructions, installations) located on it, which are the subject of alienation, this land plot shall be fully transferred to the acquirer of a land estate.

3. The alienation of property right or right of permanent or temporary land use on a land plot, which is occupied by the buildings (constructions, installations), as well as designed for building operation, without relevant alienation of mentioned land estate, as well as alienation

of land estate without relevant alienation of a land plot, which is occupied by the mentioned land estate shall be prohibited.

4. Provision for temporary use by the land user of the buildings (constructions, installations) belonging to him entails provision for temporary use for the same period of a land plot, occupied by the mentioned buildings (constructions, installations) and designed for building operation.

The provision of a land plot for a temporary use of other person, on which the buildings (constructions, installations) located and designed for building operation, without relevant provision of mentioned land estate for a temporary use, shall be prohibited.

5. In case, if a land user has no right to alienate the right of land use belonging him to other persons, also he has no right to alienate the buildings (constructions, installations) located on this land plot, unless otherwise provided by this Code.

6. In cases, when the temporary land user acquires the right of property on the buildings (constructions, installations) raised on a land plot upon authorization of land plot's owner and in existence of agreements of the relevant services, in the manner prescribed by subparagraph 5) of paragraph 1 of Article 64 of this Code, the land plot shall be returned upon expiry of agreement duration. Other order of the right's enforcement belonging to owner of the buildings (constructions, installations) built on the others land plot may be established by agreement of the parties.

7. The provisions of paragraph 1 of this Article shall not apply to the buildings (structures, constructions) of the Baikonur complex assigned to state land users, to the ownership of the linear parts of the main pipelines, antenna-mast structures and (or) supports for cellular or satellite communication equipment, as well as the right of ownership to industrial buildings (structures, constructions) built at the expense of investors on land plots owned by another entity, with the consent of the owner of the land plot in the cases provided for by this Code.

Footnote. Article 52 as amended by the Laws of the Republic of Kazakhstan dated 06.07.2007 No. 279; dated 26.07.2007 No. 311 (shall be enforced upon expiry of ten calendar days after its official publication); dated 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 22.06.2012 No. 21-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.07.2020 No. 355-VI (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 02.01.2021 No. 399-VI (shall come into effect ten calendar days after the day of its first official publication).

Article 53. Common ownership of a land plot or common land use

1. The land plot under the joint tenancy of two or more persons belongs them as common ownership.

2. The common ownership of a land plot shall be arising in cases provided by the legislative acts of the Republic of Kazakhstan, at indivisibility of a land plot (Article 51 of

this Code), as well as at the voluntary unification of the land plots belonging to their owners in one land plot.

3. A land plot may be in a common ownership with admeasurement of each of the owners (participatory share ownership) or without admeasurement (joint ownership).

4. Right of joint land use shall be arising on the basis provided for in paragraphs 1, 2 and 3 of this Code.

5. Land shares in a land plot which is in a joint share ownership or joint share land use are the independent object of land rights and obligations, unless otherwise provided by the legislative acts of the Republic of Kazakhstan.

6. The procedure for using a land plot that is in common ownership (common land use) shall be determined by an agreement between the participants in common ownership (common land use). If they fail to come to an agreement, the procedure for use shall be determined by a court. The agreement of the participants or the court decision on the use of the land plot is subject to state registration in the manner established by the legislation of the Republic of Kazakhstan.

Footnote. Article 53 as amended by Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication).

Article 54. Procedure for use of land plot for agricultural purposes, being in a common ownership or common land use

1. Procedure for use of land plot for agricultural purposes, being in a common ownership (common land use) shall be accepted by the general meeting of joint tenants (participants in shared land use). The notice of joint tenants (participants in shared land use) shall be performed on a coming meeting for not less than one month before its conducting against receipt in a written form.

2. The meeting shall be considered as legally qualified with the participation at least 50% of joint tenants (participants in shared land use) or their representatives, under condition of a legal notice. The decision shall be made by simple majority votes of joint tenants (participants in shared land use) presented at the meeting and shall be documented in the minutes. The protocol shall be signed by all joint tenants (participants in shared land use) presented at the meeting or by their representatives.

Article 55. Land shares transactions on agricultural lands, being in a joint shared ownership

1. In a consummation of transactions oriented to the alienation of share in the joint share ownership, the apportionment of a land plot towards the land shares is not required.

2. A seller of a land share shall be obliged to notify the other joint tenants in a written form on intendment to sell his share to the third person, specifying a price and other conditions relying on which he sells it.

If the other joint tenants will refuse to buy or will not acquire the selling share within month from the date of written notification, the seller shall have the right to sell his share to any person.

Article 56. Procedure for determination of land share in a joint share ownership or in a common shared land use

1. If the sizes of the shared lands belonging to joint tenants (participants in shared land use) on a land plot may not be determined on the basis of legislation of the Republic of Kazakhstan and are not established by agreement of all participants, the land shares shall be considered as equal.

2. The order of determination and change of land shares belonging to the joint tenants (participants in shared land use) may be established by their agreement, depending on the contribution of each of them in acquisition and development of a common land plot.

Article 57. Division of land plot, being in joint share ownership (joint share land use), and apportionment of share from it

1. In case of failure to reach the agreement on a method and condition of subdivision by the joint tenants (participants in shared land use), each of participants shall have the right to claim for apportionment of participatory share specifically (afield) from the common land plot, with the exception of cases provided by paragraph 2 of Article 62 of this Code, and in other cases established by the legislative acts of the Republic of Kazakhstan.

2. If the apportionment of participatory share specifically is not allowed by the legislative acts of the Republic of Kazakhstan or impossible without incommensurate detriment to the land plot and all that tightly linked with it, the owner (land user) is entitled to receive payment of his land share cost by other joint tenants (participants in shared land use) or sell it to the other person in accordance with the rules established by paragraph 2 of Article 55 of this Code, with the exception of case, when land share is included as a part of condominium objects.

Article 58. Subdivision of land plot, being in a joint property (joint land use)

1. The subdivision of a land plot which is in a joint property (joint land use) may be performed subject to preliminary determination of a land share of each participant.

2. Upon the subdivision of a land plot which is in a joint property (joint land use), the share of each participant shall be considered as equal, unless otherwise provided by the legislative acts of the Republic of Kazakhstan or by the agreement of participants.

3. Conditions and order of the subdivision of a land plot which is in a joint property (joint land use) shall be established in accordance with the articles 56-57 of this Code, whereas otherwise follows from nature of relations between participants.

Article 59. Inadmissibility of subdivision of land plot, recognized as indivisible

1. If the land plot is recognized as indivisible, its specifically subdivision and apportionment of a land share shall be prohibited in accordance with Article 51 of this Code.

2. In this case, the apportioning joint tenant or joint ownership (land use) participant is entitled to receive payment of his land share cost by other joint ownership (land use)

participants on a land plot or sell it to the other person in accordance with the rules, established by paragraph 2 of Article 55 of this Code, with the exception of condominium objects.

Article 60. Conjugal property on a land plot

1. Legal regime of property right on a land plot or land use right belonging to the conjoints, shall be established in accordance with the standards provided by the civil and marriage legislation of the Republic of Kazakhstan, regulated a property relation between conjoints.

2. The land plots and land shares belonging to the conjoints before marriage, as well as received under procedure of inheritance as a gift, are in the ownership (land use) of each of them.

The land plots of each of conjoints may be recognized as their joint property (joint land use), if it will be established, that investments which significantly increased the cost of these land plots were performed on account of common property during a marriage, unless otherwise provided by agreement between conjoints.

3. Upon the subdivision of a land plot, the order of determination of the shares belonging to conjoints in a joint property (joint land use) shall be established by Article 58 of this Code.

Article 61. Right of ownership of a real property located on a common land plot

1. The owner of a real property which located on a common land plot is entitled to possess , use and dispose of this real property at his own convenience, including demolition of the relevant buildings (constructions, installations), if it is not inconsistent with use conditions of a common land plot, established by the legislative acts of the Republic of Kazakhstan or agreement.

2. Upon the transfer of property right on a real property, located on a common land plot, to the other person, it shall acquire the right on a land plot at the same volume, as the previous owner of a real property.

Article 62. Right to land plot of apartment building and to land plots in other condominium objects

1. The local executive authority of capital, city of republican, regional significance and district, when registering a condominium in an apartment building, the land plot required for placement, operation and maintenance of condominium object shall be included in the common property of the condominium object, free of charge as an ideal share.

The land plot included in common property of condominium object of an apartment building shall be undivided, unless otherwise provided by this Code.

2. The share in the common property of condominium object due to each apartment, non-residential premises belonging to the owner, shall be inseparable from the ownership right to apartment, non-residential premises belonging to him. The size of share in the

common property of condominium object shall be determined by the ratio of useful area of an apartment or area of non-residential premises in individual (separate) ownership to the sum of useful areas of all apartments and the areas of all non-residential premises located in this condominium object. Such a share cannot be allocated in kind (ideal share), unless otherwise provided by this Code.

By the decision of meeting of owners of apartments, non-residential premises of apartment building, part of the common property of condominium object may be transferred for limited use under a property rent (lease) agreement in the manner prescribed by the legislation of the Republic of Kazakhstan.

All owners of apartments, non-residential premises of an apartment building shall have equal rights to use the common property of condominium object, including land plot of an apartment building, subject to compliance with construction, sanitary, environmental, fire safety and other mandatory rules and regulations, unless otherwise provided by this Code and other Laws of the Republic of Kazakhstan.

3. A land plot under an apartment building may be provided to the owner of a non-residential premises in separate property, provided that this land plot shall be located outside the contour of an apartment building and its use does not contradict the operating conditions of land plot that is part of the common property of condominium object, as well as construction, sanitary, environmental, fire safety and other mandatory rules and regulations. If , for the operation of non-residential premises, a part of the land plot shall be used, which shall be associated exclusively with the use of non-residential premises (a land plot along which a passage to a separate entrance shall be provided), then the costs of maintaining this land plot shall be borne by the owners of such premises.

4. The transfer of property right to apartment non-residential premise to the other person shall entail the transfer of the relevant share in the common property of condominium object.

5. For management of condominium object and proper maintenance of building (structure) and land plot, the condominium participants shall choose the form of management of condominium object in accordance with the legislation of the Republic of Kazakhstan.

6. Alienation of a land plot in common property of condominium participants to third parties shall not be allowed. Payment of land tax for a land plot in common property of condominium participants shall be carried out in the manner and under the conditions provided by the legislation of the Republic of Kazakhstan.

7. In garage, suburban and other consumers' cooperatives, the rules of condominium shall be applied to the rights of participants to land plots in common property.

Footnote. Article 62 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2019 No. 284-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 63. Levy of execution upon land plot, being in private ownership, and upon land use right

1. The land plot which is in a private ownership, as well as the right of permanent and long termed temporary land use shall be a part of the individual or legal entity's property, to which they answer under their commitments, including compositions in bankruptcy, unless otherwise specified by the legislation of the Republic of Kazakhstan.

The levy of execution may not be performed on the lands, mentioned in paragraph 2 of Article 26 of this Code, as well as belonging to the state land users, with the exception of cases, provided by paragraph 3 of Article 39 of this Code.

2. Foreclosure on a land plot and the right of permanent and long-term temporary land use is carried out in the manner established by civil and civil procedure legislation of the Republic of Kazakhstan, and is subject to state registration in the manner established by the legislation of the Republic of Kazakhstan.

Footnote. Article 63 as amended by Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication).

Chapter 6. Rights and obligations of land plot's owners and land users using the land plots

Article 64. Rights of land plot's owners and land users to use land plots

1. Unless otherwise provided by this Code and other legislative acts of the Republic of Kazakhstan, the land plot's owners and land users shall have the right:

1) to manage a land on the independent basis, using for the purposes arising from the designation of a land plot;

2) of ownership to the economic and operative management on seeds and plantings of the agricultural and other crops and stands, agricultural and other goods made and received in a result of using land plot, and income from its selling;

3) to use, in the prescribed manner, without an intention to make, in future, transactions for their own economic needs for common minerals, green plantations, surface and ground waters available on the land plot or in the subsurface under the land plots belonging to them, and also to exploit other useful properties of the land;

4) to compensation of losses to the full extent on the compulsory alienation of a land plot for the state requirements;

5) to construct residential, process, amenity and other buildings (constructions, installations) as a property, on the basis of the right of economic and operational management, in accordance with the designation of a land plot in recognition of the land zoning;

6) to conduct irrigation, drainage and other reclamation works, to build ponds and other basins in accordance with the established construction, ecological, sanitary and hygiene and other special demands;

7) transfer the right of ownership, the right of temporary paid long-term land use (lease) as a contribution to the authorized capital of a business partnership, in payment for shares of a

joint-stock company or as a contribution to a production cooperative, as well as to alienate the right to land use on agricultural land in the manner and on the terms which are provided for by subparagraph 5-1) of part six of paragraph 1 of Article 33 of this Code;

8) transfer the right to develop a land plot owned by them by right of ownership to an investor in accordance with paragraph 7 of Article 52 of this Code based on civil law transactions, the terms of which are established by agreement of the parties.

2. The powers for temporary land users may be restricted by report on a grant of land plot or by rental agreement (agreement on a temporary land use without compensation).

Footnote. Article 64 as amended by the Laws of the Republic of Kazakhstan dated 06.07.2007 No. 279; dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 126-VI as of 27.12.2017 (shall take effect six months after its first official publication); dated 02.01.2021 No. 399-VI (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 30.06.2021 No.59-VII (shall come into effect from 01.01.2022).

Article 65. Obligations of the land plot's owners and land users on the use of land plots

1. The land plot's owners and land users shall be obliged:

1) to use the land in accordance with its designated purpose or functional zone on the lands of populated localities, in case of temporary land use – also in accordance with a lease agreement (a temporary free land use agreement);

2) apply production technologies that meet sanitary and environmental requirements, prevent harm to human health, deterioration of the sanitary-epidemiological and radiation situation, environmental damage as a result of their activities;

3) to implement measures on a land protection, provided by Article 140 of this Code;

4) to contribute a land tax, charge for use of land plots and other payments without undue delay provided by the legislation of the Republic of Kazakhstan and by agreement;

5) to observe the order of use of flora, fauna, forest, water and other natural resources, to ensure the preservation of objects of historical, cultural, natural heritage and other objects located on the land plot protected by the state, according to the legislation of the Republic of Kazakhstan;

6) in the exercise of economic and other activity on a land plot, to observe the construction, ecological, sanitary and hygiene and other special demands (regulations, rules, standards);

7) to file the disclosure on condition and use of lands to the state bodies established by the land legislation of the Republic of Kazakhstan;

8) to comply the rights of other owners and land users;

9) to prevent a pollution, littering, degradation and deterioration soil fertility, as well as a removal of a rich soil layer with the purpose of selling or transfer to the other persons, with

the exception of cases when such removal is needed for prevention of irreparable loss of the rich soil layer;

10) to provide the provision of servitudes in the manner prescribed by this Code;

11) to report the local executive bodies on detected production waste and consumption residues, which are not their property.

12) to provide access to land plots for carrying out agrochemical soil surveys carried out in the manner established by the central authorized body together with the authorized state body for the agro-industrial complex development;

13) when geodetic points are located on their land plots, report cases of their damage or destruction in accordance with the rules on the protection, demolition or remortgaging (transfer) of geodetic points approved by the authorized body in the field of geodesy, cartography and spatial data.

2. The temporary land users may have other obligations provided by the agreements on a temporary land use.

3. The land plot's owners and land users shall incur all obligations encumbering the land plot (its intended use, provision of servitudes, discharge of taxes and other obligatory payments and others), unless otherwise provided by this Code.

4. The designation and use provision of a land plot, servitude and other use conditions established on the basis of Laws and regulations may not be changed by the land plot's owner or land user on an independent basis.

Footnote. Article 65 as amended by the Laws of the Republic of Kazakhstan dated 09 January 2007, No. 213 (the order of enforcement see Article 2); dated 21 July 2007 No. 307 (the order of enforcement see Article 2 of the Law); dated 17.01.2014 No. 165-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 239-V as of 29.09.2014 (shall take effect ten calendar days after its first official publication); № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication); dated 26.12.2019 No. 289-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 02.01.2021 No. 401-VI (shall come into effect from 01.07.2021); dated 21.12.2022 No. 167-VII (shall be enforced ten calendar days after the date of its first official publication); dated 02.01.2023 No. 184-VII (shall be enforced sixty calendar days after the date of its first official publication).

Article 66. Rights and obligations of the land plot's owners and land users that may not have the rights to land plot in force of this Code

1. In accordance with standards, established by this Code, on the basis provided by the legislative acts of the Republic of Kazakhstan, if the person accrues the right to land plot, which it (person) may not have, the mentioned right shall be alienated, according to the rules established by the legislation of the Republic of Kazakhstan within three months, or must be officially re-registered into the right to land within the specified time limits, which may belong to such subject in accordance with this Code.

In the failure to perform the requirements established by the first part of this paragraph, the local executive body of oblast, city of republican significance, the capital, district, city of oblast subordination shall file the action on return of a land plot at its location.

2. In connection with alienation of buildings (constructions, installations), upon the alienation of a land plot which is in the ownership or land use of the person who has no right to have the alienated right to land plot, this right must be re-registered by the acquirers into the right, which may belong to this person in accordance with this Code and other legislative acts of the Republic of Kazakhstan.

3. Civil transactions concluded by individuals and (or) legal entities in violation of the requirements of this Code shall be invalid.

Footnote. Article 66 as amended by the Law of the Republic of Kazakhstan dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022).

Chapter 7. Servitudes

Article 67. Bases for the origin of servitude

1. The owner or land user shall be obliged to afford the right of limited use of the land plot to which he (she) shall have the right of ownership of land use right, to the interested individual and legal entities, in the cases provided by this Code and other legislative acts of the Republic of Kazakhstan.

2. The right of limited use of the other land use (servitude) may be arising:

- 1) directly from the legislative act;
- 2) on the basis of agreement between interested person and owner or land user;
- 3) on the basis of act of the local executive body;
- 4) on the basis of court decision;
- 5) in other cases provided by the legislation of the Republic of Kazakhstan.

3. If the regulatory legal enactment provides the establishment of servitude on the basis of agreement between interested person and land user, the latter's refusal to conclude such agreement or agreement terms, offered by owner or land user, may be contested by the interested person in a judicial proceeding by bringing of action against owner or land user.

4. If a regulatory legal act provides for the establishment of an easement based on an act of a local executive body, this act may be appealed in the manner established by the laws of the Republic of Kazakhstan by a person interested in establishing an easement, an owner or a land user.

Footnote. Article 67 as amended by the Law of the Republic of Kazakhstan dated 29.06.2020 No. 351-VI (shall come into effect from 07.01.2021).

Article 68. Right of an individual to be on the others land plots and right to pass through them

1. Individuals shall have the right to be on the land plots, opened for public access without any permission.

2. If the land plot which is in the private ownership or land use is not fenced off, or if the private owner or land user didn't specify by other ways, that entry to this land shall be prohibited without his permission, any person may pass through this land plot, if this doesn't harm the private owner or land user.

Article 69. Right of limited use of neighboring or other land plot

1. A private owner, land user or subsurface user conducting prospecting or geological study operations has the right to require a holder of the right of private property or land use of an adjacent land plot, and if necessary - a holder of the right of private property or land use of another land plot, to grant him/her the right of limited use of these plots (private easement).

2. The right of limited use of neighboring or other land plot (private servitude) may be established for:

1) walking and (or) driving through an adjacent or another land plot, if another way of a private owner or land user to his/her plot (a subsurface user conducting prospecting or geological study operations - to his/her territory for prospecting or geological study operations) is extremely difficult or requires disproportionate expenses;

2) laying and (or) operating the necessary lines of power, communications, water supply, drainage, heating, gas supply, land reclamation and other needs of a private owner, land user or subsurface user conducting prospecting or geological study operations that are impossible without establishing an easement on an adjacent or another land plot.

3. Private easement on an adjacent land plot is established under an agreement with holders of the right of private property or land use of these plots (a private easement agreement) or by a court decision.

The holders of the right of limited use of the land plot (private easement) must reimburse the private owner or land user all easement-related losses in the amount determined by the private easement agreement or the court decision.

4. Public easements can be established when it is necessary to safeguard interests of the state and local population or prospecting or geological study of minerals, without expropriating land plots, based on decisions of local executive bodies of regions, cities of republican significance, the capital, districts, cities of regional significance, akims of towns of district significance, rural settlements, villages, rural districts within their competence to provide land plots.

The public servitudes may be established for:

1) walkway and passageway through the land plot to the common amenities, graveyards, burial grounds and other cult objects;

2) use of the land plot for the purposes of installation and operation of the public utilities, pipelines and networks, power lines, as well as the objects of transportation infrastructure, which may not be provided without establishment of servitudes or require disproportionate expenses;

2-1) use of land plot for the purposes of placement and operation of the main pipeline infrastructure;

3) placement of boundary markers and geodetic points and entrances to them on the land plot;

4) water intake and watering place;

5) cattle driving through the land plot;

6) use of land plot for the purposes of hunting, fishing in enclosed body of water located on a land plot, for gathering of wild plants in the prescribed time limits and in the permitted manner;

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

7-1) temporary use of a land plot or part thereof for the purposes of mineral prospecting or geological study;

8) a free access to the coastland;

9) land use for carrying out of mass cultural events by the decision of the state bodies;

10) in other ways, linked with public and state interests.

5. The owner or land user of a land plot under a private easement has the right to request a proportionate fee from persons in whose interests the easement is established, unless otherwise provided for by the legislative acts of the Republic of Kazakhstan. The amount of a private easement fee is determined by a private easement agreement or a court decision.

6. When establishing a public easement for state-owned land plots not yet provided for land use, except for the easement established for the purposes of mineral prospecting or geological study, the easement fee shall go to the budget.

7. The owner or land user of a land plot under a public easement, except for persons who received into ownership or for land use a land plot already encumbered with a public easement, has the right to request a reasonable fee from the state body that established the public easement, if the establishment of the easement substantially complicates the use of the land plot.

If the establishment of a public easement makes the use of a land plot impossible, a land plot owner or land user has the right to request the expropriation, also through purchase, of this land plot from him/her and reimbursement of full amount of losses as of the time of termination of the right of ownership or land use by the state body that established the public easement, or the provision of an equivalent land plot, or, if impossible, another land plot and the application of its value or rights to it against its price and reimbursement of incurred losses.

In case of establishment of a public easement for the purposes of mineral prospecting or geological study, the amount of payment provided for in part one of this paragraph and (or) compensation for losses specified in part two of this paragraph shall be paid by a relevant subsoil user.

Footnote. Article 69 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); dated 06.07.2007 No. 279; dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.01.2012 No. 533-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 22.06.2012 No. 21-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 376-V as of 29.10.2015 (shall take effect on 01.01.2016); № 126-VI as of 27.12.2017 (shall take effect six months after its first official publication); dated 21.12.2022 No. 167-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 70. Temporary (seasonal) driftways

1. Temporary (seasonal) driftways may be fixed by district (in the district) or regional (in the territory of two or more districts) executive bodies in coordination with private owners or land users, through whose lands a driftway runs, without expropriating the land from private owners or land users, and also with subsurface users – if a driftway goes through the territory of mineral prospecting or geological study operations.

2. Livestock owners are liable to private owners, land users and easement owners for driftway-related losses.

Footnote. Article 70 in the wording of Law of the Republic of Kazakhstan № 126-VI as of 27.12.2017 (shall take effect six months after its first official publication).

Article 71. Use of land plots for engineering survey works

1. Individuals and legal entities engaged in geological, geophysical, prospecting, geodesic, soil, geobotanical, land surveying, archaeological, design and other surveying works can carry out these works without expropriating land plots from private owners or land users.

At the same time, surveying works for construction purposes on state-owned land are carried out without granting the right to a land plot, provided that a designed construction project complies with urban planning projects (master plan, detailed planning and development projects), approved in accordance with the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activity.

2. Permit to use the land plots for performance of works mentioned in paragraph 1 of this Article, may be issued by executive bodies of districts, cities with a specified period of validity, and for performance of works in the farm fields, renovating hay lands and pastures, on the lands occupied by the perennial plantings, as well as on the specially protected natural areas and forested lands – the local executive bodies of oblasts, cities of republican significance, the capital.

3. Dates and place of the mentioned works, obligation on compensation of losses and on bringing into condition, suitable for their use on a designation, as well as other conditions shall be established in agreement concluded between prospector and private owner or land

user, or authorized body of oblast, city of republican significance, the capital, district, city of oblast subordination at location of a land plot (on reserved lands, on lands of other categories, on which there are no land plot's owners and land users).

4. Bringing of the land plots, used for engineering survey works into condition, suitable for intended use shall be established by agreement between private owner or land user and prospector, considering that works on a bringing into condition suitable for intended use shall be performed in the course of engineering survey works, and if it is impossible – not later than a month after completeness of works, excluding the period of soil freezing.

5. This article does not apply to surveying works conducted in the course of mineral prospecting and geological study operations.

Footnote. Article 71 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 366-V as of 28.10.2015 (shall take effect ten calendar days after its first official publication); № 479-V as of 29.03.2016 (shall take effect twenty-one calendar days after its first official publication); № 126-VI as of 27.12.2017 (shall take effect six months after its first official publication).

Article 71-1. Use of land plots for mineral prospecting and geological study

1. Subsurface users may conduct mineral prospecting or geological study operations on state-owned lands not yet provided for land use on the basis of public easement, without getting such land into ownership or for land use.

Subsurface users conducting mineral prospecting or geological study operations on land plots that are private property or in land use can carry out necessary works on the basis of private or public easement, without expropriating land plots from private owners or land users

2. A public easement, established for mineral prospecting or geological study operations, shall be documented by decisions of local executive bodies of regions, cities of republican significance, the capital, districts, cities of regional significance, akims of towns of district significance, rural settlements, villages, rural districts pursuant to a subsurface user's application on the basis of an appropriate subsurface use license or subsurface use agreement.

3. The timing and place of works on mineral prospecting or geological study, obligations for land reclamation and other conditions are determined by a private easement agreement, and in case of no private easement agreement - by a court decision.

4. Unless otherwise provided for by a private easement agreement, a subsurface user has no right to commence mineral prospecting or geological study before the easement is paid to land owners and users, and losses are reimbursed in accordance with a private easement agreement or a court decision.

Footnote. Chapter 7 is supplemented with Article 71-1 in accordance with Law of the Republic of Kazakhstan № 126-VI as of 27.12.2017 (shall take effect six months after its first official publication).

Article 72. Other servitudes

In the cases provided by the legislative acts of the Republic of Kazakhstan or by agreement of the parties, other servitudes may be established, except those mentioned in this Code.

Article 73. Preservation of servitude in devolution of a right to land plot

1. The servitude shall be preserved in a case of devolution of a property right to land plot or land use right of a land plot encumbered by servitude to the other person.

2. The servitude may not be independent subject of transactions, including buy and sell and pledge. The servitude may be devolved to other persons only with a right, for enforcement of which the servitude is established.

Article 74. Termination of servitude

1. The action of servitude shall be terminated in a result of the right holder's refusal, long-termed non-working (3 years), expiry of a period, on the basis of agreement between parties, on the basis of the court decision and on the other basis, provided by the legislative acts of the Republic of Kazakhstan.

2. The public servitude may be terminated in a case of absence of the public needs for which it was established, by decision of the local executive body on a cancellation of servitude.

3. In the unilateral manner, the action of servitude shall be terminated on the grounds, provided by the legislative acts of the Republic of Kazakhstan or by agreement of the parties.

4. The servitude may be terminated after demand of the private owner or land user in a judicial proceeding, in connection with its improper use by the possessor of a right, as well as due to lack of the grounds, on which it was established.

5. In cases, when the servitude is established for a specified period, its action shall be terminated upon expiry of established period, unless otherwise provided by agreement of the parties. In the cases when the servitude is established before claiming or for an indefinite term on the basis of agreement, the action of servitude shall be terminated upon expiry of one month from the moment of claim on a servitude's termination by the owner of real property encumbered by the servitude.

Article 75. Registration of servitude

1. The accrual, change and termination of servitudes shall be subject to the state registration in a legal cadastre, which grant the right of limited intended use of the other's land plot to the right holder, unless otherwise provided by this Article and legislative acts of the Republic of Kazakhstan on a state registration of rights to real property.

2. Upon the registration of servitude, the documents shall be accompanied by the plan of a land plot on the basis of which the servitude is accrued, with a boundaries mapping of the

servitude's action, notarized by the person provided the servitude. If the servitude applies to the entire land plot, the provision of a land plot's plan shall not be required.

3. The servitudes arising on the basis of legislative acts, as well as the other servitudes which are not the objects of registration in accordance with the legislative act of the Republic of Kazakhstan on a state registration of rights to real property shall not be subject to the state registration.

Chapter 8. Pledge of a land plot and land use right

Article 76. Subject of a pledge

1. Subject of a pledge may be a land plot, belonging to the pledger as a private property or land use.

2. The rules on a mortgage on real estate shall be applied to the pledge of a land plot, unless otherwise provided by the legislation of the Republic of Kazakhstan.

3. The rules, established by Article 66 of this Code shall be applied in the case of appropriation of the pledged land plot or land use right to the ownership of pledge holder in respect of the persons, who may not possess the right for land plot in force of this Code.

Article 77. Restriction of a pledge of a land plot and land use rights

1. The pledge of a land plot is not allowed in the cases, when the consummation of transactions in respect of the land plot or land use right shall be prohibited (paragraph 2 of Article 33 and Article 36 of this Code).

2. The pledge of land plot's part and land use right to the part of land plot is not allowed, if this part may not be used in a capacity of independent land plot, in accordance with intended purpose is not allowed.

The pledge of all divisible land or its part or land use right to all land plot or its part without simultaneous pledge of the building (construction, installation) located on a granted pledged land plot or on a granted pledged part of it is not allowed.

The pledge of indivisible land plot or land use right to indivisible land plot without simultaneous pledge of the building (construction, installation) located on it, is not allowed.

The pledge of a building (construction, installation) without simultaneous pledge of divisible land plot's part or land use right to the part of divisible land plot, occupied by this building (construction, installation) and required for its use, or without simultaneous pledge of all indivisible land plot or land use right to all indivisible land plot, occupied by the building (construction, installation) shall be prohibited.

In establishment of a pledge on a land plot's part, the requirements shall be complied in accordance with paragraph 3 of Article 51 of this Code.

3. The pledge of a right to temporary long-termed land use shall be allowed for the period of rental agreement's operation in a form of land lease.

Pledge of the right to temporary short-term paid and temporary free land use shall be prohibited, except for the transfer by the authorized company of the right to temporary

short-term paid land use (lease) as a pledge to the Unified Housing Construction Operator to obtain a guarantee in accordance with the legislation of the Republic of Kazakhstan on equity participation in housing construction.

Footnote. Article 77 as amended by the Law of the Republic of Kazakhstan dated 6 July 2007 No. 279; № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); dated 09.06.2020 No. 341-VI (shall come into effect from 01.07.2021).

Article 78. Pledge of a land plot or land use right of a land plot, occupied by the buildings (constructions, installations)

1. The pledge of building (construction, installation), located on a divisible land plot, means that the part of the divisible land plot or the land use right shall be pledged to the land portion of the dividend at the same time, which is occupied by the building (construction, installation) and is needed for its maintenance, if the major part of a land plot or land use right than was mentioned, to the land portion or the whole land plot or land use right to the whole land plot.

The pledge of building (construction, installation) located on the indivisible land plot or on the land plot, specially intended for the maintenance of property located on it, means that the whole land plot or land use right to the whole land plot shall be pledged at the same time.

The value of the relevant land plot or its divisible part or land use right to the land plot or its divisible part shall be considered on a pledge of buildings (constructions, installations).

2. If the buildings (constructions, installations) located on the indivisible land plot, are in the common property (another common right in things), the pledge of the building (construction, installation) means that the land plot needed for the placement, maintenance and operation of the building (construction, installation) shall be pledged at the same time. In the mentioned cases, if the subject of a pledge is a part of the building (construction, installation) appropriated in the manner prescribed by the legislation of the Republic of Kazakhstan, or a share in the right to common property, the pledge shall be established on a share of the land plot, which respond the pledged area of the building (construction, installation) part.

The pledge of the premises which are included as a part of condominium object, means, that the subject of a pledge is a share in a common property and land plot at the same time, determined in accordance with the legislation of the Republic of Kazakhstan, regulating the relations between members of condominium.

3. State land users shall have the right to pledge their right of permanent land use only in case, if they pledge the buildings (constructions, installations) located on this land plot and in the part of it which occupied by this building (construction, installation) and intended for its maintenance (paragraph 2 of Article 39 of this Code).

Article 79. Pledge order of land plots and land use rights

1. The individual and legal entities who have the land plots as a private property or as a temporary compensated long-termed land use, may be the pledge holders.

State land users shall have the right to pledge the right of permanent land use belonging to them in a manner and in terms established by this Code.

2. The individual and legal entities may be the pledge holders.

3. The pledge of indivisible land plot which is in a joint property or in a joint land use shall be allowed, in existence of written consent by all participants of common property or common land use.

The tenant in common of a land plot or participant of a joint share land use shall have the right to pawn his share without consents of other tenants in common or participants of a joint share land use.

4. The persons who have the land plots as a common property, may pawn their land plots on the basis of decision of general meeting of co-owners.

The pledge of the land plots ransomed from the state to private ownership by installment shall be allowed in a manner and in terms, established by Article 49 of this Code.

It is allowed to pledge land plots with strategic facilities with the agreement of the Government of the Republic of Kazakhstan in the manner and subject to conditions established by laws of the Republic of Kazakhstan.

5. For the pledge of a land plot or land use right, the individual and legal entities shall present to the potential pledge holder:

land title and identification documents for a land plot;
written consent of the participants of joint property or joint land use, notarially certified;
information of the legal cadastre on the registered rights (title encumbrance) to the land plot.

On the pledge of the land portion or land use right to it, that portion provided for the pledge shall be recorded in the general plan of the land plot.

In this case of pledging the land use rights, the consent of a state-owned land plot owner is not required, except for the case provided for in part three of paragraph 4 of this article.

The list of documents and information specified in parts one and two of this paragraph is final.

6. (Is excluded by the Law of the Republic of Kazakhstan dated 10 January 2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116).

7. The pledge agreement or agreement on a land use between pledger and pledge holder in duplicate shall be constituted upon reaching of bipartite agreement on a value of a land plot or land use right as a security of the principal obligation.

8. In the agreement on a real security, the cession of a land plot or land use right to creantor or third persons, the restriction of the rights of pledger and (or) third persons to use the land plot, which is in the ownership or land use, pledged by agreement on real security and to draw the income and profit from this land plot, may not be provided, in accordance with its intended purpose.

9. (is excluded by the Law of the Republic of Kazakhstan dated 6 July 2007 No. 279).

10. The land title and identification documents for a land plot shall be surrendered to the pledge holder and authorized representative, unless otherwise provided by the pledge agreement.

11. The right to pledge a land plot or land use right arises from the moment of state registration of the pledge with the State Corporation at the location of the land plot.

12. In the failure to perform the principal obligation, the pledge holder shall have the right to satisfy his requirements in accordance with the civil legislation of the Republic of Kazakhstan.

Footnote. Article 79 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); dated 06.07.2007 No. 279; dated 26.07.2007 No. 311 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.03.2011 No. 421-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V as of 29.12.2014 (shall take effect on 01.01.2015); № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication).

Article 80. Registration of the pledge of a land plot and land use right

The pledge of a land plot and land use right shall be subject to the state registration in the manner prescribed for the registration of rights on a real property.

Footnote. Article 80 as amended by the Laws of the Republic of Kazakhstan dated 26.07.2007 No. 311 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.03.2011 No. 421-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 9. Termination of property right, land use right and other rights to land plot in things

Article 81. Grounds for termination of property right to land plot or land use right

1. The right of private ownership to land plot or land use right shall be terminated in the case of:

1) alienation of the land plot by the owner or alienation of the land use right by the land user to other persons;

2) refusal from the property right by the owner or refusal of the land user from the land use;

3) forfeiture of property right to land plot or land use right in other cases, provided by the legislative acts of the Republic of Kazakhstan.

2. The seizure of land plot from the owner and land use right from the land user is not allowed without their consent, except to the extents:

1) levy of execution on a land plot or land use right by commitments of the owner and land user;

2) compulsory alienation of a land plot for the state requirements;

3) forcible withdrawal of a land plot from the owner or land user, that was not used for its intended purpose or which was used with a violation of legislation of the Republic of Kazakhstan, in the cases provided by the articles 92 and 93 of this Code;

4) compulsory alienation of a land plot from the owner or land user, which was exposed to nuclear pollution, with provision of the equal land plot;

5) seizures.

3. In addition, the land use right may be terminated due to the following grounds:

1) expiry of a period for which the land plot was granted;

2) early termination of a land rental agreement or agreement of a temporary land use without compensation, with the exception of cases, when the land plot is pledged;

3) termination of employment relations, in connection with which, the land user was granted by service allotment (Article 41 of this Code).

Footnote. Article 81 as amended by the Laws of the Republic of Kazakhstan dated 6 July 2007, No. 279; dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication).

Article 82. Waiver of a right of private ownership or land use right

1. The owner may waive a property right to the land plot belonging to him, pronouncing on this or performing the other actions, decidedly attending on his abandonment of rights to the land plot, with no intent to prevent this right.

The waiver of the right of temporary land use or the right of temporary use of the land plots, which is in the private ownership, shall be performed in the manner prescribed by the rental agreement or agreement on a temporary land use without compensation.

2. In the waiver of the property right to the land plot by the owner, this land plot shall be registered as ownerless immovable object in accordance with Article 242 of the Civil Code of the Republic of Kazakhstan.

At the time spent on the registration as ownerless immovable object, this land plot may be transferred for the temporary land use of the other person.

3. In case of voluntary abandonment of the private property right to land plot, the ground for the registration of land plot as ownerless immovable object is the written notarized application of the land plot's owner.

4. Is excluded by Law of the Republic of Kazakhstan № 376-V as of 29.10.2015 (shall take effect on 01.01.2016).

Footnote. Article 82 as amended by the Laws of the Republic of Kazakhstan dated 6 July 2007, No. 279; dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication); № 376-V as of 29.10.2015 (shall take effect on 01.01.2016).

Article 83. Levy of execution upon a land plot or land use right under commitments of owner or land user

Upon the levy of execution upon a land plot or land use right under commitments of owner or land user (Article 63 of this Code), the property right to the land plot or land use

right belonging to the owner or land user shall be terminated from the moment of creation of property right to the seizure land plot or land use right from the person, to whom the property right or land user right is transferred in the manner prescribed by the legislation of the Republic of Kazakhstan.

In existence of reasonable excuses (natural calamity and other critical emergencies), as well as in the case of pledge of agricultural land plots, the court shall have the right to postpone its realization for the period up to one year, in decision on levy of execution upon the land plot (land use right), at request of pledger.

Article 84. General provisions and principles of compulsory alienation of a land plot for the state requirements

1. A land plot may be forcibly alienated for state needs in exceptional cases, subject to equivalent compensation of property with the consent of an owner or a non-state land user or by a court decision.

1-1. Exceptional cases are understood to mean the impossibility to meet state needs in a different way.

2. State needs in forcible alienation of land plots in exceptional cases are as follows:

1) the international obligations arising from the international treaties, ratified by the Republic of Kazakhstan;

2) the grant of land plots for the requirements of defence and national security, specially protected natural areas of health-improving, recreation and historical-cultural significance, creation and functioning of the special economic zones;

3) the detection and development of the mining fields;

4) construction (reconstruction) of roads and railways, construction (reconstruction) of airports, airfields, air navigation facilities and aerotechnical centers, railway transportation facilities, bridges, subways, tunnels, energy systems and power lines, communication lines, facilities supporting the space activity, main pipelines, utility networks, oil refining facilities classified as strategic objects, implementation of concession projects, public facilities in populated localities;

4-1) meeting the needs of the population in the pasture lands specified in subparagraph 7-1) of part one of paragraph 2 of Article 13 of the Law of the Republic of Kazakhstan "On pastures", for grazing farm animals of a personal farmstead in accordance with paragraph 1 of Article 15 of the Law of the Republic of Kazakhstan "On pastures";

4-2) satisfaction of the needs of the population in land plots for individual housing construction in accordance with the master plan or scheme for the development of and construction in populated localities;

5) the execution of the general plan of inhabited localities in so far as construction of the objects, forming a part of the extraordinary circumstances established by this Article, as well as construction of the objects, provided by the national programs, for account of budget funds and the construction of state social facilities (state comprehensive schools and preschool

organizations, hospitals and clinics), transferred to the communal property of the local executive body in accordance with this Code and the Law of the Republic of Kazakhstan On the Special Status of Almaty City.

3. Forcible alienation of a land plot for state needs is carried out in respect of a land plot that is in private ownership or land use (with the land use right purchased or not purchased from the state).

If a land user purchased the granted right from the state, the forcible alienation of a land plot provided for land use for state needs shall be carried out together with reimbursement of the cost of purchase of the land use right to the land user, or the latter can be provided another land plot at his/her wish, in accordance with this Code and the legislation of the Republic of Kazakhstan.

If a land user did not purchase the granted right from the state, he/she can be provided another land plot in exchange in accordance with this Code and the legislation of the Republic of Kazakhstan.

In this case, the land user's losses incurred through forcible alienation of his/her land plot for state needs shall be paid in full in the manner established by the laws of the Republic of Kazakhstan.

4. The compulsory alienation of a land plot shall be allowed to the extent when it is necessary for the satisfaction of the state's needs.

5. Any alienation pursuing commercial goals and goals of satisfying non-state interests, or any other alienation not related to the performance of public functions and not pursuing socially significant goals may not be recognized as forcible alienation of a land plot for state needs.

6. The compulsory alienation of a land plot for the state requirements shall be produced subject to the publicity of the alienation procedure.

A resolution of the Government of the Republic of Kazakhstan or a local executive body on the commencement of forcible alienation of a land plot shall be published in national or local mass media, respectively, including the websites of the executive bodies, within three working days of its adoption.

7. The non-compliance with the provisions of this Article are the grounds for refusal of compulsory alienation of a land plot for the state requirements by the court and cancellation of decree on a beginning of compulsory alienation of a land plot for the state requirements, adopted by the Government of the Republic of Kazakhstan or local executive body.

8. Defence of the rights belonging to the persons, whose land plot is alienated for the state requirements, shall be performed in a judicial proceeding.

9. The owner or non-state land user of the land plot alienated for the state requirements shall have the right to institute the mediation procedures in the manner prescribed by chapter

6 of the Law of the Republic of Kazakhstan “On state property”, in accordance with this Code after adoption of decree on beginning of the compulsory alienation of a land plot for the state requirements

Footnote. Article 84 is in the wording of the Law of the Republic of Kazakhstan dated 01.03.2011 No. 414-IV (shall be enforced from the date of its official publication); as amended by the Law of the Republic of Kazakhstan dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 479-V as of 29.03.2016 (shall take effect twenty-one calendar days after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication); № 217-VI as of 21.01.2019 (shall take effect ten calendar days after its first official publication); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022); dated 30.06.2022 No.130-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

Article 85. Compulsory alienation of a land plot for the state requirements

1. The owner of a land plot or non-state land user shall be notified in writing about compulsory alienation at the times and in the manner specified by chapter 6 of the Law of the Republic of Kazakhstan “On state property”.

The state has a priority right to buy the land plot, from the moment when the owner or non-state land user received the notification on its compulsory alienation.

2. The compulsory alienation of a land plot for the state requirements shall be performed in the manner prescribed by chapter 6 of the Law of the Republic of Kazakhstan “On state property”.

3. Termination of the property right of a land plot owner and the land use right of a non-state land user is subject to state registration in the manner established by the legislation of the Republic of Kazakhstan on the basis of an agreement on the purchase of a land plot for state needs or a court decision on forcible alienation of a land plot for state needs.

Footnote. Article 85 is in the wording of the Law of the Republic of Kazakhstan dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication); as amended by Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication); № 217-VI as of 21.01.2019 (shall take effect ten calendar days after its first official publication).

Article 86. Rights of the owner or non-state land user on the compulsory alienation of a land plot for the state requirements

1. From the date of receipt of notification on the beginning of compulsory alienation of a land plot for the state requirements to the state registration of a right of the state property to land plot or termination of a land use right, the owner or non-state land user shall have the right to use the right to land plot, belonging to him or another real property, make necessary

expenses, providing the use of this property in accordance with its intended purpose. By this, the owner or non-state land user bears the risk of losses, linked with new construction, development or reconstruction of the buildings (constructions, installations) and other objects of real property on this land plot in the specified period.

If the owner or non-state land user may not use the remaining portion of the land plot for intended purpose, after compulsory alienation of a land plot's portion for the state requirements, the whole land plot shall be repurchased.

2. In the course of time mentioned in paragraph 1 of this Article, in a transfer of the rights to land plot and another real property to the other person by alienation or on the another basis, as well as in force of universal succession, the compulsory alienation procedure shall be applied (continue) in relation to new right holder.

Footnote. Article 86 is in the wording of the Law of the Republic of Kazakhstan dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication).

Article 87. Compensation of the value of a land plot upon its compulsory alienation for the state requirements

The amount, payment form and payout time for compensation of the value of a land plot upon its compulsory alienation for the state requirements shall be determined by chapter 6 of the Law of the Republic of Kazakhstan "On state property".

Footnote. Article 87 is in the wording of the Law of the Republic of Kazakhstan dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication).

Article 88. Compulsory alienation of a land plot for state needs by a court decision

Footnote. Heading of Article 88 as amended by the Law of the Republic of Kazakhstan dated 21.01.2019 No. 217-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. If an owner or non-state land user does not agree with a resolution on the commencement of compulsory alienation of land plot for state needs or refuses to consent with the terms of an agreement on alienation of a land plot for state needs, the local executive authority shall have the right to file a lawsuit in court seeking compulsory alienation of land plot for state needs.

2. The suit on compulsory alienation of a land plot for the state requirements may be brought upon expiry of three months from the moment of receipt of notification on compulsory alienation of a land plot for the state requirements by the owner of a land plot or non-state land user, but prior to the period (date) of performing the compulsory alienation for the state requirements, mentioned in decree on beginning of the compulsory alienation of a land plot for the state requirements.

3. The civil cases at the suits on compulsory alienation of a land plot for the state requirements shall be considered and decided within one month from the date of the termination of the case's preparation to the juridical examination.

Footnote. Article 88 is in the wording of the Law of the Republic of Kazakhstan dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 21.01.2019 No. 217-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 89. Seizure of a land plot from the state land user for the state requirements

The seizure of a land plot from the state land user for the state requirements shall be performed on the basis of unilateral decision of the executive body, performing seizure.

Such a decision may be appealed in the manner prescribed by the laws of the Republic of Kazakhstan. Filing a complaint shall suspend the execution of the decision on the seizure.

Footnote. Article 89 as amended by the Law of the Republic of Kazakhstan dated June 29, 2020, No. 351-VI (shall come into effect from July 1, 2021).

Article 90. Seizure restriction of lands belonging to other categories

Seizure of irrigated agricultural lands, practice grounds of agricultural, biological and irrigated- ameliorative, fish research and educational institutions, forest funs and inventory of water resources shall be allowed only in exceptional instances, linked with creation and development of specially protected natural areas, fulfillment of the international obligations, detection of mining fields under the land plot, construction of the roads, objects for use of renewable energy sources – solar and wind energy, power lines, communications lines and main pipelines, mechanical, electrical and plumbing systems in general use of the inhabited localities, as well as objects of national standing, in the absence of other choices of their probable placement.

Footnote. Article 90 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2013 No. 128-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 91. Temporary seizure of a land plot in case of critical emergency

1. In case of natural calamities, military situation regime, averages, epidemics, epizooty and in case of other critical emergencies, the land plot may be temporary seizure from the owner or land user with a compensation of losses to him, in societal interests by the decision of the local executive bodies. The valuation, on which the losses are compensated to the owner or land user, may be disputed in a judicial proceeding.

2. In case of termination of emergency activity, the land plot shall be subject to be returned to the owner (land user), and in existence of dispute, he (she) shall have the right to demand its return in a judicial proceeding.

3. If it is impossible to return the land plot to the owner or land user, the value of a land plot or land use right shall be compensated.

4. While the temporary seizure of a land plot, the order of the requisition of property, including the real property shall be performed by the standards of the civil legislation of the Republic of Kazakhstan.

Article 92. Expropriation of a land plot not used for its designated purpose and not developed from the land plot owner and user

1. The timing and conditions for the development of a land plot, except for cases provided for in this article, shall be determined by local executive bodies of regions, cities of republican significance, the capital, districts, cities of regional significance, akims of towns of district significance, rural settlements, villages, rural districts, and in a special economic zone – by local executive bodies of a respective administrative-territorial unit or the management body of the special economic zone within their competence to provide land plots established by this Code, depending on the designated purpose of the land plot to be provided and the legal mode of lands set in this territory in accordance with land zoning and urban planning regulations, and shall be indicated in agreements on sale or land use (lease).

2. If a land plot intended for construction has not been used for its designated purpose for three years of the day of the decision to grant it (unless a longer period is provided for by design and estimate documentation), such a land plot is subject to expropriation in the manner prescribed by Article 94 of this Code, except for a land plot, which is private property of citizens of the Republic of Kazakhstan for individual housing construction.

If a land plot for the construction of an individual residential house is granted on the basis of the land use right on unprepared sites, the time period for the development of such a land plot shall be calculated from the moment it is provided with appropriate utility (municipal) infrastructure.

3. In cases where a land plot intended for conducting a peasant or farm enterprise, agricultural production, is not used for its intended purpose within one year from the date of the initial revelation of the fact of non-use, then such a land plot is subject to forcible seizure in the manner prescribed by Article 94 of this Code.

The moment of revelation of the fact of non-use of the land plot is the date of delivery to the owner of the land plot or land user of the order to eliminate violations of the requirements of the land legislation of the Republic of Kazakhstan.

3-1. The period of non-use of the land plot for its intended purpose, provided for in paragraph 2 of this Article, shall not include the time during which:

there was no duly approved urban planning documentation (general plans, detailed planning and development projects, projects of land management of the territory), as well as the possibility of connecting to engineering networks;

the land plot could not be used for its intended purpose due to force majeure or other circumstances excluding such use.

Other circumstances excluding the use of the land plot for its intended purpose include changes in the town-planning documentation approved in accordance with the established procedure (general plans, detailed planning and development projects, land management projects of the territory), as well as the inaction of officials of local executive bodies performing functions in the area architecture and urban planning, in considering applications

from owners and land users for obtaining architectural and planning assignments and officials of natural monopoly entities in considering applications from owners and land users for obtaining technical conditions for connection to engineering networks and other conciliation procedures provided for during the construction of facilities (if such inaction proven in court).

3-2. The period of non-use of the land plot for its intended purpose, provided for in paragraph 3 of this Article, shall not include the time during which the land plot could not be used for its intended purpose due to force majeure.

4. The cases of a failure to use a land plot provided for running a peasant or farm enterprise, agricultural production for its designated purpose are as follows:

1) on arable land – a failure to cultivate a land plot for sowing crops;

2) on hayfields – a failure to hay on a land plot, its being overgrown by weeds, bushes, low forest and other signs of grass degradation;

3) on pastures - no farm animals for grazing or their number is less than twenty percent of the maximum permissible rate of load on the total area of pastures established by the authorized body for the agro-industrial complex development, and (or) no haymaking for harvesting fodder;

4) on perennial plantations – a failure to maintain, harvest and grub up downgraded perennial plantations.

5. The expropriation of a land plot, not used for its designated purpose and not developed, does not apply to a land plot owned by orphaned children, children without parental care, until they reach twenty-one years of age.

6. A land plot, the ownership of which is taken by a second-tier bank, the organization specified in paragraph 8 of Article 61-4 of the Law of the Republic of Kazakhstan “On Banks and the Banking Activity in the Republic of Kazakhstan” as a result of foreclosure on pledged property, may not be expropriated from a second-tier bank, the organization specified in paragraph 8 of Article 61-4 of the Law of the Republic of Kazakhstan “On Banks and the Banking Activity in the Republic of Kazakhstan”, within six months of the origin of their property right to the land plot in accordance with the civil legislation of the Republic of Kazakhstan.

In case of a failure to alienate a land plot after the expiry of the period provided for in part one of this paragraph, the land plot shall be expropriated in the manner prescribed by this Code.

In case of alienation of a land plot by a second-tier bank, the organization specified in paragraph 8 of Article 61-4 of the Law of the Republic of Kazakhstan “On Banks and the Banking Activity in the Republic of Kazakhstan”, the development period for a new right holder is set as the initial time period determined by local executive bodies of regions, cities of republican significance, the capital, districts, cities of regional significance, akims of towns

of district significance, rural settlements, villages, rural districts, and in the territory of a special economic zone – by local executive bodies of a relevant administrative-territorial unit or the management body of the special economic zone, as provided for by this article.

Footnote. Article 92 is in the wording of Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (shall take effect on 01.01.2015); as amended by Laws of the Republic of Kazakhstan № 422-V as of 24.11.2015 (shall take effect on 01.01.2016); № 48-VI as of 20.02.2017 (shall take effect ten calendar days after its first official publication); № 49-VI as of 27.02.2017 (shall take effect ten calendar days after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); № 241-VI as of 02.04.2019 (shall take effect ten calendar days after its first official publication); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022); dated 03.01.2022 No. 101-VII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

Article 93. Expropriation of a land plot used with violation of the legislation of the Republic of Kazakhstan from its owner and land user

1. The use of a land plot or its part with violation of the legislation of the Republic of Kazakhstan entails liability in accordance with the Administrative Offences Code of the Republic of Kazakhstan.

2. If a land plot is used with violation of the legislation of the Republic of Kazakhstan, such a land plot is subject to expropriation in the manner provided for in Article 94 of this Code.

3. The cases of use of a land plot with violation of the legislation of the Republic of Kazakhstan include:

- 1) the use of a land plot or its part is not in accordance with its designated purpose;
- 2) the use of a land plot or its part with violation of the requirements set by the rules for rational use of agricultural land;
- 3) failure to comply with the requirements established by Article 99 of this Code;
- 4) use of the land plot, which has led to environmental damage.

4. If the violation of the legislation of the Republic of Kazakhstan by the owner of the land plot or the land user consists in the use of the land plot for other than its intended purpose, then the owner of the land plot or the land user shall be granted the right, within two months from the date of receipt of the order to eliminate violations of the requirements of the land legislation of the Republic of Kazakhstan, to apply to the local executive the body of the region, city of republican significance, the capital, district, city of regional significance, to the akim of the city of district significance, settlement, village, rural district at the location of the land plot on changing its intended purpose.

5. In cases where the use of a land plot or its part, has led to a significant decrease in the fertility of agricultural land or environmental damage, the owner of the land plot or land user

shall be obliged to eliminate the damage in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 93 is in the wording of Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (shall take effect on 01.01.2015); as amended by the Law of the Republic of Kazakhstan dated 02.01.2021 No. 401-VI (shall come into effect from 01.07.2021); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022).

Article 94. The order for expropriation of a land plot not used for its designated purpose or used with violation of the legislation of the Republic of Kazakhstan

1. The expropriation of land plots from land owners and land users, provided for in Articles 92 and 93 of this Code, shall be made under a legal procedure based on a claim of the bodies exercising state control over the use and protection of land at the location of a land plot.

In case of a claim for the expropriation of pledged land plots on the grounds provided for in Articles 92 and 93 of this Code, the pledgee must be notified of commencement of the procedure for the expropriation of such land plots.

The notification to the pledgee shall be sent by a relevant body exercising state control over the use and protection of land, who brought the claim to court.

2. A claim for the forced seizure of a land plot in the case provided for by Articles 92 and 93 of this Code shall be filed after the application of the penalties provided for by the Code of the Republic of Kazakhstan on Administrative Offenses and after the expiration of the term of the order to eliminate violations of the requirements of the land legislation of the Republic of Kazakhstan, given to the owner of the land site or land user.

During the conduct of preventive control with a visit to the subject (object) of control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan, a claim for the forced withdrawal of a land plot in the cases provided for in Articles 92 and 93 of this Code is filed after the expiration of the order to eliminate violations of the requirements of the land legislation of the Republic of Kazakhstan, given to the land owner or land user.

The term for taking measures to use the land plot for its intended purpose is one year, and to eliminate violations of the legislation of the Republic of Kazakhstan - three months from the moment a violation of the legislation of the Republic of Kazakhstan is revealed, with the exception of the irrational use of an agricultural land plot.

The term for taking measures for the rational use of an agricultural land plot for conducting a peasant or farm enterprise, agricultural production is set for one year.

The order to eliminate violations of the requirements of the land legislation of the Republic of Kazakhstan as an encumbrance of the right to a land plot is subject to state registration in accordance with the Law of the Republic of Kazakhstan “On state registration of rights to real estate”.

The encumbrance of the right to a land plot specified in part three of this paragraph, shall not restrict the right of the owner of the land plot or land user to alienate the land plot or land

use rights and pass to the new right holder in accordance with the legislation of the Republic of Kazakhstan.

Upon the expiration of the term of the order to eliminate violations of the requirements of the land legislation of the Republic of Kazakhstan, a claim for the forced withdrawal of a land plot shall be presented to a new right holder.

2-1. If a land plot not used as intended or used with violation of the legislation of the Republic of Kazakhstan shall be subject to compulsory alienation for state needs in accordance with Article 84 of this Code, a relevant authority exercising state control over the use and protection of land shall have the right to terminate the procedure for expropriation of a land plot pursuant to the petition of a local executive authority that adopted a resolution on commencement of compulsory alienation of the specified land plot for state needs.

3. In case of expropriation of a land plot from a land plot owner or a land user pursuant to a court decision on the grounds specified in Articles 92 and 93 of this Code, the right of ownership of a land plot or the land use right (with respect to land lease rights purchased from the state) shall be sold through bidding (tenders, auctions) in the manner established by the civil procedure legislation of the Republic of Kazakhstan and the legislation of the Republic of Kazakhstan on enforcement proceedings and the status of enforcement agents.

4. In case of expropriation of a land plot provided free of charge from its owner pursuant to a court decision on the grounds specified in Article 92 of this Code, this land plot shall be included in a special land fund for further redistribution without compensating the cost to the land plot owner.

In this case, such an owner (provided that an expropriated land plot was provided in accordance with subparagraph 2) of paragraph 3 of Article 9 of this Code) has the right to re-receive his/her land plot free of charge for the same purposes subject to the provisions established by Article 96-1 of this Code .

5. The proceeds after deducting expenses for the expropriation of a land plot and payment to the pledgee of the amount of claims for obligations, the fulfillment of which is secured by the pledge of the land plot or land use right shall be paid to the former land plot owner or land user.

If it is impossible to sell such a land plot or land use right to it after at least three biddings (tenders, auctions) within one year, the land plot shall be included in a special land fund by a court decision.

6. A final and binding court decision on the expropriation of a land plot is the basis for including a person, whose land plot was expropriated, in a relevant register of persons, whose land plots were expropriated.

Footnote. Article 94 is in the wording of Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (shall take effect on 01.01.2015); as amended by Law of the Republic of Kazakhstan № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); dated 21.01.2019 No. 217-VI (shall be enforced upon expiry of ten

calendar days after the day of its first official publication); dated 29.06.2020 No. 352-VI (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022); dated 03.01.2022 No. 101-VII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

Article 95. Confiscation

In the cases provided for by the legislative acts of the Republic of Kazakhstan, a land plot may be expropriated from its owner or land user without compensation under a legal procedure in the form of a sanction for an administrative or criminal offence.

The land plots belonging to the convicted person as a private property or as his share in a common property, on which the house and household building located, as well as the land plots required for the personal subsidiary husbandry, according to the list, provided by the correctional legislation of the Republic of Kazakhstan, shall not be subject to confiscation.

The confiscated land plots shall be returned to the state property. The sale or further use of these land plots or land use right, which is the confiscation subject, may be performed in the manner prescribed by the legislation of the Republic of Kazakhstan.

Footnote. Article 95 as amended by the Law of the Republic of Kazakhstan dated 22 June 2006 No. 147; № 227-V as of 03.07.2014 (shall take effect on 01.01.2015).

Article 96. Land appraisal in case of termination of a property right or land use right

In case of termination of a property right and land use right, the value of a land plot or land use right shall be determined up to the amount paid to the state.

In case of termination of property right or land use right, the value of the land plot intended for individual housing construction, personal subsidiary husbandry (except for the fields) on which the individual residential house located, shall be determined in amount of value of the land plot, not exceeding the market price.

In case of termination of property right or land use right, the value of the land plot transferred to the owner or land user on civil transaction or by the court decision, shall be determined in amount of value, mentioned in a civil contract or in a court decision, but not exceeding the market price. In case, if the price of land plot is not mentioned in the civil contract or in the court decision, the value of the land plot shall be assessed by its cadastral (assessed) value.

Footnote. Article 96 is in the wording of the Law of the Republic of Kazakhstan dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication).

Article 96-1. The register of persons whose land plots were expropriated

1. The formation and maintenance of the register of persons from whom land plots have been forcibly seized shall be carried out by the central authorized body based on information provided by the territorial subdivision.

2. The territorial subdivision, within three working days, based on a court decision that has entered into legal force in accordance with Articles 92 and 93 of this Code, shall send information to the central authorized body, which indicates:

- 1) the last and first names, and patronymic (if any) of an individual, as well as the details of his/her identity document, his/her individual identification number;
- 2) the name of a legal entity and its business identification number;
- 3) the location, area and designated purpose of an expropriated land plot;
- 4) the type and elements of a violation of the legislation of the Republic of Kazakhstan;
- 5) the date of a court decision and its entry into force.

The central authorized body, within two working days of receiving the information, shall enter it into the register of persons whose land plots were expropriated.

3. Information contained in the register of persons whose land plots were expropriated shall be removed three years after the day of entry into force of a court decision on the expropriation of a land plot in accordance with Articles 92 and 93 of this Code.

The specified information shall also be removed within one working day in cases of cancellation of a court decision on the expropriation of a land plot pursuant to an application of a person whose land plot was expropriated.

The application shall be submitted together with a copy of the court decision.

4. It is not allowed to provide land plots to individuals and legal entities entered in the register of persons whose land plots were expropriated.

Footnote. Chapter 9 is supplemented with Article 96-1 in accordance with Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (shall take effect on 01.01.2015); as amended by Law of the Republic of Kazakhstan № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022).

Section 3. Categories of lands

Chapter 10. Agricultural lands

Article 97. Concept and structure of agricultural lands

1. The agricultural lands are the lands granted for needs of agricultural economy or intended for these purposes.

2. The arable areas and lands occupied by the intra-farm roads, communication lines, enclosed bodies of water, amelioratory network, constructions and installations, required for functioning of agricultural economy, as well as other lands (solonetzic soils, sands, takyrs and other lands engrained in massifs of agricultural lands), form a part of agricultural lands.

3. The arable areas shall be subject to special protection. The use of these lands with purposes, which are not linked with the agricultural production, shall be allowed only in exceptional instances (Article 90 of this Code).

On land plots provided to individuals and legal entities for agricultural production, a peasant or farm enterprise, and field plots of personal subsidiary plots, shall be prohibited to build objects not related to agriculture, including residential buildings (including individual ones), except for construction antenna-mast structures and (or) supports for cellular or satellite communication equipment. Therewith, valuable agricultural land, which includes all types of irrigated agricultural land, arable land, fallow land and land occupied by perennial plantations, may not be used for the construction of livestock complexes, temporary buildings and household buildings for seasonal work and distant pasture livestock farming on agricultural land.

When constructing facilities related to agriculture on land plots provided for running a peasant or farm economy and agricultural production, and when transforming the legal form of an economic entity, a change in the purpose of such land plots shall not be required.

3-1. The subdivision of agricultural lands, which are in the ownership or land use, to the lands, areas of which are less than minimum sizes, established in accordance with paragraph 5 of Article 50 of this Code shall be prohibited.

Agricultural land plots may not be divided into smaller plots for purposes other than farming.

3-2. It shall be prohibited to change the intended use of agricultural land provided for running a peasant or farm enterprise, agricultural production, for individual housing construction and for running personal subsidiary plots, gardening and summer cottage construction, except for cases of expanding the land of settlements in accordance with the master plans (or their replacement scheme for the development and development of settlements with up to five thousand people).

4. Agricultural land includes: arable land, fallow land, land under perennial plantations, hayfields and pastures.

Arable land is a land plot cultivated regularly and used for sowing crops, including the sowing of perennial grasses, and also summer fallows. Arable land does not include land plots of hayfields and pastures occupied by advanced planting (for a period under three years), plowed up for the purpose of fundamental improvement, and also row spacing of gardens used for crops.

Fallow land is a land plot that used to be part of arable land before and, for more than a year, from autumn, has not been used for sowing crops and not fallowed.

Perennial plantations are land plots used for artificially created tree, shrub perennial plantations intended for harvesting fruit, berries, technical and medicinal products, and also for site decoration.

Natural hayfields are land plots regularly used for haymaking.

Pastures are land plots provided and used for year-round or seasonal grazing of farm animals. When grazing farm animals on pastures, haymaking is allowed for the purpose of harvesting fodder in cases where pasture productivity exceeds the need for fodder of pastured

farm animals, provided that maximum permissible load standards on the total pasture area are observed.

Hayfields of fundamental improvement are plots of hayfields on which a new stand of grass was created by grassland renovation.

Pastures of fundamental improvement are plots of pastures on which a new stand of grass was created by sowing high-yielding varieties of perennial grasses.

Watered pastures are pastures with water sources (lakes, rivers, ponds, earth reservoirs, irrigation or water-supply canals, tube or shaft wells) , which can provide the livestock with good-quality water.

5. The arable areas may be irrigated and unirrigated.

The irrigated arable areas are the lands usable for the agricultural use and watering, having the permanent or temporary irrigation network, linked with source of irrigation, water sources of which supply the watering of these lands, with an off-flow not lower than 75 percent of provision, within optimal period on design and effective standards of irrigation norms in the current system efficiency.

The lands of flood irrigation are the fields, on which there are water retaining walls, water-regulating dams and other water development facilities, providing water entrapping and water distribution of ice-melt waters and spring floods, as well as waters feeding from the irrigating and water supply channels for the moisture supply of soils on the areas of these fields.

6. The agricultural lands shall be granted:

Subparagraph 1) of paragraph 6 is suspended until 31.12.2026 in accordance with Law of the Republic of Kazakhstan № 5-VI as of 30.06.2016 (shall take effect on the day of its first official publication).

1) into private ownership to citizens of the Republic of Kazakhstan for the development of a personal auxiliary farm, gardening and country house construction;

Subparagraph 2) is provided for in the wording of Law of the Republic of Kazakhstan № 389-V as of 02.11.2015 (is suspended until 31.12.2026).

This wording of part one of subparagraph 2) is in effect until 31.12.2026 in accordance with Law of the Republic of Kazakhstan № 5-VI as of 30.06.2016 (shall take effect on the day of its first official publication).

2) for land use to individuals and legal entities of the Republic of Kazakhstan without foreign participation for running a peasant or farm enterprise, agricultural production, afforestation, for research, experimental and educational purposes, for auxiliary farming, vegetable gardening and animal husbandry.

The term of granting the land plot as land use for the mentioned purposes is no more than five years, with the exception of cases of granting the land plot for management of peasant or

agrarian economy, the term of granting of which is no more than ten years. The grant of land plots for a period of less than mentioned terms in this subparagraph shall be allowed only with the consent of the applicant, interested in its receipt.

3) excluded by the Law of the Republic of Kazakhstan dated 13.05.2021 No. 39-VII (shall come into effect ten calendar days after the day of its first official publication).

7. The passport to agricultural lands shall be composed in order to state control over the quality of arable areas, transferred for land use and ownership of citizens and legal entities, on the basis of materials made in the course of soil, soil-amelioratory, geobotanical surveying and soil assessment on account of the budget funds.

The form of the passport to agricultural lands shall be approved by the central authorized body.

The organizational management on composition of the passport to land plot and its issuance shall be performed by the authorized body of oblasts, cities of republican significance, the capital, districts, cities of oblast subordination at location of a land plot.

Footnote. Article 97 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); dated 06.07.2007 No. 279; dated 10.07.2009 No. 180-IV; dated 24.03.2011 No. 420-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V as of 29.12.2014 (shall take effect on 01.01.2015); № 5-VI as of 30.06.2016 (shall take effect on the day of its first official publication); № 48-VI as of 20.02.2017 (shall take effect ten calendar days after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); dated 02.07.2020 No. 355-VI (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 13.05.2021 No. 39-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022).

Article 98. Procedure for transfer of arable areas from one type to another

1. The necessity for transfer (transformation) of arable areas from one type to another shall be substantiated by the natural factors, economic efficiency of their further use within other lands.

2. The basis for performance of work on transfer of arable areas from one type to another may be the petition of the owner of land plot or land user, filed to the relevant local executive body, at location of the land plot, as well as the initiative of the local executive body.

3. The financial backing of land survey works on transfer of the arable areas from one type to another, performed by decision of the local executive body, shall be performed at the expense of the budget funds, and by request of the owners of land plots and land users – at their own expenses.

4. The transfer of the arable areas from one type to another may be performed on a land plot, group of land plots, an irrigation massif, a land use.

Existence of the arable lands, soil- amelioratory condition of which requires their transfer from one type of land to another, shall be preliminary established on the basis of planning and map materials, land tenure projects, amelioratory construction, materials of soil, soil- amelioratory, geobotanical examinations, salting survey, data of land cadastre, land inventory.

5. The grounds for transfer of more valuable arable areas to the less valuable, are:

For the plowing lands – inconsistency of soil suitability characteristics of lands to their actual use, high level of pollution by the toxic matters;

For the perennial plantings – age limit of the plantings, their sparseness, satisfactory species composition, negative soil- amelioratory characteristics of the lands;

For hay fields – desertification of lands, deterioration of meadow vegetation, deterioration of the amelioratory condition of lands;

For pastures – overgrazing.

Upon the transfer of irrigated lands to unirrigated, the loss of connection with the irrigation source, failure to water delivery, technical condition of the intra farm irrigation system, and for the lands with flood irrigation – termination of flooding due to the reallocation of the off-flow or absence of the water resources, technical condition of the structures, shall be considered besides the consideration of the factors listed above.

If it is necessary, the local executive bodies may determine the other factors of transferring the valuable arable areas to the less valuable: the minimum yielding capacity of the arable areas, salinity level, solonchicity, soil contamination and other criterions, affecting on qualitative characteristic of the lands.

6. The materials on the transfer of arable areas from one type to another shall include:

the explanatory note with conclusions and suggestions;

the legend of the lands to be transferred from one type to another;

the act and draft of the ground observation with the presentation of detected arable areas, which shall be subject to be transferred;

qualitative characteristic of the land plots;

information on a technical condition of irrigation system, system of flooded irrigation, flooding installations, as well as the value of the capital fund.

7. The materials on transfer of the arable areas from one type to another shall be issued to the authorized body of district for the compilation all over the district, for approval with their district bodies of agricultural and water economy.

8. The conclusion of the authorized body of the district, made with due regard to suggestions of the bodies listed in paragraph 7 of this Article, shall transmit the materials on the transfer:

Of less valuable arable areas from one type to another – to the district executive body for the final decision;

Of the irrigated lands to unirrigated, the unirrigated plowing lands to the other less valuable types of arable areas – to the authorized body of oblast for approval with the oblast bodies of agricultural and water economy.

9. According to the results of approval, the authorized body of oblast shall summarize the materials over the oblast and shall transmit them together with his conclusion:

On the transfer of unirrigated plowing lands to the less valuable types of arable areas – to the district executive body for the final decision;

On the transfer of irrigated plowing lands to the unirrigated types of lands – to the central authorized body for approval.

10. The central authorized body shall approve presented materials on the transfer of irrigated plowing lands to the unirrigated types of lands with the central authorized bodies on agricultural economy, environmental protection and shall issue to the oblast executive body, together with his generalized conclusion for the final decision on this question.

11. The district (city) executive body shall decide on the transfer of less valuable arable areas to more valuable, with due regard to suggestions of the bodies, listed in paragraph 7 of this Article.

Footnote. Article 98 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 99. Use of the irrigated lands provided with access to utilities

1. The engineer planned lands, specially prepared for crop growing, equipped by irrigative, collector and drainage system and installations, which are equipped by the scientifically based scheme of farming rotation (rotation) of the crops, shall relate to the irrigated lands provided with access to utilities.

2. The local executive body of oblast, city of republican significance, the capital, district, city of oblast subordination shall approve the scheme of farming rotation (rotation) on irrigated engineer prepared lands. The land plots linked with the single scheme of farming rotation (rotation) and the irrigative, collector and drainage system, shall be recognized as indivisible. This rule shall be applied to the land plots, apportioned before the enforcement of this Code, from among of irrigated engineer prepared lands.

3. Use of the previously apportioned irrigated engineer prepared lands and the lands recognized as indivisible, shall be performed as common (shared, joint) property (common (shared, joint) land use), and the apportionment of participatory share in kind shall be prohibited. The member of joint share ownership is entitled to receive payment of his land share cost by the other members of joint share ownership, or sell it to the other person, in accordance with the rules, established by paragraph 2 of Article 55 of this Code.

4. The owners of the land plots and land users on the irrigated engineer prepared lands shall be obliged to comply with established farming rotation scheme, to perform all necessary

amelioratory and reclamation works, including maintaining the collector and drainage systems in a good order, located on the land plot.

5. The failure to comply with a requirements established by paragraph 4 of this Article, shall entail the corrective actions, provided by the legislation of the Republic of Kazakhstan on administrative infractions (irrational use of agricultural lands), as well as may serve as the ground for forcible withdrawal of a land plot, in accordance with the standards of Article 93 of this Code.

Footnote. Article 99 as amended by the Law of the Republic of Kazakhstan dated 10 January 2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); by the Law of the Republic of Kazakhstan dated 6 July 2007 No. 279.

Article 100. Special land fund

1. The special land fund shall be formed in order to reallocate the lands between producers of agricultural production, at the expense of agricultural and reserve lands. The special land fund shall not include the land plots, which condition may not afford to cultivate the agricultural commodities, according to the public health regulations.

2. The special land fund shall be formed by the land plots from agricultural lands, arriving to this fund:

1) in case of voluntary refusal from the land plot;

2) in case of forcible withdrawal of the land plot, in accordance with the articles 92, 93 and 95 of this Code;

3) if there are no heirs neither under the Law, nor under the will, or none of the heirs didn't accept the inheritance, or all of heirs are deprived of inheritance by the devisor, or the heir refused the inheritance in favor of the state or refused the inheritance without specifying, in favor of whom he refused the inheritance.

3. Introduction of the land plots, mentioned in paragraph 2 of this Article into the special land fund shall be performed by the decision of executive body of district (city).

4. Introduction of the land plots, which are not used for intended purpose or used with a breach of legislation of the Republic of Kazakhstan into the special land fund, shall be performed on the basis of unilateral decision of the district (city) executive body from the state land users.

The decision of the district (city) executive body may be appealed in the manner prescribed by Article 89 of this Code.

5. Before the transfer of these land plots to new owners and land users, they shall be used by the previous state land users, in the manner and on the terms, established by the district (city) executive body.

6. Use of the lands of special land fund shall be performed in accordance with Article 97 of this Code.

Citizens who have left the state agricultural organizations, whose lands are not subject to division, who have not previously been granted the right to a conditional land share, residing

in this territory, shall have a priority right to receive a land plot from the lands of a special land fund for running a peasant or farm enterprise or other activities associated with agricultural production.

7. The grant of land plots from the special land fund shall be performed in accordance with land tenure, specifically, by the single massif and in consideration of creation of facilities in the land use.

8. Information on existence of lands in the special land fund, shall be publicly available.

The lands of the special land fund shall be considered as the reserve lands, with the exception of cases, provided by paragraph 5 of this Article.

Footnote. Article 100 as amended by the Law of the Republic of Kazakhstan dated May 13, 2021 No. 39-VII (shall come into effect ten calendar days after the day of its first official publication).

Article 101. Land plots for the management of peasant and agrarian economy

Part one of paragraph 1 is provided for in the wording of Law of the Republic of Kazakhstan № 389-V as of 02.11.2015 (suspended until 31.12.2026).

This wording of part one of paragraph 1 is in effect until 31.12.2026 in accordance with Law of the Republic of Kazakhstan № 5-VI as of 30.06.2016 (shall take effect on the day of its first official publication).

1. Land plots for running a peasant or farm enterprise are provided to citizens of the Republic of Kazakhstan on the basis of the right of temporary paid land use (lease) for a period from 10 to 49 years, and for distant-pasture cattle rearing (seasonal pastures) - on the basis of the right of temporary free land use in accordance with this Code.

The citizens who will manage economy on the basis of personal labor participation, and who have special agricultural knowledge, qualification, practical experience in the agricultural economy and residing in this district, city, village, rural settlement, have a priority right to receive the land plot for the management of peasant or agrarian economy.

The priority right of redemption on the land plot of peasant or agrarian economy, performing its activity for not less than five years and that terminates its activity, shall be granted to the citizens of the Republic of Kazakhstan, acquired the property of this peasant or agrarian economy and who have special agricultural knowledge and qualification.

2. The citizens resigned from the reorganized state agricultural organizations, shall be granted by the land plots from the lands of mentioned organizations, for the management of peasant and agrarian economy, the cadastral value of which must be at the medium level in economy (on lands).

3. Citizens who transferred their rights to land plots, including the rights to conventional land shares, as a contribution to the authorized capital of business partnerships or as a contribution to production cooperatives, when resigning the participation (membership) in order to organize a peasant or farm enterprise or agricultural production, have the right, by decision of the general meeting of participants (members), to the apportionment (allotment)

of an in-kind share or unit, including a land plot, or to the payment of the value of the share or unit.

By this, the apportionment of the land plot from among the pledged lands of agricultural organizations shall be allowed with the consent of the pledge holder or with the obligations, secured by the pledge in respect of the land plot at the moment of apportionment.

The land plot transferred only for use to the chartered the capital by the member of economic partnership or by the member of production cooperative, shall be returned in kind without compensation.

The application on secession from participants (members) and on apportionment of a land plot shall be issued to the agricultural organization.

The location of the land plot apportioned in kind as a share or unit for organizing a peasant or farm enterprise or agricultural production, as well as reimbursement of costs incurred on the apportioned land plot to the business partnership, production cooperative by an outgoing participant (member), shall be determined in the manner prescribed by the constituent documents of business partnerships, production cooperatives or by agreement of the parties.

The apportionment of the land plot in kind shall not be performed in the period of farming operations, with the exception of case, when this apportionment is performed with the consent of agricultural organization or participants of the common property (common land use).

In the absence of apportionment (partition) order of the land plot in the constitutional documents, the standards of paragraph 4 of this Article shall be applied.

3-1. The peasant or agrarian economy shall have the right to repurchase the land plots, belonging to him as temporary compensated land use (lease), occupied by the buildings (constructions, installations), including the lands required for their operation and maintenance, in accordance with paragraph 4-1 of Article 10 of this Code.

In the sale or transfer by gist of the land plots, occupied by the buildings (constructions, installations), including the lands required for their operation and maintenance, the acquirer has a priority right to receive the relevant right to the whole land plot of the seller.

4. Land plots to citizens, who are participants in shared ownership (shared land use) resigning the participation for running a peasant or farm enterprise or agricultural production, are provided in accordance with the procedure for using a land plot in common ownership (shared land use) approved by the general meeting of participants in shared ownership (shared land use), in accordance with Article 54 of this Code. Participants in shared ownership (shared land use) shall be notified of an upcoming meeting on approval of the procedure for using land plots in writing against receipt at least one month before the date of its holding. Subject to proper notification, the meeting shall be deemed valid if attended by at least fifty percent of the participants in shared ownership (shared land use) or their representatives. The decision is taken by a simple majority of votes of the participants in shared ownership (shared land use) or their representatives present at the meeting and is documented by minutes. The

minutes shall be signed by all present participants in shared ownership (shared land use) or their representatives.

5. In case of organizing a peasant or farm enterprise or agricultural production in accordance with paragraph 3 of this article, it is necessary to send a citizen's application and appropriate minutes of the general meeting of participants (members) for the apportionment (allotment) of a share or unit in kind, agreed material on the location of the allocated land plot, and also a brief agricultural production program to the local executive body for registration of his/her right to the land plot.

6. The citizens, who received the land plots for the management of peasant or agrarian economy and who have a dwelling house in a village, shall preserve the personal land plot as a property, which shall not be included to the land plot of peasant or agrarian economy.

7. The citizens, who are not the workers of agricultural organizations, shall be granted by the land plots for the management of peasant or agrarian economy from the lands of special land fund and reserved lands.

8. When granting the right to a land plot for organizing a peasant or farm enterprise, or agricultural production, the decision of the local executive body on granting such right shall indicate all members of the given peasant or farm enterprise, or agricultural production.

Footnote. Article 101 as amended by the Laws of the Republic of Kazakhstan dated 06.07.2007 No. 279; dated 24.03.2011 No. 420-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 376-V as of 29.10.2015 (shall take effect on 01.01.2016); № 5-VI as of 30.06.2016 (shall take effect on the day of its first official publication).

Article 102. Land plots for personal auxiliary farming, gardening, country house construction and vegetable gardening

Footnote. The heading of Article 102 as amended by Law of the Republic of Kazakhstan № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication).

1. Citizens of the Republic of Kazakhstan shall be provided land plots for personal auxiliary farming from the lands of rural settlements.

2. A land plot for personal auxiliary farming consists of a household allotment and a field allotment.

A household allotment is provided within the boundaries of rural settlements and is used for the production of agricultural products, and also for the construction of a residential house, household buildings in accordance with the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activity.

A field allotment is provided from the lands of rural settlements in accordance with a project of land management of the territories of the inhabited part or in the territory

transferred into administrative subordination, and is used exclusively for the production of agricultural products.

The type of allotment of a land plot provided for personal subsidiary farming, specified in part one of this paragraph, shall be reflected in the decision of the akim of a settlement, village, rural district on granting the right to a land plot and in an identification document for a land plot.

3. Land plots for gardening, country house construction and vegetable gardening shall be provided to citizens of the Republic of Kazakhstan from agricultural land, lands of rural settlements and the reserve.

4. Citizens owning land plots for personal auxiliary farming, gardening and country house construction, pursuing common interests, have the right to set up simple partnerships, gardening or other consumer cooperatives, the legal status of which is determined by the laws of the Republic of Kazakhstan.

5. In cases where land plots intended for gardening or country house construction are in separate ownership of citizens of the Republic of Kazakhstan, whereas land plots and other property intended to meet common needs of land plot owners are their common shared ownership, it is necessary to apply condominium rules to the relations of common property owners.

Footnote. Article 102 is in the wording of Law of the Republic of Kazakhstan № 269-V as of 29.12.2014 (shall take effect on 01.01.2015); as amended by Law of the Republic of Kazakhstan № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022).

Article 103. Subdivision of a land plot of privatized state agricultural organizations

1. The employees of privatized state agricultural organizations, as well as the holders of pension and persons occupied in production and social and cultural services of these organizations and residing in their territory, are entitled to conditional land share.

2. The arable areas of the reordered or liquidated state agricultural organizations shall be subject to subdivision on conditional land shares, within the boundaries of their land use, with the exception of land plots:

- 1) included to the limit of inhabited localities;
- 2) included on the special land fund of the district;
- 3) exposed to higher-than-normal radiation pollution or otherwise constitute threat for life and health of population;
- 4) disturbed while resource development and not reclaimed in condition suitable for their intended purpose;
- 5) which are in a temporary land use, for the distant-pasture cattle tending.

3. The size of conditional land share shall be calculated;

1) in hectares by division of the total area of the arable areas, which were in the land use of agricultural organizations, for the number of persons, entitled to conditional land share;

2) in point/hectares (point of soil bonitet multiplied on area) by division of the arable areas' sums of the point/hectares, which are in the land use of agricultural organization, for the number of persons, who are entitled to conditional land share.

4. The results of determination of the sizes of conditional land share and list of persons, who are entitled to conditional land share, shall be approved by the decision of general meeting of labour collective of the privatized economy, shall be performed by the protocol and shall be subject to approval in the district (city) executive body.

5. The right of citizens to conditional land share shall be certified by the certificate on the right to conditional land share that shall be issued by the authorized body of the city of republican significance, district, city of oblast subordination at location of land plot within three months after approval of the list of possessors and sizes of conditional land shares by the district (city) executive body.

6. The possessors of conditional land shares shall be obliged to obtain into ownership or land use the land plot in respect of the conditional land shares in a manner and in terms, established by this Code, within one year from the moment of obtainment of a certificate on a right to conditional land share.

The mentioned persons are entitled to execute the land plots in separate or common property (land use).

7. Upon termination of the citizenship of the Republic of Kazakhstan of a person who is the owner of a conditional land share, their rights to the land share shall be considered terminated.

Footnote. Article 103 as amended by the Law of the Republic of Kazakhstan dated 10 January 2006 No. 116 (the order of enforcement see Article 2 No. 116); dated 13.05.2021 No. 39-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

Article 104. Cattle-driving routes of long-termed use

1. The land plots for the cattle-driving routes of long-termed use shall be granted for the cattle drive of agricultural commodity producers on seasonal pastures, generally on the pasture grounds in the line of land use boundaries in the size, providing the soiling food for the driving cattle.

2. The land plots for the cattle-driving routes of long-termed use, intended for the cattle drive within one district, shall be granted by the district (city) executive body.

The decisions on grant of the land plots for the cattle-driving routes, intended for the cattle drive within the territory of several districts shall be adopted by the oblast executive body.

3. The persons, who are the land users of the cattle-driving routes of long-termed use, shall be obliged to build the necessary quantity of wells, grounds for the watering place and

rest of the cattle, constructions and installations, ensuring compliance of ecological demands and normal operation of the routes, to drive the cattle without restrictions within the periods, as agreed in the prescribed manner by the state body in the field of veterinary medicine.

4. The admeasurement of cattle-driving routes of temporary (seasonal) use without grating the land plots on the basis of land use, shall be performed by the rules of servitude (Article 70 of this Code).

Footnote. Article 104 as amended by the Law of the Republic of Kazakhstan dated 24.07.2009 No. 190-IV (the order of enforcement see Article 2); dated 17.01.2014 No. 165-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 105. Compensation of agricultural production's losses

1. The agricultural production's losses, occasioned by the seizure of the arable areas for the purposes, which are not linked with farmery, shall be subject to compensation to the budget revenue in order to agricultural production by the restoration of the arable areas and their quality.

These losses shall be compensated beside the damages, provided by Article 166 of this Code.

2. The compensation of agricultural production's losses shall be performed by the persons, granted by the arable areas from among all land categories, with the exception of industry lands, transport lands, communication lands, defence lands, national security lands and other non-agricultural appropriation, for the requirements, not linked with farmery, and persons for whom the conservation zones, buffer zones and protection zones shall be established.

The agricultural production's losses shall be subject to compensation on the change of designation of the arable areas, which are in the land use or ownership of citizens and legal entities.

The agricultural production's losses shall be subject to compensation within the period of six months from the moment of decision on granting the right to land plot or change of the designation of the arable areas.

3. The individual and legal entities shall not be subject to compensation of losses, to whom the land plots shall be granted for:

1) individual housing construction, construction of schools, preschools, organizations of the secondary-level education, technical and professional education, postsecondary education, health institutions and subjects of cultural and general significance within the boundaries of inhabited localities;

2) construction of melioration systems;

3) construction of fish farms for growing commercial fish and other aquatic animals, fish hatcheries, spawning and rearing farms and fish hatcheries;

4) construction of objects, ensuring the environmental protection, which doesn't induce deterioration of the contiguous lands;

5) forest amelioration of the degraded areas, lands, polluted by the chemical and radioactive substances;

6) the construction of objects related to agriculture.

Losses also shall not be reimbursed in case of allocating land plots to state wildlife management areas, state national natural parks, state nature reserves, state regional natural parks, state zoological parks, state botanical gardens, state dendrological parks and state natural monuments, for housing historical and cultural objects, for defense and national security needs, and also in other cases stipulated by regulatory legal acts of the Government of the Republic of Kazakhstan.

Footnote. Article 105 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); dated 07.07.2006 No. 176 (shall be enforced from the date of its official publication); dated 27.07.2007 No. 320 (the order of enforcement see Article 2); dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V as of 29.12.2014 (shall take effect on 01.01.2015); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); dated 02.01.2021 No. 399-VI (shall come into effect ten calendar days after the day of its first official publication).

Article 106. Procedure for compensation of agricultural production's losses

1. In case of seizure of arable areas for the purposes, which are not linked with farmery or forest management, the amount of losses shall be determined within land surveying project (land management file), which is the ground for decision on grant of the relevant right to land plot by the local executive body.

2. The amount of the losses which shall be subject to compensation shall be determined, based on the standards, which provide the reclamation of new lands or areas improvement to the level of manufacture of agricultural products on them, to the extent of not less than receiving or previously receiving on withdrew areas before the reduce of their quality.

3. The standards for compensation for losses of agricultural production caused by withdrawal of agricultural land for its use for purposes not related to agriculture shall be established by the central authorized body.

4. Losses shall be reimbursed in full at the time of withdrawal of agricultural land for temporary use subject to the condition of reclamation of disturbed land for non-agricultural and non-forest land.

In case of top-soiling low-yield or non-productive lands at the expense of a legal entity or an individual, to whom the land plot is provided, the losses shall be compensated by offsetting the sums spent on the land restoration in the manner determined by the central authorized body.

5. The amounts of losses shall be agreed with the person, interested in a grant of the land plot and shall be executed by the act, which is approved by decision of the local executive body on a granting of the right to land plot.

6. The amounts of the losses, incurred by deterioration of land's quality shall be determined and expressed as percentage from the standards proportionally to deterioration in quality (on cadastral value of the lands) in cases, which are not linked with their transfer from one type to another.

In case of transfer of one type of lands to another in connection with deterioration of the lands' quality, the amount of losses shall be determined by the difference of standards for the relevant type of lands.

7. Compensation of losses, incurred by deterioration of the lands' quality in a result of influence, occasioned by activity of organizations and citizens shall be performed in a judicial proceeding at the suit of an authorized body of oblast, city of republican significance, the capital, district, city of oblast subordination at location of the land plot.

Footnote. Article 106 as amended by the Law of the Republic of Kazakhstan dated 10 January 2006, No. 116 (the order of enforcement see Article 2 of the Law No. 116); № 239-V as of 29.09.2014 (shall take effect ten calendar days after its first official publication).

Chapter 11. Lands of inhabited localities

Article 107. Concept and composition of the lands of inhabited localities

1. The land plots granted for the development of cities, rural settlements, auls, villages and other settlements shall relate to the category of the lands of inhabited localities.

2. The lands of inhabited localities shall be delimited from the lands of other administrative-territorial entities by the boundaries of city, rural settlement, village.

3. The functional zones, into which lands of populated localities are divided, are as follows:

- 1) residential;
- 2) social;
- 3) commercial;
- 4) other.

The residential zone includes residential development lands occupied by buildings and intended for the construction of apartment buildings and multi-storey residential buildings, individual residential houses with homestead plots.

The social zone includes lands of social business development, occupied and intended for the placement of state and non-commercial facilities.

The commercial zone includes lands of special economic zones, industrial zones of republican and regional significance, production facilities, facilities of trade, catering, consumer services, utility and transport infrastructure facilities, as well as lands intended for establishing sanitary protection zones of these facilities and other facilities related to the entrepreneurial activity.

The other zone includes lands:

1) of transport, communications, utilities, occupied and intended for railway, automobile, river, sea, air and pipeline transport facilities, utility infrastructure and communications mains ;

2) of specially protected natural areas for health-improving, recreational, historical and cultural purposes;

3) of the forest fund;

4) of reservoirs and water areas occupied by rivers, natural and artificial reservoirs and water areas, water protection zones, hydraulic engineering and other water facilities;

5) of agricultural use;

6) of public use, under and intended for squares, streets, sidewalks, driveways, adjoining land plot, not included in the condominium, roads, embankments, parks, squares, forest parks, boulevards, ponds, beaches, cemeteries and other objects designed to meet the needs of the population (water pipes, heating pipes, sewage treatment plants and other utility systems of common use, as well as protected zones of heating networks and utility systems of common use);

7) of the reserve and other lands not involved in the urban planning activity, intended for territorial development of a populated locality and the development of personal auxiliary farming;

8) of special purpose, allocated for the placement of crematoria, cattle cemeteries (biothermal pits), landfill of household waste and other objects, the use of which is impossible without the establishment of special standards and rules;

9) provided for defense and national security needs, and also of a different mode of use.

4. The attribution of the land plots to the lands of common use on the lands of inhabited localities, as well as expulsion from the lands of common use, in connection with change of their designation, shall be performed by the local executive bodies in accordance with their competence.

Footnote. Article 107 as amended by the Laws of the Republic of Kazakhstan dated 06.07.2007 No. 279; dated 27.07.2007 No. 320 (the order of enforcement see Article 2); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 17.01.2014 No. 165-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V as of 29.12.2014 (shall take effect on 01.01.2015); № 243-VI as of 03.04.2019 (shall take effect ten calendar days after its first official publication); dated 26.12.2019 No. 284-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 108. Establishment and change of boundaries (limits) of inhabited localities

1. The establishment and change of the boundaries (limits) of inhabited localities shall be performed on the basis of approved urban planning documentation in the permitted manner on the joint recommendation of the relevant bodies of land tenure, architecture and urban construction.

2. The boundaries (line) of cities of republican significance and the capital of the Republic of Kazakhstan are established and modified by the Government of the Republic of Kazakhstan.

3. The boundaries (limits) of the city of oblast subordination shall be established and changed by the joint decision of oblast representative and executive bodies as may be agreed with the Government of the Republic of Kazakhstan.

4. The boundaries (limits) of the cities of district subordination shall be established and changed by the joint decision of oblast representative and executive bodies.

5. The boundaries (limits) of the rural settlements and auls (villages) shall be established and changed by the joint decision of district (city) representative and executive bodies.

6. Introduction of the land plots in the boundaries of city, rural settlement, village shall not entail the termination of property right or land use right on these land plots.

Footnote. Article 108 as amended by Law of the Republic of Kazakhstan № 86-VI as of 03.07.2017 (shall take effect ten calendar days after its first official publication).

Article 109. Land use of inhabited localities

1. All lands of cities, villages, rural settlements are used in accordance with their master plans, detailed planning and development projects (if any projects) and projects of land management of the territory.

In populated localities with up to 5000 people, in case of no master plans approved in the prescribed manner, it is allowed to use lands with a simplified scheme of the master plan for the development of and construction in this populated locality or urban planning documentation approved in the prescribed manner.

The designated purpose of land plots in populated localities is established in accordance with the functional zones indicated in paragraph 3 of Article 107 of this Code, and shall be indicated in decisions of local executive bodies on granting the right to a land plot and in identification documents.

In case of using a land plot within one functional zone, no change in the designated purpose of the land plot is required.

Decisions of local executive bodies on granting the right to a land plot and identification documents for land plots not indicating functional zones shall have legal force.

An identification document may be replaced with a document indicating a functional zone at the request of right holders.

2. Land plots from public lands, except for sidewalks and bicycle paths, may be provided to citizens and legal entities for temporary land use for the placement of lightweight structures (commercial tents (pavilions), container sites for the separate collection of municipal solid

waste and recycling points, kiosks, outdoor (visual) advertising objects and other service objects) without harm to common use. Therewith, the provision of plots from the composition of public lands, including on roadsides (streets, driveways), for the placement of trade markets, paid parking lots (parking lots), except for paid parking lots (car parks) located in the right of way of streets of a city of republican significance, the capital, in accordance with the legislative acts on the special status of the city of Almaty and the status of the capital of the Republic of Kazakhstan shall be prohibited.

Land plots can be provided into private ownership from common use lands only after their withdrawal from common use lands.

Land plots for running a peasant or farm enterprise, agricultural production, afforestation, personal auxiliary farming, gardening and livestock farming cannot be provided on the basis of the right of private property from agricultural lands of populated localities.

3. The land plot of not less than six square meters shall be allocated for the burial ground disposal without payment on every decedent inhabitant of settlement or a person of no fixed abode, died in this settlement, from the lands of common use, occupied and intended for burial-grounds.

Footnote. Article 109 as amended by the Laws of the Republic of Kazakhstan dated 6 July 2007 No. 279; dated 21 July 2007 No. 297 (shall be enforced from the date of its official publication); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 269-V as of 29.12.2014 (shall take effect on 01.01.2015); № 364-V as of 27.10.2015 (shall take effect ten calendar days after its first official publication); № 479-V as of 29.03.2016 (shall take effect twenty-one calendar days after its first official publication); № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication); № 215-VI as of 08.01.2019 (shall take effect three months after its first official publication); dated 02.01.2021 No. 401-VI (shall come into effect from 07.01.2021).

Article 110. Suburban zones

1. The suburban zones may include lands beyond the boundaries of city, which compose the single social, natural and economical territory with the city.

2. The land zoning with allocation of the intense development zones of natural agricultural production, special town-planning regulation (reserved territories for city development, occupancy and construction of facilities, required for the normal operation of engineering and transportation infrastructure), green zones, occupied by the forests, forest-parks and other green plantings, performing protective and sanitary and hygiene functions, and which are the holiday resort for the population, shall be performed in the suburban zones,

3. The suburban zones' boundaries of the cities of district subordination shall be established and changed by the local representative body at suggestion of the local executive body of oblast.

The suburban zones' boundaries of the cities of republican significance, the capital and cities of oblast subordination shall be established and changed by the Government of the Republic of Kazakhstan at the joint suggestions of the relevant local representative and executive bodies of the cities of republican significance, the capital and oblasts. The suburban zones' boundaries of the cities of republican significance, the capital shall be also coordinated with the relevant local representative and executive bodies of oblasts, the territories of which are included to the suburban zone.

If changes to the boundaries of suburban areas affect the territory of the agglomeration, such changes are subject to coordination with the local council of the agglomeration.

4. The inclusion of lands to the suburban zone shall not entail the termination of property rights and land use rights by these lands.

5. The order and regime of land use, included to the suburban zone, shall be determined by the body, which established the suburban zone.

The procedure and mode of use of lands included in the suburban zone of the capital and cities of republican significance are determined by the Government of the Republic of Kazakhstan on joint recommendations of the representative and executive bodies of these cities, agreed with the relevant regional representative and executive bodies whose territories are included in the suburban zone, and the local council of the agglomeration.

It is prohibited to divide agricultural land plots located in suburban areas of cities of republican and regional significance, the capital.

Footnote. Article 110 as amended by the Laws of the Republic of Kazakhstan dated 06.07.2007 No. 279; dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); dated 27.12.2019 No. 291-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 01.01.2023 No. 182-VII (shall be enforced ten calendar days after the date of its first official publication).

Chapter 12. Industrial, transport, communication lands for the needs of space activities, defence, national security and the other non-agricultural significance

Footnote. The title of chapter 12 as amended by the Laws of the Republic of Kazakhstan dated 06.01.2012 No. 529-IV (shall be enforced upon expiry of twenty one calendar days after its first official publication); dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 111. Concept and composition of the industrial, transport, communication lands, for the needs of space activities and the other non-agricultural significance

Footnote. The title of chapter 111 as amended by the Law of the Republic of Kazakhstan dated 06.01.2012 No. 529-IV (shall be enforced upon expiry of twenty one calendar days after its first official publication).

1. The lands granted to the citizens and legal entities shall be considered as the industrial, transport, communication lands, for the needs of space activity and the other non-agricultural significance, in the manner prescribed by this Code and other legislative acts of the Republic of Kazakhstan, for the relevant designation.

2. The special aspects of the use of industrial, transport, communication lands, for the needs of space activity and the other non-agricultural significance shall be established by the special legislation of the Republic of Kazakhstan.

Footnote. Article 111 as amended by the Law of the Republic of Kazakhstan dated 06.01.2012 No. 529-IV (shall be enforced upon expiry of twenty one calendar days after its first official publication).

Article 112. Industrial lands

1. The lands granted for the placement and operation of industrial objects, including their sanitary protection and other zones shall be included to the industrial lands.

2. The sizes of land plots granted for the mentioned purposes shall be determined in accordance with the approved standards or project design documentation, in the permitted manner, and allocation of land plots shall be performed in recognition of order of their development.

Article 113. Transport lands

1. The lands granted for securing of activities and (or) operation of automobile, marine, inland water, railway, air, pipeline and other types of transport objects shall be considered as the transport lands.

2. In order to arrange the conditions for development, construction and reconstruction of automobile, marine, inland water, railway, air, pipeline and other types of transport, the reservation of lands may be performed in the manner prescribed by this Code.

Footnote. Article 113 as amended by the Laws of the Republic of Kazakhstan dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.01.2012 No. 533-IV) shall be enforced upon expiry of ten calendar days after its first official publication).

Article 114. Lands of railway transport

1. The lands for the needs of railway transport shall include the lands designated for:

1) the main lines and the constructions and installations linked with them technologically (railroad groundwork, bridges, tunnel, viaducts, signaling equipment, service buildings);

2) the driveways;

3) the railroad stations (railway stations) with the buildings, installations of energy, locomotive, wagon, track and freight economies, water supply and sewage pipes, protective and fastening plantings, office and other objects, that have a special purpose on maintenance of the railway transport;

4) the right of way and protective zones of the railways;

5) railways and railway facilities under public-private partnership agreements, including concession agreements.

2. The land plots for the needs of railway transport shall be granted in accordance with the project design documentation and general development scheme of railway lines and railroad stations according to the standards, approved in the permitted manner.

3. The protective zones with the special land use conditions, within which the types of activities which are incompatible with the purposes of zones' establishment are restricted or prohibited, shall be established in order to provide the public safety, as well as safe operation of the facilities on the land plots, affiliated to the right of way for the needs of railway transport.

4. The protective zones of the railway transport shall include: protective forest strips, land plots required for protection, stability and stableness of the constructions, contrivances and other transport objects, as well as land plots affiliated to the right of way of railway transport, located in the mudflow risk, landslide zones and in the places, which shall be subject to other danger affections.

The protective zones may be established without a seizure of land plots from the owners of land plots and land users.

Footnote. Article 114 as amended by the Law of the Republic of Kazakhstan dated 05.07.2008 No. 66-IV (the order of enforcement see Article 2); № 380-V as of 31.10.2015 (shall take effect ten calendar days after its first official publication).

Article 115. Lands of highway transport

1. The lands for the needs of highway transport shall include the lands designated for:

1) highways, parking spaces and lots for vehicles, their structural elements and road structures, and buildings and structures technologically connected with them;

2) for the placement of bus stations and auto stations, other highway transport objects and road facilities objects, required for the operation, maintenance, construction, reconstruction, repair, development of above-ground and earth-sheltered buildings, constructions, installations, contrivance;

3) establishment of the right of way of motor ways.

2. The land plots for the right of way for the needs of highway transport shall be granted on the basis of established standards depending on the category of roads and according to the project documentation.

3. The road shoulders in the form of the land plots with determination of a special regime of their use, affiliated on both sides to the right of way of general purpose motor ways, shall be created in order to provide the public safety and arrangement of conditions of motor ways' operation, in recognition of demands of traffic safety.

The land plots with the road shoulders, which are in the state ownership, may be granted to individual and legal entities in the temporary land use by the local executive bodies of oblasts, cities of republican significance, the capital, districts, cities of oblast subordination.

4. The construction of buildings and structures, as well as the laying of engineering communications within the right-of-way along a public highway, with the exception of road service facilities, outdoor (visual) advertising, posts of police, sanitary and epidemiological control, customs, border, transport control, veterinary and phytosanitary control posts, antenna-mast structures, and (or) supports for cellular or satellite communication equipment, automated measurement stations is prohibited.

When performing work on the reconstruction of public roads of international, republican, regional and district significance, the owners of antenna-mast structures and (or) supports for cellular or satellite communications equipment shall ensure their transfer at their own expense

Footnote. Article 115 is in the wording of the Law of the Republic of Kazakhstan dated 28.12.2010 No. 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Laws of the Republic of Kazakhstan № 195-V as of 17.04.2014 (shall take effect six months after its first official publication); № 248-V as of 07.11.2014 (shall take effect ten calendar days after its first official publication); dated 02.07.2020 No. 355-VI (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 29.12.2022 No. 174-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 116. Lands of marine and inland water transport

The lands for the needs of the marine and inland water transport shall include the lands designated for the placement of seaports and river harbors, mooring berths, landing places, hydraulic engineering works, other objects, required for the operation, maintenance, construction, reconstruction, repair, development of above-ground and earth-sheltered buildings, constructions, installations, contrivances and other marine and inland water transport objects.

Article 117. Lands of air transport

Lands for the needs of air transport include the lands allocated for the placement of airports, airfields, air terminals, runways and other ground facilities necessary for the operation, maintenance, construction, reconstruction, repair, development of ground and underground buildings, structures, facilities, devices and other air transport facilities, as well as their security zones, with the exception of landing fields, used for a limited period of no more than three months during the year when concluding a contract in accordance with the legislation of the Republic of Kazakhstan with the owner or land user (tenant) of the land plot

The protective zones may be established without a seizure of the land plots of the owner of land plots and land users.

Footnote. Article 117 as amended by the Law of the Republic of Kazakhstan dated 29.12.2022 No. 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

Article 118. Lands of pipeline transport

The lands for the needs of pipeline transport shall include the lands designated for the placement of water supply systems, gas pipelines, oil pipelines, oil product pipelines and objects required for the operation, maintenance, construction, reconstruction, repair, development of above-ground and earth-sheltered buildings, constructions, installations, contrivances and other pipeline transport objects.

The mentioned lands shall also include the lands for the needs of main pipelines, including the protective zones of main pipelines with special use conditions of the land plots, the boundaries of which shall be determined in accordance with the legislation of the Republic of Kazakhstan on main pipeline.

The protective zones may be established without a seizure of the land plots from the owner of land plots and land users.

The allocation of land plots for the purpose of placement and operation of the lineal part of the main pipelines shall be performed according to the standards of the public servitude (paragraph 4 of Article 69 of this Code).

Footnote. Article 118 is in the wording of the Law of the Republic of Kazakhstan dated 22.06.2012 No. 21-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 119. Lands of communication and power production

1. Lands for the needs of communications, broadcasting, television, informatics shall include lands allocated for the placement of objects of relevant infrastructure, cable, radio relay and overhead communication lines, including underground, as well as their security zones, lands allocated for the construction of antenna-mast structures and (or) supports for cellular or satellite communications equipment.

For communication facilities, it is possible to establish protected zones of communication lines on the basis of building codes and regulations, rules for protecting communication lines and other technical standards approved in the prescribed manner.

2. The lands of energy production shall include the land plots designated for:

1) the placement of hydroelectric power stations, nuclear power plants, heating stations and other electrical generating stations, constructions and facilities that support them, as well as the objects on use of the renewable energy sources;

2) the placement of supports of overhead power lines, ground structures of cable power lines, substations, distribution points, other energy structures and facilities.

To ensure the safety of the population and to create conditions for the operation of energy facilities, it is necessary to establish security zones for electrical and heat networks with special conditions of land use in accordance with the rules for establishing security zones for electrical network facilities and special conditions for using land plots, the rules for establishing security zones for heat network facilities and special conditions for using land plots approved by the authorized authority for electric power industry.

Footnote. Article 119 as amended by the Law of the Republic of Kazakhstan dated 04.07.2009 No. 166-IV; № 89-VI as of 11.07.2017 (shall take effect ten calendar days after its first official publication); dated 02.07.2020 No. 355-VI (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

Article 119-1. Lands for needs of space activity

1. The lands for the needs of space activity shall include the lands designated for the placement and operation of the ground-based space infrastructure facilities, as well as their protective zones.

2. The reservation of the lands for the needs of space activity shall be performed in accordance with this Code, in order to arrange the conditions for development of space activity.

3. The protective zones with the special conditions of land use, with the exception of districts of fall of the rocket vehicle parts, within which the types of activities which are incompatible with the purposes of zones' establishment are restricted or prohibited, shall be established in order to provide the public safety, as well as preservation and safety operation of the ground-based space infrastructure facilities.

Footnote. Chapter 12 is supplemented by Article 119-1 in accordance with the Law of the Republic of Kazakhstan dated 06.01.2012 No. 529-IV (shall be enforced upon expiry of twenty one calendar days after its first official publication).

Article 119-2. Lands of special economic zones, industrial zones of republican and regional significance

1. The lands of special economic zones, industrial zones of republican and regional significance are provided for temporary paid land use from lands not belonging to the category of agricultural lands to respective management companies, which, in turn, provide them to participants in special economic zones, industrial zones of republican and regional significance in the manner and subject to the conditions established by the legislation of the Republic of Kazakhstan on special economic and industrial zones.

2. Participants in special economic zones, industrial zones of republican and regional significance have the right to purchase land plots received in accordance with the legislation of the Republic of Kazakhstan on special economic and industrial zones, in the manner prescribed by this Code, in following cases:

1) after expiration of the term of operation of a special economic zone, subject to the fulfillment of obligations under an agreement on implementation of the activity as a participant in the special economic zone;

1-1) after the expiration of three years from the date of commissioning of all facilities (buildings, structures) provided for by the agreement on implementation of activities on the territory of the special economic zone, during the implementation of projects related to manufacturing industries that are associated with the processing of raw materials, materials, substances, components for a new product, on land plots located in state ownership.

A prerequisite for the purchase of a land plot in accordance with this subparagraph is the production of products at the relevant facilities (buildings, structures).

The provisions of this subparagraph shall not apply to land plots transferred to state ownership through compulsory alienation of a land plot for state needs from land owners and land users for the creation and functioning of special economic zones in accordance with Article 84 of this Code;

2) at any time, given the commissioning of all facilities provided for in the project of a participant in an industrial zone of republican or regional significance.

At the same time, participants of a special economic or industrial zone of republican or regional significance, in the cases provided for by part one of this paragraph, have the right to purchase a land plot at a price equal to the cadastral (estimated) value established at the time of conclusion of the agreement on the implementation of activities.

In case of a failure by a participant in an industrial zone of republican or regional significance to complete the construction of real estate items and (or) buildings (structures) connected with them by the time the industrial zone of republican or regional significance ceases to operate, local executive bodies grant him/her/it the paid land use right for a period not exceeding three years.

3. The persons specified in paragraph 2 of this article shall apply to a relevant management company.

The application shall go together with:

a document certifying the right to a land plot or its notarized copy;

a certificate of absence of encumbrances on the land plot, which impede the conclusion of transactions, issued by a real estate center;

a certificate of state registration (re-registration) of a legal entity (for legal entities);

a copy of an identity document (for individual entrepreneurs).

For participants in a special economic zone, an industrial zone of republican or regional significance, who received land plots in accordance with the Law of the Republic of Kazakhstan “On Special Economic and Industrial Zones”, documents certifying the right to a land plot are an agreement on carrying out the activity and a land plot diagram issued by a relevant management company.

4. The management company sends to the local executive body of a region, city of republican significance, the capital at the location of the land plot an application attaching all the required documents, which shall be considered in accordance with the procedure established by Article 47 of this Code.

5. In case of provision of a land plot within the boundaries of a populated locality to accommodate special economic zones or industrial zones of republican or regional significance, such lands shall belong to the commercial zone determined in accordance with Article 107 of this Code.

Footnote. Chapter 12 is supplemented with Article 119-2 in accordance with Law of the Republic of Kazakhstan № 243-VI as of 03.04.2019 (shall take effect ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 30.12.2022 No. 177-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 120. Land for needs of defence and national security

Footnote. The title of Article 120 is in the wording of the Law of the Republic of Kazakhstan dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Lands for the needs of defence and national security shall be recognized as the land plots provided for the placement and permanent activity of military units, military training grounds, as well as arsenals, bases and warehouses of the Armed Forces of the Republic of Kazakhstan, other troops and military formations and adjacent territories within the established prohibited zones and prohibited areas, military educational institutions, special (military) educational institutions of special state bodies of the Republic of Kazakhstan, other organizations of the Armed Forces of the Republic of Kazakhstan, other troops and military formations, special state bodies of the Republic of Kazakhstan, their facilities and structures performing tasks in the area defence and national security.

Land plots for defense and national security needs shall be provided and withdrawn in coordination with the central authorized authority and relevant authorized authority (the Ministry of Defense of the Republic of Kazakhstan, the Ministry of Internal Affairs of the Republic of Kazakhstan, the National Security Committee of the Republic of Kazakhstan, the State Guard Service of the Republic of Kazakhstan).

2. If it is necessary to temporarily use the lands for conducting exercises and other events, linked with the demands of defence and national security, the land plots shall not be confiscated from the owners of land plots and land users.

Use of these lands shall be performed in respect of the order, established for the performance of engineering works, as well as for the zones with special conditions of use.

The oblast executive body shall issue the permission to use the land plots for the mentioned purposes.

3. The land plots for the provision of necessary facilities and maintenance of the engineering structures and bars, border markers, boundary narrow clearings, communications, points of passage across the State border of the Republic of Kazakhstan, shall be lead for the purpose of defence and protection of the state border of the Republic of Kazakhstan.

4. District executive bodies, in agreement with the relevant authorized body (the Ministry of Defence of the Republic of Kazakhstan, the Ministry of Internal Affairs of the Republic of Kazakhstan, the National Security Committee of the Republic of Kazakhstan, the State Security Service of the Republic of Kazakhstan) may transfer individual land plots from lands provided for defence needs, except for land plots provided for the placement and permanent

operation of military training grounds, as well as arsenals, bases and warehouses of the Armed Forces of the Republic of Kazakhstan, other troops and military formations and adjacent territories within the established prohibited zones and restricted areas, for temporary land use by individuals and legal entities for agricultural use.

Footnote. Article 120 as amended by the Laws of the Republic of Kazakhstan dated 19.12.2007 No. 11 (the order of enforcement see Article 2); dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); dated 27.12.2019 No. 291-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 29.05.2020, No. 337-VI (shall come into effect ten calendar days after the day of its first official publication).

Article 121. Zones with special conditions of land use

1. The zones, within which the types of activity, which are incompatible with the purposes of zones' establishment, are restricted or prohibited, shall be established in order to provide the public safety, and arrangement of necessary conditions for operation of industrial, transport and other facilities.

2. The zones with special conditions of land use shall include:

- 1) the sanitary protection zones of industrial enterprises;
- 2) the mudflow risk, landslide and protective forest zones, affiliated to the railroad precinct and right of way of motor ways;
- 3) the protective zones of water-catchment plants;
- 4) aerodrome adjacent territory;
- 5) security zones of main pipelines, communication lines, radio, electrical and heating networks;
- 5-1) the protective zones of gas-supply system facilities;
- 6) the water conservation zones;
- 6-1) the protective zones of the ground-based space infrastructure facilities, with the exception of districts of fall of the rocket vehicle parts;
- 7) the territory of military training grounds, as well as arsenals, bases and warehouses of the Armed Forces of the Republic of Kazakhstan, other troops and military formations and territories adjacent to them within the established prohibited zones and restricted areas;
- 8) the territories, being in use of the special state bodies;
- 9) the territory, which is adjacent to the correction facilities of correctional system.

3. The lands included to the zones with special conditions of use shall be signified afield by the special signs. The mentioned lands may not be seized from the owners of land plots and land users, with the exception of first belt of the water-catchment plants zone.

The land plots which are in the zone, mentioned in Subparagraph 9) of Paragraph 2 of this Article, shall not be seized from the owners of land plots, land users.

4. The boundaries of mentioned zones and the regime of land use shall be determined by the authority, decided on granting of lands to the ownership or land use, in accordance with the standards and project documentation, with the exception of zones, mentioned in Subparagraph 9) of Paragraph 2 of this Article.

The boundaries of zones and the regime of land use, mentioned in Subparagraph 9) of Paragraph 2 of this Article shall be determined in accordance with this Code and correctional legislation of the Republic of Kazakhstan at a remove of not less than fifty meters from the main barriers of correctional system facilities.

Footnote. Article 121 as amended by the Laws of the Republic of Kazakhstan dated 06.01.2012 No. 529-IV (shall be enforced upon expiry of twenty one calendar days after its first official publication); dated 09.01.2012 No. 533-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.02.2012 No. 556-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 89-VI as of 11.07.2017 (shall take effect ten calendar days after its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated May 29, 2020, No. 337-VI (shall come into effect ten calendar days after the day of its first official publication); dated 29.12.2022 No. 174-VII (shall be enforced ten calendar days after the date of its first official publication).

Chapter 13. Specially protected natural areas, lands of health-improving, recreation and historical-cultural significance

Article 122. Specially protected natural areas

1. Specially protected natural areas shall include the lands of state wildlife management areas, state national natural parks, state natural reserves, state regional natural parks, state zoological parks, state botanical gardens, state dendrological parks and state natural monuments.

The land plots of the state preserved areas and state natural sanctuaries shall be allocated as a part of other categories of lands without their seizure from the owners of land plots and land users and shall be covered in the course of the state land cadastre.

Within the territory of the state preserved areas and state natural sanctuaries of any activity, which has an adverse effect on condition and restoration of ecological systems of these specially protected natural areas and the state natural-reserved fund located on them, the restrictions shall be introduced on the land plots of the owners and land users by the encumbrance and shall be considered in the land surveying documentation.

2. The lands of specially protected natural areas are owned by the people of Kazakhstan and shall not be subject to alienation.

On behalf of the people of Kazakhstan, the state exercises the right of ownership. At the same time, exercising the right of ownership of the state is realized through the regime of state-owned property in the interests of the people of Kazakhstan.

The seizure of the conservation lands for the other needs is not allowed.

The arable areas on the conservation lands, used for the management of agricultural production, may be granted for the mentioned purposes to the citizens of the Republic of Kazakhstan, residing in the inhabited localities, located within the boundaries of specially protected natural areas, in the manner prescribed by the legislation of the Republic of Kazakhstan.

The transfer of lands of specially protected natural areas shall be prohibited, except for cases of transfer to the lands of the reserve by decision of the Government of the Republic of Kazakhstan in the presence of a positive conclusion of the state environmental expertise in the manner determined by the Government of the Republic of Kazakhstan:

1) for the construction, arrangement, operation of objects of the State Border of the Republic of Kazakhstan and the needs of defence in the absence of other options for their possible placement;

2) for the construction and operation of water facilities of particular strategic importance in the absence of other options for their possible placement and only those land plots on which a regime of limited economic activity is established;

3) for the extraction of solid minerals (except for common minerals) in accordance with Article 171 of this Code, and only those land plots on which the regime of limited economic activity is established;

4) for the construction of engineering infrastructure for tourism facilities (roads, power lines, pipelines).

The grounds for the transfer of lands of specially protected natural areas into reserve lands in accordance with subparagraph 3) of part four of this paragraph for the extraction of solid minerals shall be the discovery in a subsoil plot located within the exploration site or geological allotment, under an exploration contract or a license for exploration of solid minerals, the resources and reserves of which are confirmed by the report on the assessment of resources and reserves of solid minerals in accordance with the legislation of the Republic of Kazakhstan on subsoil and subsoil use.

When transferring lands of specially protected natural areas in accordance with subparagraph 3) of part four of this paragraph for mining solid minerals, the conditions for starting mining operations shall be:

1) acceptance by the subsoil user of obligations for compensatory planting of forest crops in the double amount of the area of the transferred site in agreement with the authorized body in the field of specially protected natural areas, as well as to ensure the restoration of the fertile layer of the site for the extraction of solid minerals upon completion of work;

2) conducting an environmental impact assessment;

3) availability of a positive conclusion of the state ecological expertise;

4) holding broad public hearings in the relevant administrative-territorial units and settlements of the location of specially protected natural areas with coverage in the media.

Therewith, it shall be prohibited to transfer the land plot to third parties or as a pledge.

The list of specially protected natural areas of republican significance shall be approved by the Government of the Republic of Kazakhstan.

3. Specially protected natural areas may be used for the scientific, cultural and educational , learning, touristic and recreative, restricted economic purposes, in the manner and on the terms, provided by the legislation of the Republic of Kazakhstan.

The museums, lecture halls, expositions, demonstrational areas and other necessary facilities may be created for the carrying out of the social activities on the specially protected natural areas.

The special areas, which are equipped with the nature trails, viewing platforms, camp meadows, parking areas, camping areas, campgrounds, hotels, motels, tourist centres, public catering and commercial business facilities, and other cultural and general facilities, shall be allocated for the carrying out of tourism and recreation on the specially protected natural areas.

The touristic and recreative activity on the specially protected natural areas shall be restricted in recognition of regimes of their security and shall be regulated in accordance with the legislation of the Republic of Kazakhstan.

The use of specially protected natural areas in the restricted economic purposes may be allowed exceptionally on the special designated areas with the protection regime and regulated regime of economic activity.

Footnote. Article 122 as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 No. 176 (shall be enforced from the date of its first official publication); dated 01.12.2008 No. 94-IV (the order of enforcement see Article 2); dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 239-V as of 29.09.2014 (shall take effect ten calendar days after its first official publication); № 73-VI as of 15.06.2017 (shall take effect ten calendar days after its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 02.01.2021 No. 399-VI (shall come into effect ten calendar days after the day of its first official publication); dated 05.11.2022 No. 157-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 123. Lands of protective zones of specially protected natural areas

1. The protective zones with the prohibition and (or) restriction of any activity within these zones, which has an adverse effect on condition and restoration of ecological systems of these specially protected natural areas and the state natural-reserved fund located on them, shall be established for security and protection from the negative external influence around the specially protected natural areas, including on the lands of the owners and land users, who are within their boundaries.

2. The size, boundaries, types of regime and order of exploitation of natural resources in the territory of protective zones of the state wildlife management areas, state national natural parks, state natural reserves and state regional natural parks shall be determined by the science and engineering-and-economical foundations by their creation and shall be established by decision of the local executive bodies of oblasts, cities of republican significance, the capital, in the manner, prescribed by this Code and Law of the Republic of Kazakhstan “On specially protected natural areas”.

By this, the distance of the protective zone must be not less than two kilometers, which is established on the boundaries of the land plots belonging to the owners and land users or on the natural geographical borders and shall be signified on location by the special signs.

3. The land plots, within the protective zones of specially protected natural areas shall be used in compliance with the established regime of these zones’ protection.

The compulsory alienation of the land plot for the needs of state, shall be performed in accordance with the conditions and order, which are established by this Code and Law of the Republic of Kazakhstan “On state property”.

Footnote. Article 123 is in the wording of the Law of the Republic of Kazakhstan dated 07.07.2006 No. 176 (shall be enforced from the date of its first official publication); as amended by the Laws of the Republic of Kazakhstan dated 06.07.2007 No. 279; dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 124. Rating of lands to the category of specially protected natural areas

Footnote. The title of Article 124 as amended by the Law of the Republic of Kazakhstan dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Rating of the lands to the category of conservation lands shall be performed in accordance with the legislation of the Republic of Kazakhstan in the field of conservation lands.

Footnote. Article 124 as amended by the Law of the Republic of Kazakhstan dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 125. Lands of health-improving significance

1. The lands of health-improving significance shall include the health resorts, which have therapeutic values, as well as land plots, which are favorable to preventive care and medical treatment.

2. The sanitary protection zones shall be established in order to preserve the favorable and ecological conditions for preventive care and medical treatment of person's diseases on the lands of the territories of health-improving significance, in accordance with the legislation of the Republic of Kazakhstan.

The boundaries and use regime of save areas, sanitary protection and other protective zones shall be determined by the local representative and executive bodies.

3. The land plots within the sanitary protection zones shall not be seized from the owners of land plots and land users, with the exception of cases, if the total seizure of these land plots is provided, in accordance with the established sanitary condition, from the economic turnover (the first belt of sanitary protection zone). By this, the mentioned areas shall be expropriated for the state requirements in cases and order, which are provided by this Code and Law of the Republic of Kazakhstan "On state property".

The land use within the boundaries of the second and third belt of the sanitary protection zones shall be performed in compliance with the established regime of security of these zones

Footnote. Article 125 as amended by the Laws of the Republic of Kazakhstan dated 6 July 2007 No. 279; dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication).

Article 126. Lands of recreative significance

1. The lands intended and used for the organized mass leisure and tourism of population shall be considered as the lands of recreative significance, as well as for breeding wild animals.

2. The lands of recreative significance may include the land plots, on which there are the holiday houses, holiday hotels, camping areas, physical culture and sport facilities, tourist centers, fixed-site and tent health improvement camps, fisher and hunter houses, forest-parks, nature trails, routes, children's and sporting campuses, other similar objects. The lands of recreative significance shall also include the lands of suburban green zones.

3. The order and regime of use of the lands of recreative significance shall be determined by the local representative and executive bodies.

4. The use of nature trails and routes, established under agreement with the owners of land plots and land users, may be performed on the basis of servitudes.

5. On the lands of recreative significance, the activity which is inconsistent with their designation shall be prohibited.

Footnote. Article 126 as amended by the Law of the Republic of Kazakhstan dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first

official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 127. Lands of historical cultural significance

1. The land plots, occupied by the historical cultural heritage, including the historical and cultural monuments shall be considered as the lands of historical cultural significance.

During the development of territories before the allotment of land plots, archaeological work should be carried out to identify objects of historical and cultural heritage in accordance with the legislation of the Republic of Kazakhstan.

In case of detection of the objects, which have historical, scientific, artistic and another cultural value, the land users shall be obliged to suspend the further conduct of works and notify the authorized body on protection and use of the objects of historical cultural.

The performance of all types of works, which may create a threat for existence of the objects of historical cultural heritage, shall be prohibited.

2. Land plots classified as lands of historical and cultural design shall not be seized from the owners of land plots and land users, with the exception of cases established by the Laws of the Republic of Kazakhstan.

The protective zones, the zones of regulation of the site development and zones of protected natural landscape on the lands of historical cultural significance shall be determined in order to protect the historical and cultural heritage, in the manner, prescribed by the legislation of the Republic of Kazakhstan.

The boundaries of protected zones, development regulation zones and zones of protected natural landscape of historical and cultural monuments shall be approved by local executive authorities of regions, cities of republican significance, capital.

The procedure for determining of the mentioned zones and regime of land use shall be determined by the authorized body on protection and use of the objects of historical cultural heritage.

3. Violation of the regime of land use within the protection zones, development regulation zones and zones of protected natural landscape of historical and cultural monuments entails administrative responsibility in accordance with the Code of the Republic of Kazakhstan on Administrative Offenses.

Footnote. Article 127 as amended by the Law of the Republic of Kazakhstan dated 21 July 2007 No. 307 (the order of enforcement see Article 2 of the Law); dated 26.12.2019 No. 289-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Chapter 14. Lands of forest fund

Article 128. Concept and composition of the lands of forest fund

1. The land plots covered by forest as well as unforested lands, but granted for the needs of forest husbandry shall be considered as the lands of forest fund.

2. The lands of forest fund consist of the lands of state and private forest funds.

3. The lands of state forest fund shall include the lands covered by natural forests and homogeneous forests, created at the expense of state budget, as well as lands not covered by forests, granted for the temporary land use to the state organizations, leading forestry.

4. The lands of the private forest fund shall include lands provided to citizens of the Republic of Kazakhstan and non-state legal entities of the Republic of Kazakhstan without foreign participation in private ownership or long-term land use in accordance with this Code with a designated purpose for afforestation, occupied by:

1) the artificial stands;

2) the natural stands, originated by seeds and (or) vegetable;

3) the private forest gardens;

4) plantations of the special purpose;

5) the agroforestral plantings;

6) the protective plantings on the right of way of the economical motor ways, which are in the private ownership.

Footnote. Article 128 as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 No. 176 (shall be enforced from the date of its first official publication); dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.05.2021 No. 39-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

Article 129. Granting of the lands of state forest fund for land use for the agricultural purposes and for construction facilities

Footnote. The title is in the wording of the Law of the Republic of Kazakhstan dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

The arable areas on the lands of forest fund, which are not used for the needs of forest husbandry, may be granted to individual and legal entity for the agricultural purposes, in accordance with the forest legislation of the Republic of Kazakhstan.

The granting of land plots to the forest users for construction facilities on the lands of state forest fund, where the forest resources are granted for the long-termed forest use for health-improving, recreative, historical cultural, touristic and sporting purposes; for the needs of hunting farm; for the minor forest production, shall be performed in accordance with the forestry legislation of the Republic of Kazakhstan.

Footnote. Article 129 as amended by the Law of the Republic of Kazakhstan dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 130. Restrictions in transfer of the lands of forest fund to other category of lands

The transfer of the lands of forest fund to the lands of other categories, for the purposes which are not linked with the forest management, shall be performed by the Government of the Republic of Kazakhstan.

Article 131. Compensation of losses of forestry production

1. The losses of the forestry production, caused by seizure of forested areas for their use, with the purposes, which are not linked with the forest management, or deterioration of quality of the lands in a result of influence, occasioned by activity of individual and legal entities, shall be subject to compensation to the budget.

2. The compensation of losses of the forestry production shall be performed by the persons, who are granted by the land plots from the lands of forest fund, for the needs, which are not linked with forest management and farmery.

3. The standards for compensation for losses of forestry production caused by withdrawal of forest land for its use for purposes not related to forestry and agriculture shall be established by the central authorized body for the agro-industrial complex development.

Footnote. Article 131 as amended by the Law of the Republic of Kazakhstan dated 10 January 2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); № 239-V as of 29.09.2014 (shall take effect ten calendar days after its first official publication).

Chapter 15. Water fund lands

Article 132. Concept and composition of water fund lands

The lands, occupied by the reservoirs (rivers and bores equated with them, lakes, water-storage basins, ponds and other inland water bodies, territorial waters), ices, swamp lands, water facilities for the regulation of drain nodes, located on the water sources, as well as the lands allocated for the water protection zones of mentioned water objects and sanitary protection zones of the water-intake system of public water supply.

Footnote. Article 132 as amended by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 180-IV.

Article 133. Right of ownership of the water fund lands

1. The lands of the water fund are owned by the people of Kazakhstan.

On behalf of the people of Kazakhstan, the state exercises the right of ownership. At the same time, exercising the right of ownership of the state is realized through the regime of state-owned property in the interests of the people of Kazakhstan.

2. The lands from among of water fund lands, occupied by the water facilities (irrigation and drainage systems) of interdistrict (oblast) and interfarm (district) significance, as well as irrigation facilities, that provide the services to land plot of one economic entity, may be in the private ownership of the citizens and non-state legal entities of the Republic of Kazakhstan, in case of alienation of mentioned facilities from the state ownership.

3. The land plots for the water facilities, mentioned in paragraph 2 of this Article, providing the services of two or more owners of land plots or land users, shall be granted to them as a common property or common land use.

Footnote. Article 133 as amended by the Laws of the Republic of Kazakhstan dated 09.01.2007 No. 213 (the order of enforcement see Article 2); dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication); dated 05.11.2022 No. 157-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 134. Allocation of lands for water protective zones and strips along the shoreline of reservoirs

1. The land plots for the water protective zones and strips shall be allocated along the shoreline of rivers, lakes, reservoirs, bores, internal waters, ices, swamp lands by the local executive bodies.

The land plots for the water protective zones and strips, shall not be allocated on the conservation lands and on the lands of the state forest fund.

2. The use of land plots, included for the water protective zones and strips, shall be enforced in accordance with the requirements of water legislation of the Republic of Kazakhstan.

Footnote Article 134 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 No. 180-IV; dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 135. Granting of land plots from among of water fund lands

The land plots from among of water fund lands may be granted for the temporary land use by the local executive bodies, with the exception of water objects, which are included as a part of specially protected natural areas and state forest fund, as may be agreed with the authorized state body in the field of use and protection of the water fund, water delivery, water removal to the individual and legal entities, for the needs of farming, forestry, fish and hunting economy, placement of facilities on use of the renewable energy source and other purposes, which are not inconsistent with the main designation of the land plot.

Footnote. Article 135 as amended by the Laws of the Republic of Kazakhstan dated 04.07.2009 No. 166-IV; dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 136. Procedure for use of water fund lands

The use of the water fund lands shall be performed in the manner and on the terms, established by this Code and water legislation of the Republic of Kazakhstan.

Article 136-1. Procedure for transferring the water fund lands to the lands of other categories

1. The transfer of the water fund lands to the lands of other categories shall be performed in the cases of natural or artificial disappearance or size reduction of the water objects and

seizure of the water fund lands for the state requirements, with the exception of the water objects, which are included as a part of specially protected natural areas and state forest fund.

2. The decision on transfer of water fund lands to the lands of other categories, shall be adopted by the local executive body of oblast, city of republican significance, the capital, with the exception of water objects, which are included as a part of specially protected natural areas and state forest fund.

The decision to re-categorize water fund lands or to refuse to re-categorize water fund lands is made on the basis of the opinion of the land commission.

Footnote. Code is supplemented by Article 136-1 in accordance with the Law of the Republic of Kazakhstan dated 10.07.2009 No. 180-IV; as amended by the Law of the Republic of Kazakhstan dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 479-V as of 29.03.2016 (shall take effect twenty-one calendar days after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication).

Chapter 16. Reserved lands

Article 137. Composition of reserved lands

1. The reserved lands are the lands, which are not granted in ownership or land use, which are under the jurisdiction of district executive bodies.

2. The land plots, on which the nuclear tests were performed, shall be transferred by the decision of the Government of the Republic of Kazakhstan to the part of reserved lands. The legal regime of the mentioned lands shall be established in accordance with Article 143 of this Code.

Article 138. Grant of reserved lands

The reserved lands shall be granted in the ownership or land use for the needs of agricultural economy, private forest planting, industry and other purposes in the manner and on the terms, established by this Code. The transfer of reserved lands to the other categories shall be performed with their granting in the ownership or land use, at the same time.

If the reserve lands, previously included in the lands of specially protected natural areas, are not transferred to other categories of lands in accordance with the legislation of the Republic of Kazakhstan, then such lands shall be transferred back to the category of lands of specially protected natural areas in accordance with the Law of the Republic of Kazakhstan " On Specially Protected Natural Areas".

Footnote. Article 138 is in the wording of the Law of the Republic of Kazakhstan dated 6 July 2007, No. 279; as amended by the Law of the Republic of Kazakhstan dated 25.01.2012 No. 548-IV (shall be performed upon expiry of ten calendar days after its first official publication); dated 30.09.2020, No. 362-VI (shall come into effect ten calendar days after the day of its first official publication).

Section 4. Land protection, state control, land tenure, monitoring and land cadastre

Chapter 17. Land protection

Article 139. Goals and objectives of the land protection

1. The land protection shall include the management of legal, organizational, economic, technology and other arrangements, oriented to the land protection as a part of environment, rational land use, prevention of the unproven seizure of lands from the agricultural and forestry turnover, as well as on restoration and enrichment of soils.

2. The goals of the lands protection are:

1) prevention of degradation and disturbance of the lands, other adverse effects of the economic activity by the stimulation of the environmentally safe manufacturing processes and carrying out of the forest improvement, ameliorative arrangements;

2) ensuring of improvement and restoration of the lands, which are exposed to degradation or devastation;

3) reduction to the practice of ecological norms of the optimal land use.

Article 140. Land protection

1. The owners of the land plots and land users shall be obliged to effect the arrangements, oriented to:

1) land protection from the attrition and desertification, erosion by water and wind, mudflow, flooding, bog formation, resalting, drying out, strong compacting, pollution by production and consumption wastes, chemical, biological, nuclear and other harmful substances, from the other destruction processes;

2) protection of lands from infestations by quarantine objects, alien species and especially dangerous harmful organisms, their spread, overgrowing with weeds, shrubs and small forests , as well as from the other types of land's deterioration;

3) recultivation of disturbed lands, restoration of their productive capacity and other useful capacities of land and its well-timed involvement to the economic turnover;

4) removal, preservation and use of the rich soil layer in the course of works' performance , linked with the surface disturbance.

2. In order to prevent land degradation, restore soil fertility and contaminated areas, as well as in cases where it is impossible to restore soil fertility of degraded agricultural lands, lands polluted by the chemical, biological, nuclear and other harmful substances in excess of established standards of their maximum allowed concentration and maximum allowed level of exposure, by the production and consumption wastes, waste waters, as well as lands, polluted by the quarantine objects, alien species and especially dangerous harmful organisms in the manner established by the Government of the Republic of Kazakhstan.

3. The economic stimulation of land's protection and use may be performed for the purposes of boosting the interests of the land plots' owners and land users in the rational use

and protection of the lands, in the manner prescribed by the budget legislation and tax legislation.

Footnote. Article 140 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 141. The standards of maximum allowed concentrations of harmful substances in soil

1. The standards of the maximum allowed concentrations of harmful substances, inimical microorganisms and other biological materials, that pollute soil, shall be established for its assessment in favour of health protection and environmental protection.

2. The mentioned standards shall be approved in the manner prescribed by the legislation of the Republic of Kazakhstan.

Article 142. Ecological, sanitary and hygiene and other special requirements for designing and putting into service of buildings (constructions, installations) and other objects that have an effect on the lands' condition

1. In the course of placement, designing and putting into service of new and refurbished buildings (constructions, installations) and other objects, on adaptation of new equipment and technologies, which have a negative adverse effect on the lands' condition, the arrangements on land protection shall be performed and provided, as well as the compliance with the ecological, sanitary hygiene and other special requirements (rules, regulations, standards).

2. The assessment of the negative impact on the condition of lands and the effectiveness of the envisaged measures for their protection shall be carried out based on the results of state examinations, without positive conclusions of which the introduction of new equipment and technologies, the implementation of measures for land reclamation, financing the construction (reconstruction) of buildings (structures, constructions) and other objects.

Footnote. Article 142 as amended by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.01.2021 No. 401-VI (shall come into effect from 07.01.2021).

Article 143. Lands that were exposed to nuclear pollution and on which the nuclear weapon tests was conducted

1. The land plots, which were exposed to nuclear pollution above permitted standards or otherwise constituting a threat to life and health of population, may not be transferred in ownership, permanent or temporary land use.

2. The land plots, which were exposed to nuclear pollution, which doesn't provide the production compliant with the sanitary demands and standards, established by the legislation of the Republic of Kazakhstan, shall be excluded from the agricultural turnover and shall be subject to land abandonment. The manufacture and sale of agricultural products shall be prohibited on these lands.

3. The land plots, on which the nuclear weapon tests was conducted, may be granted in ownership or land use by the Government of the Republic of Kazakhstan, only after the

termination of all arrangements on rectification of the nuclear weapon test's consequences and after the complex environmental investigation, in existence of positive conclusion of the state ecological environmental assessment.

4. The arrangements on rectification of the nuclear weapon test's consequences on the mentioned territories shall be provided through the republican and oblast programs on environmental protection and rational use of the land resources and other special programs.

5. The order of the compulsory alienation and lands protection, which were exposed to nuclear pollution, shall be determined by the legislation of the Republic of Kazakhstan.

Footnote. Article 143 as amended by the Law of the Republic of Kazakhstan dated 6 July 2007, No. 279; dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 18. State control over land use and land protection

Article 144. Objectives of state control over land use and land protection

The objectives of state control are to ensure the compliance with the land legislation of the Republic of Kazakhstan by the state bodies, individuals, legal persons and civil servants, the detection and remedy violations of the legislation of the Republic of Kazakhstan, the restoration of rights to citizens and legal entities, the compliance with the terms of land use, correctness in conducting of land cadastre and land tenure, and performance of arrangements on rational use and land protection.

Article 145. Organization and procedure for exercise of the state control over land use and land protection

1. State control over the use and protection of land shall be carried out by the central authorized body, territorial divisions and other state bodies within their competence.

2. The other state bodies, performing the state control over land use and land protection are:

the authorized body in the field of environmental protection;

the state body of sanitary and epidemiological service;

the authorized architectural, town-planning and construction body;

the authorized body in regard to agricultural, forestry, hunting and fishing economy, specially protected natural areas, use and protection of the water resources;

the authorized body on use and protection of the subsoil.

3. State control over the use and protection of land is carried out in the form of:

inspection and preventive control with a visit to the subject (object) of control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan;

preventive control without a visit to the subject (object) of control in accordance with this Code and the Entrepreneurial Code of the Republic of Kazakhstan.

State control is also carried out during land inventory, surveys, development of schemes and projects related to land use, maintenance of state land cadastres and land monitoring.

4. Is excluded by the Law of the Republic of Kazakhstan dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2).

5. Excluded by the Law of the Republic of Kazakhstan dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022).

6. The decision of state inspectors for the use and protection of land to impose an administrative penalty may be appealed in accordance with paragraph 3 of Article 148 of this Code.

7. State inspectors for the use and protection of land shall exercise control over the actual elimination of violations of the land legislation of the Republic of Kazakhstan, as well as the implementation by landowners and land users of instructions and orders to eliminate violations of the requirements of the land legislation of the Republic of Kazakhstan of officials exercising state control over the use and protection of land.

8. Is excluded by Law of the Republic of Kazakhstan № 479-V as of 29.03.2016 (shall take effect twenty-one calendar days after its first official publication).

Footnote. Article 145 is in the wording of the Law of the Republic of Kazakhstan dated 31 January 2006, No. 125; as amended by the Laws of the Republic of Kazakhstan dated 09 January 2007, No. 213 (the order of enforcement see Article 2); dated 6 July 2007, No. 279; dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2); dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 239-V as of 29.09.2014 (shall take effect ten calendar days after its first official publication); № 269-V as of 29.12.2014 (shall take effect on 01.01.2015); № 376-V as of 29.10.2015 (shall take effect on 01.01.2016); № 387-V as of 02.11.2015 (shall take effect ten calendar days after its first official publication); № 479-V as of 29.03.2016 (shall take effect twenty-one calendar days after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022); dated 03.01.2022 No. 101-VII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

Article 145-1. Procedure for conduct of preventive control without a visit to the subject (object) of control

1. Preventive control without visiting the subject (object) of control is carried out by state inspectors for the use and protection of land of the territorial subdivision in relation to owners or land users who have agricultural land plots for running a peasant or farm enterprise, agricultural production (hereinafter, for the purposes of this article - the subject of control).

2. The objectives of preventive control without visiting the subject (object) of control are the timely suppression and prevention of non-use or irrational use of agricultural land plots for running a peasant or farm enterprise, agricultural production, providing the subject of

control with the right to independently eliminate the identified violations and reduce the administrative burden on him.

3. Preventive control without visiting the subject (object) of control is carried out on the basis of remote sensing data of the Earth and identification of farm animals on agricultural lands on the facts of their non-use for their intended purpose and (or) irrational use.

The results of preventive control without visiting the subject (object) of control are subject to accounting by the territorial subdivision.

4. Preventive control without visiting the subject (object) of control is carried out annually from September to November of the current year.

5. If a violation is detected based on the results of preventive control without visiting the subject (object) of control, an instruction is drawn up to eliminate violations of the requirements of the land legislation of the Republic of Kazakhstan, which is sent to the subject of control no later than five working days from the date of revelation of the violation.

6. Based on the results of preventive control, without visiting the subject (object) of control, administrative proceedings are not initiated.

7. The instruction on elimination of violations of the requirements of the land legislation of the Republic of Kazakhstan reflects the nature of the violation, the procedure for its elimination, the timing of the execution of the instruction and submission of information on its execution by eliminating the identified violation.

8. An instruction on the elimination of violations of the requirements of the land legislation of the Republic of Kazakhstan is handed over on purpose or sent in the form of a registered mail with a notification of its delivery to the subject of control or by means of an electronic document signed with an electronic digital signature of the state inspector for the use and protection of lands of a territorial subdivision, through information systems integrated with the web portal of "electronic government".

An instruction on the elimination of violations of the requirements of the land legislation of the Republic of Kazakhstan, identified by the results of preventive control without visiting the subject (object) of control, sent by one of the following methods, is considered handed over in the following cases:

- 1) on purpose – from the date of the mark in the receipt instruction;
- 2) by mail – from the date of the notification mark;
- 3) electronically – from the date of sending by the body exercising state control over the use and protection of land to the e-mail address of the subject of control.

9. The term for execution of the instruction to eliminate violations of the requirements of the land legislation of the Republic of Kazakhstan is one year from the date of its receipt.

10. After the expiration of the deadline for the execution of the instruction on the elimination of violations of the requirements of the land legislation of the Republic of Kazakhstan, the subject of control is obliged to inform the territorial subdivision about its execution within three working days by eliminating the detected violation.

11. State inspectors for the use and protection of lands of a territorial subdivision, after receiving information from the subject of control on the execution of instructions on the elimination of violations of the requirements of the land legislation of the Republic of Kazakhstan, control its reliability by using remote sensing data of the land and identification of farm animals.

12. Failure to comply with the instruction to eliminate violations of the requirements of the land legislation of the Republic of Kazakhstan within the prescribed period, including in the form of failure by the subject of control to send information about its execution, is the basis for appointment of preventive control with a visit to the subject (object) of control in the manner determined by the Entrepreneurial Code of the Republic of Kazakhstan.

Footnote. Chapter 18 is supplemented by Article 145-1 in accordance with the Law of the Republic of Kazakhstan dated 03.01.2022 No. 101-VII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023).

Article 146. Civil servants, carrying out the state control over land use and land protection

1. The civil servants performing the state control over land use and land protection shall include:

- 1) Chief state inspector on use and protection of the lands of the Republic of Kazakhstan;
- 2) chief state inspectors on use and protection of lands of the relevant administrative territorial entities;
- 3) the state inspectors on use and protection of lands;
- 4) **excluded by the Law of the Republic of Kazakhstan dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022).**

2. Head of department of the central authorized body is chief state inspector of the use and protection of land of the Republic of Kazakhstan.

The heads of territorial subdivisions shall be the chief state inspectors for the use and protection of lands of the respective administrative-territorial units.

Chief state inspectors of the use and protection of land have document forms with the image of the State Emblem of the Republic of Kazakhstan and their name.

Chief state inspectors and state inspectors of use and protection of land shall be given a seal as well as identity documents or identification cards as prescribed.

Other officials of the department of the central authorized body, territorial divisions, directly exercising state control over the use and protection of land, are state inspectors for the use and protection of land.

3. Orders to eliminate violations of the requirements of the land legislation of the Republic of Kazakhstan of the body exercising state control over the use and protection of land within its competence are mandatory for all state bodies, land owners and land users.

Footnote. Article 146 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006, No. 116 (the order of enforcement see Article 2 of the Law No. 116); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 239-V as of 29.09.2014 (shall take effect ten calendar days after its first official publication); № 387-V as of 02.11.2015 (shall take effect ten calendar days after its first official publication); № 479-V as of 29.03.2016 (shall take effect twenty-one calendar days after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of six months after the day of its first official publication); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022); dated 03.01.2022 No. 101-V (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

Article 147 Functions of the central authorized body, departments of the central authorized body and its territorial divisions exercising state control over the use and protection of land

Footnote. The heading of Article 147 as amended by the Law of the Republic of Kazakhstan dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022).

1. The central authorized body shall organize and conduct state control over the use and protection of lands within the competence provided for by this Code and the legislation of the Republic of Kazakhstan.

2. Territorial subdivisions shall carry out state control over the use and protection of land, as follows:

1) the legality of the decisions made by local executive bodies of regions, cities of republican significance, the capital, districts, cities of regional significance, akims of cities of district significance, towns, villages, rural districts in the field of land legislation of the Republic of Kazakhstan;

2) the legality of the decisions made by the authorized bodies of regions, cities of republican significance, the capital, districts, cities of regional significance at the request of individuals and legal entities;

3) the correctness of maintaining the state land cadaster and land monitoring;

4) timely placement by local executive bodies of regions, cities of republican significance, the capital, districts, cities of regional significance, akims of cities of district significance, towns, villages, rural districts of information with lists of persons who received a land plot;

5) timely holding of bidding (auctions) and tenders by local executive bodies of regions, cities of republican significance, the capital, districts, cities of regional significance, akims of cities of district significance, towns, villages, rural districts;

6) observance by state bodies, organizations and citizens of the land legislation of the Republic of Kazakhstan, the established regime for the use of land plots in accordance with their intended purpose;

7) prevention of unauthorized occupation of land plots;

- 8) observance of the rights of owners of land plots and land users;
- 9) timely and correct implementation by owners of land plots and land users of a complex of organizational, economic, agrotechnical, forest reclamation and hydrotechnical anti-erosion measures to restore and preserve soil fertility;
- 10) timely submission to state bodies by owners of land plots and land users of the information on the availability, condition and use of land;
- 11) design, placement and construction of residential and industrial facilities that affect the state of land;
- 12) timely and high-quality implementation of measures to improve land, prevent and eliminate the consequences of soil erosion, salinization, waterlogging, flooding, desertification, desiccation, over consolidation, littering, pollution and other processes that cause land degradation;
- 13) compliance with the established deadlines for consideration of applications (petitions) of citizens for the provision of land plots to them;
- 14) preservation of boundary marks;
- 15) timely return of lands provided by local executive bodies of regions, cities of republican significance, the capital, districts, cities of regional significance, akims of cities of regional significance, towns, villages, rural districts for temporary land use;
- 16) reclamation of disturbed lands;
- 17) removal, preservation and use of the fertile soil layer in the course of work related to land disturbance;
- 18) implementation of land management projects and other projects for the use and protection of land.

2-1 is excluded by the Law of the Republic of Kazakhstan dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022).

2-2. excluded by the Law of the Republic of Kazakhstan dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022).

3. The functions of bodies exercising state control also include other issues stipulated by the legislation of the Republic of Kazakhstan.

Footnote. Article 147 is in the wording of Law of the Republic of Kazakhstan № 239-V as of 29.09.2014 (shall take effect ten calendar days after its first official publication); as amended by Laws of the Republic of Kazakhstan № 387-V as of 02.11.2015 (shall take effect ten calendar days after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022).

Article 148. Rights and obligations of civil servants of bodies, carrying out the state control over land use and land protection

1. The civil servants, performing the state control over land use and land protection, are entitled to:

1) send materials on violations of the land legislation of the Republic of Kazakhstan to relevant bodies or the State Corporation for solving the issue of bringing guilty persons to responsibility;

2) draw up protocols on administrative offences for violation of the land legislation of the Republic of Kazakhstan;

3) issue rulings on cases of administrative offences for violation of the land legislation of the Republic of Kazakhstan;

4) prepare and file claims in court on issues of compensation for damage as a result of the violation of the land legislation of the Republic of Kazakhstan, forced seizure of land plots not used for their intended purpose and not developed or used in violation of the legislation of the Republic of Kazakhstan, cancellation of illegal decisions related to the provision, change of the target appointment, withdrawal, forced alienation of land plots for state needs, as well as the execution of orders issued by officials of bodies exercising state control over the use and protection of land, orders to eliminate violations of the requirements of the land legislation of the Republic of Kazakhstan in cases of their failure to comply within the time specified in the order or improper execution by persons to whom these instructions were issued, and the collection of fines from individuals, officials and legal entities;

5) freely visit organizations, examine land plots owned and used, and land plots occupied by the military, defence and other special facilities, taking into account the established regime for visiting them upon presentation of documents provided for in paragraph 3 of Article 147 of the Entrepreneurial Code of the Republic of Kazakhstan;

6) issue mandatory orders to eliminate violations of the requirements of the land legislation of the Republic of Kazakhstan to owners of land plots and land users, as well as officials of local executive bodies of regions, cities of republican significance, the capital, districts, cities of regional significance, the State Corporation, akims of cities of district significance, towns, villages, rural districts;

6-1) give instructions on elimination of violations of the requirements of the land legislation of the Republic of Kazakhstan;

7) to suspend the industrial, civil and other construction, mining activity, operation of facilities, conducting of agronomical, forest improvement, geological survey, prospecting, geodesic and other works, if they are performed with a breach of land legislation of the Republic of Kazakhstan, established use regime of the specially protected natural areas and may lead to destruction, pollution, infection and deterioration of the rich soil layer, erosion advancing, salinification, bog formation and other processes, that reduce the soil fertility, including the cross-border region, as well as if these works are performed upon the projects, that didn't undergo an examination or received the negative conclusion;

8) receive the statistical information on condition of the land fund from the state bodies;

9) suspend the construction of residential and production facilities, in the absence of entitling and identity documents.

2. The civil servants performing the state control over land use and land protection, shall be obliged to:

1) take measures against the violator of the land legislation of the Republic of Kazakhstan in due time;

2) prepare the materials of conductive inspections in good faith.

3. Decisions, actions (inaction) of officials exercising state control over the use and protection of lands, and the information that served as the grounds for taking actions (making decisions) may be appealed in the manner prescribed by the laws of the Republic of Kazakhstan.

An application for decisions, actions (inaction) of officials exercising state control over the use and protection of land, and information, which underlay actions (decision-making), is submitted to court after being appealed against before a higher-level official.

4. Civil servants and individuals, preventing the performance of the state control over land use and land protection, posing threats of violence or violent acts in relation to the civil servants, performing the state control over land use and land protection, shall incur liability, in accordance with the Laws of the Republic of Kazakhstan.

Footnote. Article 148 as amended by the Laws of the Republic of Kazakhstan dated 06.07.2007 No. 279; dated 26.07.2007 No. 311; dated 19.03.2010 No. 258-IV; dated 20.07.2011 No 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 378-V as of 31.10.2015 (shall take effect on 01.01.2016); № 408-V as of 17.11.2015 (shall take effect on 01.03.2016); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication); dated 26.11.2019 No. 273-VI (shall be enforced upon expiry of six months after the day of its first official publication); dated 29.06.2020 No. 351-VI (shall come into effect from 07.01.2021); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022); dated 03.01.2022 No. 101-VII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

Chapter 19. Land tenure, state land cadastre and monitoring of lands

Article 149. Purpose and maintenance of land tenure

1. The land tenure is a program on ensuring of compliance of the land legislation of the Republic of Kazakhstan, oriented to the regulation of land relations, organization of the rational use and protection of lands.

2. The land tenure shall be performed on the lands of all categories, independently from the accessory on the form of property and forms of economy management on them.

The intended use, use regime of lands and their protection, restrictions and encumbrance, boundaries of the land plots, facts on quality and quantity of lands and other facts, established in a result of performance of works on land tenure, considered and approved in the manner

prescribed by the legislation of the Republic of Kazakhstan, are the subject to compulsory implementation for the subjects of land relations.

3. The land tenure shall include and provide:

1) development of republican, oblast and regional patterns (projects) of the land tenure, land zoning and use, improvement and protection programs of the land resources on the basis of landscape-ecological approach;

2) drawing up projects of inter-farm and on-farm land management for the formation and regulation of existing land uses, allotment and demarcation of the boundaries of land plots on the ground;

3) determination and establishment of the boundaries (line) of inhabited localities afield, drafting of their land and economic organization;

4) establishment of the boundaries of administrative-territorial entities, specially protected natural areas and other land plots afield, with the special conditions of use and protection of the lands;

5) development, approval, authorization and issuance of the projects on land and economic organization of the territory, reclamation of disturbed lands and development of new lands, as well as the other projects, linked with use and protection of the lands;

6) taking inventory of lands, detection of unoccupied lands, irrational used lands or lands, which are not used in compliance with intended purpose;

7) performance of topographic-geodesic, cartographic, soil, geobotanical and other finding and engineering works;

8) composition of the thematic maps and atlases of condition and use of the land resources

Footnote. Article 149 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 151-VI as of 04.05.2018 (shall take effect ten calendar days after its first official publication).

Article 150. Conduct of land tenure

1. The land tenure shall be performed by the decision of the local executive bodies of oblasts, cities of republican significance, the capital, districts, cities of oblast subordination or on the application of the interested owners of land plots and land users.

The land tenure, conducted at the instigation of the interested owners of land plots and land users, shall be performed on the basis of their internal applications, filed to the relevant local executive body.

2. The land measuring works shall be performed by the citizens and legal entities.

3. The order and technology of performance of the land measuring works shall be performed by the regulatory legal acts, approved by the central authorized body, which are mandatory for all performers of the land measuring works.

4. The land surveying documentation, agreed in the permitted manner shall be approved by:

1) (is excluded by the Law of the Republic of Kazakhstan dated 10 January 2006 No. 116 (the order of enforcement see Article 2 No. 116));

2) the owners of land plots and land users, other customers – the projects of inter-farm land tenure and projects, linked with the rational land use, preservation and increasing of soil fertility, developed and performed on their account, as may be agreed with the authorized body of oblasts, cities of republican significance, the capital, districts, cities of oblast subordination at location of the land plot;

3) authorized bodies of regions, cities of republican significance, the capital, districts, cities of regional significance within four working days at the location of the land plot - land management documentation related to the formation of the boundaries of land plots, their establishment on the ground, the preparation of a land plot plan, as well as materials of topographic, geodetic and cartographic works, soil, agrochemical, geobotanical and other survey and survey works on land management, on the compilation of special thematic maps of the state and use of land resources.

5. Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

6. The execution of the land tenure project shall include: the transfer of the project afield; development of all elements of project, execution and issuance of the land surveying materials and documents.

Footnote. Article 150 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 No. 166 (the order of enforcement see Article 2 of the Law No. 116); dated 12.01.2007 No. 222 (shall be enforced upon expiry of 6 months from the date of its official publication); dated 15.07.2011 No. 461-IV (shall be enforced upon expiry of six months after its first official publication); dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.06.2020 No. 352-VI (shall come into effect ten calendar days after the day of its first official publication).

Article 151. Land tenure proceeding

1. The land tenure proceeding shall include the following stages:

initiation of proceedings of the land surveying activity;

preparatory works;

development of assessments, drafts, programs and projects of land tenure;

consideration, agreement and approval of the land surveying documentation;

execution of the land tenure project.

2. The participants of a land tenure proceeding are the customer on conducting of the land tenure, the development contractor of the land surveying documentation, the third parties, the rights and legal interests of whom may be touched upon conducting of land tenure, as well as the state bodies and other persons, who agree and approve the land surveying documentation.

3. The rights of the participants of land tenure proceeding are:

1) on conducting of land tenure, the customer shall have the right to:

participate personally or through the representative in all stages of land tenure proceeding;
become familiar with materials of land surveying production;

submit proposals under consideration;

participate in resolution of disagreements, arising in the land tenure proceeding;

2) the development contractor (individual or legal entity, performing design and engineering works, as well as execution of the land surveying project) shall have the right to:

receive required information on land tenure in the state bodies;

build relationships with customers on the on a contract basis;

carry out a control over the progress of the land tenure project implementation, without special permissions, to inform the local executive bodies about its results and submit proposals on improvement of the practice of land use and land protection;

submit proposals on improvement or revision of old drafts and projects of the land tenure;

3) the third parties, the rights and legal interests of whom may be touched upon conducting of land tenure shall have the right to:

Participate in the course of discussion about land tenure and receive information about the process and results of land tenure, that touched upon their interests;

appeal the wrong acts, touched upon their interests in the course of land tenure, in accordance with the legislation of the Republic of Kazakhstan.

4. The obligations of the participants of land tenure proceeding are:

1) all participants of the land tenure proceeding shall be obliged to:

comply with the land legislation of the Republic of Kazakhstan;

comply with demands of the competent state bodies on the issues of use and protection of the lands;

provide the observance of rights of the land plot's owners and land users, in the course of land tenure proceeding;

2) the executive bodies which agree and approve the design documentation, shall be obliged to consider it within month;

3) the customer on conducting of the land tenure shall be obliged to:

define the goal, objective, maintenance, special conditions and terms of conducting of the land tenure;

provide the necessary documents and materials;

arrange the financing of works;

adopt the performed works or issue the motivated refusal within one month;

4) the development contractor of the land tenure documentation shall be obliged to:
perform all work in accordance with the standing instructions and instrumental guidance, as well as according to the contract;
set the land plots, on which the finding, engineering and other works were performed with disturbance of the rich soil layer in their original condition;
incur liability for credibility, quality and ecological safety of arrangements, provided by the land tenure documentation.

Footnote. Article 151 as amended by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 152. State land cadastre

1. The state land cadastre shall hold itself out as the system of information on natural and economic lands' condition of the Republic of Kazakhstan, on location, intended purpose, sizes and boundaries of the land plots, their qualitative characteristic, on records of land use and cadastral value of the land plots, on other necessary information. The state land cadastre shall also include information on holders of rights to land plots.

The component part of the land cadastre is the ameliorative cadastre of irrigated lands, holding itself out as the system of information on ameliorative condition of irrigated land plots, on evaluation of their qualitative characteristics on natural and irrigated-economic conditions, on records of their use.

2. In the Republic of Kazakhstan, the organization of conducting of the land cadastre shall be performed by the central authorized body.

3. The state land cadastre of the Republic of Kazakhstan (land cadastre of the republic, regions, cities of republican significance, the capital, districts, towns of regional significance) is an integral part of the state cadastre system of the Republic of Kazakhstan and is maintained in a unified system throughout the territory of the Republic of Kazakhstan.

The activity of maintaining the state land cadastre of the Republic of Kazakhstan belongs to the state monopoly, is carried out by the State Corporation and a republican state enterprise on the basis of the right of economic management, established by the decision of the Government of the Republic of Kazakhstan.

At the same time, the activities of the republican state enterprise on the basis of the right of economic management, established by the decision of the Government of the Republic of Kazakhstan, include survey work provided for in subparagraph 2) of paragraph 1 of Article 153 of this Code.

Prices for goods (works, services) produced and (or) sold by the State corporation and a republican state enterprise on the basis of the right of economic management, established by the decision of the Government of the Republic of Kazakhstan, are established by the authorized body determined by the decision of the Government of the Republic of

Kazakhstan from among the central state bodies, in coordination with the central authorized body and the antimonopoly authority.

5. The creation of formation of the state land cadastre shall be provided by conducting of the topographic-geodesic, airspace, cartographical, land surveying works, soil, geobotanical surveys and researches, works on monitoring of lands, quantitative and qualitative land registration, composition of the land cadastral case on the concrete land plot, making of the land cadastral maps and identity document on the land plot.

6. The data of state land cadastre is the ground for planning of use and protection of lands, for conducting of land tenure, assessment of activity and implementation of other measures, linked with use and protection of lands, as well as for formation of the single state registry of lands, conducting of legal and other cadastres, determination of amount of payment for land, cost considerations for the land plots as a part of immovable property and land value as a part of natural resources.

7. The unit of registration and storage of data is the state land cadastre, allocated in the contour boundaries, under the subjects of land relations, in the permitted manner.

8. The land plots, located in the territory of the Republic of Kazakhstan, independently from the form of property on the land, intended purpose and permitted land use regime of the land plots, shall be subject to the state cadastral registration.

Footnote. Article 152 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); dated 10.07.2012 No. 34-V (shall be enforced from the date of its first official publication); № 239-V as of 29.09.2014 (shall take effect ten calendar days after its first official publication); № 408-V as of 17.11.2015 (shall take effect on 01.03.2016); dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023).

Article 153. Maintenance of state land cadastre and activity, technological linked with its conducting

1. The conducting of state land cadastre shall include the following types of activities:

1) the formation of cadastral case of the land plot;

2) the accounting of land's quality, including their economic value and monitoring of lands, the soil, geobotanical, agrochemical surveying and appraisal of soil;

3) the accounting of the amount of lands, owners of land plots and land users, as well as other subjects of the land relations for the purposes of state registration;

4) the state cadastral value of lands, including the determination of cadastral (assessed) value of the land plots; the charting of boundaries of the appraised zones in inhabited localities with establishment of evaluating factors to the base costs for the land charge; the calculation of the base costs for the land plots; determination of the lost agricultural productions in the course of seizure of the arable areas for the purposes, which are not linked with farmer;

- 5) collection, processing and maintenance of a data bank on land plots and their subjects, as well as other land cadastral information in paper and electronic form;
- 6) maintenance of the information system of the state land cadastre;
- 7) the making and charting of the land cadastral maps, including digital maps;
- 8) the running of the land cadastral book and single state registry of the lands;
- 9) the preparation and issuance of identify documents on a land plot;
- 9-1) drawing up a land cadastral plan;
- 10) assignment of the cadastral numbers for the land plots;
- 11) making of the passports of the land plots.

2. The activity related to maintaining the state land cadastre includes:

- 1) establishment of the boundaries of administrative territorial entities, specially protected natural areas, lands of state forest and water fund, afield;
- 2) drawing up projects of the formation and regulation of land use, projects of the reclamation of disturbed land, the demarcation of boundaries of land on the ground;
- 3) development of projects of the inter-farm land tenure on the land plots, which are in the state ownership and granted in land use for the agricultural production;
- 4) land inventory.

Footnote. Article 153 is in the wording of the Law of the Republic of Kazakhstan dated 10.07.2012 No. 34-V (shall be enforced from the date of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 08.01.2013 No. 64-V (shall be enforced from 01.01.2013); № 225-V as of 02.07.2014 (shall take effect on 01.01.2015); № 269-V as of 29.12.2014 (shall take effect on 01.01.2015); № 408-V as of 17.11.2015 (shall take effect on 01.03.2016); dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023).

Article 154. Inventory of land plots for the purposes of registration

1. The inventory of land plots for the purposes of registration and immovable property, located on them, is the necessary condition which provides the state registration of the rights of ownership and other rights, as well as encumbrance on the immovable property.

2. The performance of works on inventory of land plots for the purposes of registration shall be performed on account of the customers' funds.

Article 155. Cadastral division of the territory of the Republic of Kazakhstan

1. The cadastral division of the territory of the Republic of Kazakhstan shall be performed for the purpose of assignment of the cadastral numbers for the land plots.

The units of cadastral division of the Republic of Kazakhstan are the accounting quarters.

2. Each land plot, for the purpose of determining its location (identification), is assigned cadastral numbers, except for the cases provided for in parts two and three of paragraph 3 of this article.

3. The boundaries of accounting quarters, which in the following, are used in legal cadastre, shall be determined as may be agreed with the bodies of architecture and

town-planning, state registration of rights to immovable property by the authorized bodies of oblasts, cities of republican significance, the capital, districts, cities of oblast subordination at location of the land plot and shall be approved by the relevant local executive bodies.

The preparation and issuance of one identity document with assignment of the cadastral number for the accounting quarter shall be performed on the land plots within the boundaries of accounting quarter, occupied by the forests outlier.

Land plots within the boundaries of an accountable block, which have supports of one overhead power line shall be issued and given one identification document and shall be assigned one cadastral number.

4. The list of codes assigned to regions, cities of republican significance, the capital, districts and cities (towns) of regional (district) significance for the purposes of formation of cadastral land plot numbers shall be made by the central authorized body.

Footnote. Article 155 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); dated 25.03.2011 No. 421-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.01.2012 No. 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 239-V as of 29.09.2014 (shall take effect ten calendar days after its first official publication); № 269-V as of 29.12.2014 (shall take effect on 01.01.2015); № 89-VI as of 11.07.2017 (shall take effect ten calendar days after its first official publication).

Article 156. Land cadastral documentation

1. At all levels, the land cadastral documentation shall include: the base, periodic update and annually composed land cadastral documentation.

2. The base land cadastral documentation shall include:

- 1) the land cadastral cases;
- 2) the land cadastral book;
- 3) the single state registry of lands;
- 4) land cadastral maps.

3. The structure, composition, content and forms of the land cadastral documentation, as well as order of its conducting shall be established by the central authorized body.

Footnote. Article 156 as amended by the Law of the Republic of Kazakhstan dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 157. Procedure for conduct of the state land cadastre

1. The state land cadastre shall be conducted in hard copies and may be conducted using the electronic systems of gathering, processing and storage of information.

2. The order of conducting of the state land cadastre shall be established by the legislation of the Republic of Kazakhstan.

Article 158. Provision of information of state land cadastre and use of information of cadastre

1. Information of the state land cadastre on a certain land plot shall be provided in the form of extracts.

2. The recording of information of the state land cadastre shall be performed in hard copies or on electronic media. In existence of contradictions in information, recorded in hard copies, and information recorded on electronic media, information recorded in hard copies has a priority, unless otherwise provided by the legislation of the Republic of Kazakhstan.

3. Information of the cadastre on land plots shall be correlated with land cadastral maps.

4. Is excluded by the Law of the Republic of Kazakhstan dated 10 January 2006 No 116 (the order of enforcement see Article 2 No. 116).

5. State bodies, the State Corporation and officials maintaining the state land cadastre are obliged to ensure the accuracy of information included in the land cadastral documentation.

6. Information of the land cadastre, which doesn't include the state secrecy and other restrictions are accessible to public and shall be provided by the interested legal entities on a paid basis.

The furnishing of information of the land cadastre to the state bodies shall be performed on a gratuitous basis on account of budget funds provided for these purposes.

The period for furnishing of this information should not exceed three business days from the date of filing of application.

Footnote. Article 158 as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116); dated 15.07.2011 No. 461-IV (shall be enforced upon expiry of six months after its first official publication); № 408-V as of 17.11.2015 (shall take effect on 01.03.2016); dated 30.06.2021 No. 59-VII (shall come into effect from 01.01.2022); dated 14.07.2022 No. 141-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 159. Monitoring of lands

1. Land monitoring is a system of basic (initial), operational, periodic observations of the qualitative and quantitative state of the land fund, including using remote sensing data of the Earth, conducted for the purpose of state control over the use and protection of land, timely identification of changes, their assessment, forecast of further development and development of recommendations on prevention and elimination of the consequences of negative processes

2. The monitoring of lands is a component part of the monitoring over condition of natural environment and the base for monitoring of the other natural environments.

The Republic of Kazakhstan may participate in the works on global monitoring of lands, in accordance with the international scientific-technical programs.

3. All lands of the Republic of Kazakhstan are the objects of monitoring of lands, independently from the forms of lands ownership, intended purpose and character of land use.

Land monitoring shall be carried out on a priority basis on agricultural land, where the processes associated with:

1) changes in soil fertility (desertification, development of water and wind erosion, soil dehumification, decrease in nutrients, solonchization, bogging, waterlogging and underflood);

2) change in the state of vegetation cover of natural forage lands.

Footnote. Article 159 as amended by Law of the Republic of Kazakhstan № 490-V as of 08.04.2016 (shall take effect ten calendar days after its first official publication); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 21.12.2022 No. 167-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 160. Objectives of monitoring of lands

1. The objectives of monitoring of lands are:

1) well-timed detection of changes of lands condition, their assessment, prediction and making recommendations on caution and elimination of the consequences of negative processes.

2) information support on conducting of the state land cadastre, land tenure, control over use and protection of lands and other functions of the state land stewardship;

3) identification of unused land plots and land plots used in violation of the legislation of the Republic of Kazakhstan.

2. The monitoring of lands has sub-systems, conforming to land categories. The republican, regional or local monitoring of lands shall be performed depending on the territorial coverage.

3. The information sources for monitoring of lands shall be the results of systematic monitoring, ground-based surveys, investigations, inventories, the materials of the state control over use and protection of lands, archival data, remote sensing data of land, information obtained from state information systems and electronic information resources, as well as other information on qualitative condition of lands.

Footnote. Article 160 as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 161. Conduct of monitoring of lands

1. The organization of monitoring of lands shall be performed by the central authorized body.

2. The realization of interstate and international programs on monitoring of lands shall be performed in the manner and on the terms, determined by the agreements and contracts, concluded between the Republic of Kazakhstan and other states.

3. The procedure for land monitoring and using its data is determined by the central authorized body.

Footnote. Article 161 as amended by the Law of the Republic of Kazakhstan dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first

official publication); № 239-V as of 29.09.2014 (shall take effect ten calendar days after its first official publication).

Article 162. Methods for acquisition and use of information on monitoring of lands

1. The methods of remote sensing, ground-based surveys and observations, stock data, remote sensing data of land, information obtained from state information systems and electronic information resources, as well as other information on qualitative condition of lands shall be applied for receiving of necessary information in the course of monitoring of lands.

2. The technical support of land monitoring is provided by an automated information system having points for collecting, processing and storing information.

3. The received results of the monitoring of lands shall be collected in the data archives (funds) and banks of automated information data system.

4. Citizens, enterprises and authorities, international organizations, foreign legal persons and individuals shall use the data of the monitoring of lands in the permitted manner.

Footnote. Article 162 as amended by Law of the Republic of Kazakhstan № 408-V as of 17.11.2015 (shall take effect on 01.03.2016); dated 28.10.2019 No. 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 163. Financing of arrangements on ensuring of carrying out of the land relations

1. The land tenure, performed on establishment of the boundaries of oblasts, the capital and cities of republican significance, the conducting of land cadastre and monitoring of lands, drafting the passports of the agricultural land plots and other works, performed by decision of the Government of the Republic of Kazakhstan shall be performed on account of the budget funds.

2. The land tenure, provided on establishment of the boundaries of districts, cities of oblast, district subordination, rural districts, rural settlements, villages, land zoning, transfer of the arable areas from one type to another, land economic structure of inhabited localities and other works, performed by decision of the local executive bodies shall be performed on account of budget funds.

3. By demands of the private owners of land plots and land users, the land tenure shall be performed on account of their funds.

Footnote. Article 163 as amended by the Law of the Republic of Kazakhstan dated 10 January 2006 No. 116 (the order of enforcement see Article 2 of the Law No. 116).

Section 5. Ensuring of execution of the land legislation and final provisions

Chapter 20. Protection of property rights and land use rights and compensation of losses

Article 164. Protection of property rights and land use rights

Footnote. The heading of Article 164 as amended by the Law of the Republic of Kazakhstan dated 6 July 2007 No. 279.

The property rights and land use rights shall be protected, in the manner prescribed by the Civil Code of the Republic of Kazakhstan and other legislative acts of the Republic of Kazakhstan.

Footnote. The title of Article 164 as amended by the Law of the Republic of Kazakhstan dated 6 July 2007 No. 279.

Article 164-1. Vindication of the land plot from the other unlawful possession

1. The owner of land plot and land user shall have the right to vindicate his land plot from the other unlawful possession.

2. The vindication of land plot from among the lands, which are in the state ownership, occupied without permission and not granted in land use, shall be performed by the local executive bodies at location of the land plot.

Illegal owner shall be obliged to vacate the willfully occupied land plot, within thirty calendar days from the moment of taking corrective measures, provided by the legislation of the Republic of Kazakhstan on administrative infractions, and shall perform the demolition of building constructed (set) on this land, willfully or on his account, with the exception of cases , provided by the civil legislation of the Republic of Kazakhstan.

The disputes linked with breach of duty on vacation of the willfully occupied land plot and demolition of building constructed (set) on this land by the illegal possessor shall be settled in a judicial proceeding.

In case, if the unauthorized construction is transferred into communal ownership, the person who performed it shall be covered by expenses for construction, in amount, determined by the court.

If it is impossible to establish the identity (data) of the illegal owner of a land plot, the authorized body of a city of republican significance, the capital, district, city of regional significance, where such a land plot was found, shall send an application to the State Corporation for registering it as an ownerless real estate item.

The local executive body of the city of republican significance, the capital, district, city of oblast subordination, in the territory of which the land plot was exposed shall go to the court with demand on recognition of ownerless immovable object as submitted in the state ownership, upon expiry of a year from the date of registration as ownerless immovable object.

Footnote. Chapter 20 is supplemented by Article 164-1 by the Law of the Republic of Kazakhstan dated 06.07.2007 No. 279; as amended by the Law of the Republic of Kazakhstan dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication); № 156-VI as of 24.05.2018 (shall take effect ten calendar days after its first official publication).

Article 165. Grounds for compensation of losses, inflicted by owners or land users

The losses inflicted by the owners or land users shall be subject to compensation to the full extent, in the cases:

- 1) of compulsory alienation of the land plots for the state requirements, entailing the termination of property right or land use right;
- 2) of restriction of property right or land use right in connection with establishment of the special land use regime;
- 3) of rights' violation of the owners or land users;
- 4) of deterioration of the lands' quality in a result of construction and operation of facilities, entailing the soil fertility devastation, deteriorating the water regime, generating the harmful substances for agricultural crops and plantings;
- 5) of seizure of lands, provided by Article 91 of this Code.

Footnote. Article 165 as amended by the Laws of the Republic of Kazakhstan dated 6 July 2007 No. 279; dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication).

Article 166. Procedure for compensation of losses

1. The losses shall be compensated to the owner or land user on account of their causer.
The losses inflicted on the owner or land user shall be subject to compensation by the Republic of Kazakhstan or relevant administrative-territorial entity, in a result of issuance of the act of State power body, other state body which is not relevant to legislation, as well as by the actions (negative act) of civil servants of these bodies.
2. Upon determining of the amount of compensation, it shall include:
 - 1) the cost of a land plot or land use right;
 - 2) the market cost of the immovable property located on the land plot, including the fruit trees and perennial plantings;
 - 3) the cost input, linked with development of a land plot, its operation, conducting of protective measures, increase of soil fertility, in recognition of their inflation;
 - 4) all losses inflicted on the owner or land user by the seizure of land plot, at the moment of termination of the property right or land use right, including the losses which they incur in connection with termination of their obligations prior to the third parties;
 - 5) loss of benefit.
3. The determination of losses, inflicted on the owners or land users in the course of seizure of a land plot, as well as the amount of their compensation shall be established by agreements of the parties.
4. Upon seizure or temporary occupation of land plots, in a result of which the work of irrigated, draining, environment-oriented, erosional-preventive and mudflow protection facilities and constructions (systems) is disturbed in part or in whole, the losses may be determined proceeding from the value of works for construction of new objects or reconstruction of existent objects and constructions (systems), including the value of design and survey works.
5. Losses (expenses), caused by inconveniences emerged in the land use (formation of islands in the course of reservoir filling, disfunction of transport connecting links, separation

of the territories by communications and others), may be determined by the lump-sum costs on design and survey works, construction of dams, roads, road approaches, other constructions, clearance of the reservoir's bottom, as well as on acquisition of boats, powerboats, ferry crafts and other transportation vehicles.

6. Upon determination of losses (expenses), required for restoration of deteriorated quality of lands, the expenses on conducting of soil, agrochemical and other special surveys and researches, as well as arrangements ensuring the restoration of the lands' quality may be included.

7. In case of disagreement of owner of a land plot or land user with decision, entailing the termination of property right or land use right, it may not be carried out before the resolution of the dispute in a judicial proceeding. Upon consideration of the dispute, all the questions on compensation of inflicted losses to the owner or land user shall be also decided.

Footnote. Article 166 as amended by the Laws of the Republic of Kazakhstan dated 6 July 2007 No. 279; dated 01.03.2011 No. 414-IV (shall be enforced from the date of its first official publication).

Article 167. Land disputes

Disputes arising from land legal relations shall be settled through judicial procedures.

Disputes (conflicts) related to privately owned land plots may, by agreement of the parties, be considered through mediation.

Footnote. Article 167 as amended by Law of the Republic of Kazakhstan № 308-V as of 22.04.2015 (shall take effect ten calendar days after its first official publication); dated 29.06.2020 No. 351-VI (shall come into effect from 07.01.2021).

Article 168. Liability for breach of land legislation of the Republic of Kazakhstan

Breach of land legislation of the Republic of Kazakhstan shall entail liability in accordance with the Laws of the Republic of Kazakhstan.

Footnote. Article 168 is in the wording of the Law of the Republic of Kazakhstan dated 6 July 2007 No. 279.

Chapter 21. Final provisions

Footnote. The title of chapter 21 as amended by the Law of the Republic of Kazakhstan dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 169. Procedure for application of this Code

This Code shall be applied to land relations, arising after its enforcement.

Regulatory legal acts, regulating land relations, adopted before enforcement of this Code shall be applied in a part that is not contradictory to this Code.

Article 170. Transitional provisions

Footnote. Article 170 is excluded by the Law of the Republic of Kazakhstan dated 20.07.2011 No. 464-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 171. Transitional provisions

Title and identification documents for land plots, provided to individuals and legal entities before the entry into force of Article 44-1 of this Code, shall remain in effect allowing for changes in rights to land plots established by the land legislation of the Republic of Kazakhstan.

Reserve lands that have not been transferred to other categories of lands for construction and operation of tourism facilities, provided for by state programs or documents of the State Planning System of the Republic of Kazakhstan, shall be transferred back to the category of lands of specially protected natural areas if there is a positive conclusion of the state environmental review by the decision:

1) the Government of the Republic of Kazakhstan at the proposal of the authorized body in the field of specially protected natural areas, agreed with the local executive body of the region, the city of republican significance, the capital - for a specially protected natural area of republican significance;

2) the local executive body of the region, the city of republican significance, the capital at the proposal of the department of the authorized body in the field of specially protected natural areas - for a specially protected natural area of local significance.

The transfer of reserve lands back into the category of lands of specially protected natural areas shall be carried out in accordance with the Law of the Republic of Kazakhstan "On Specially Protected Natural Areas".

The provisions of parts four, five, six and seven of paragraph 2 of Article 122 of this Code shall apply for mining solid minerals (except for common minerals), exclusively at a deposit discovered in a subsoil plot located within an exploration site or geological allotment under a contract for exploration of solid minerals or a license for exploration of solid minerals, concluded or issued before the entry into force of these parts.

The right of temporary land use for agricultural land plots, granted until July 1, 2016, on a lease basis to foreigners, stateless persons, foreign legal entities, legal entities of the Republic of Kazakhstan with foreign participation, international organizations, scientific centres with international participation, as well as kandas, shall be valid until the expiration of the lease agreement and is not subject to renewal for a new period or is valid until the occurrence of other grounds for the termination of the right to temporary land use provided for by this Code.

Title and identification documents for land plots granted to individual and legal entities prior to the entry into force of Article 44-2 of this Code remain legally valid.

Article 171 is meant to be supplemented with parts two, three, four, five, six, seven, eight and nine in accordance with Law of the Republic of Kazakhstan № 389-V as of 02.11.2015. (suspended until 31.12.2026)

Footnote. Chapter 21 is supplemented with Article 171 in accordance with Law of the Republic of Kazakhstan № 225-V as of 02.07.2014 (shall take effect on 01.01.2015); as amended by the Law of the Republic of Kazakhstan dated 30.09.2020, No. 362-VI (shall come into effect ten calendar days after the day of its first official publication); dated 02.01.2021 No. 399-VI (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 13.05.2021 No. 39-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 05.04.2023 No. 221-VII (shall be enforced from 01.07.2023).

The President of the Republic of Kazakhstan

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