

**Law of the Republic of Kazakhstan No. 152-II of 24 January 2001**  
**"On Land"**  
**(Including amendments**  
**introduced by Law of the Republic of Kazakhstan No. 227-II of 10.07.01)**

**Section 1. Fundamental Provisions**

**Chapter 1. General Provisions**

**Article 1. Land Reserves of the Republic of Kazakhstan**

1. Land reserves in the Republic of Kazakhstan shall be divided in accordance with their designated purpose into the following categories:
  - 1) lands of agricultural designation;
  - 2) lands of residential areas (cities, towns, settlements and rural residential areas);
  - 3) lands used for industry, transport, communications, defense and other non-agricultural purposes;
  - 4) lands of specially protected territories, lands of health rehabilitating, recreational, historical and cultural designation;
  - 5) lands of the forest reserve;
  - 6) lands of the water reserve;
  - 7) lands of the reserve.

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**Article 2. Ownership of Land**

Land in the Republic of Kazakhstan is in the ownership of the state. Land plots may also be in private ownership, subject to the terms, conditions and restrictions established under this Law.

**Article 3. Principles of Land Legislation**

- Land legislation in the Republic of Kazakhstan is based on the following principles:
- 1) integrity, inviolability and inalienability of the territory of the Republic of Kazakhstan;
  - 2) preservation of land as a natural resource, and the basis of life and activity of the people of the Republic of Kazakhstan;
  - 3) rational use of lands;
  - 4) maintenance of ecological safety;
  - 5) purpose-oriented use of lands;
  - 6) priority of lands of agricultural designation;
  - 7) availability and dissemination of information on the state of lands;
  - 8) state support of land use and land conservation measures;
  - 9) prevention of any damage to land, or elimination of relevant consequences;
  - 10) paid use of land.

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**Article 8. Payment for Land**

1. Under the tax legislation of the Republic of Kazakhstan, those land plots that are in ownership, in permanent use, or in primary free temporary use shall be liable to land tax.

Rent shall be charged for lands transferred by the state into temporary paid use (lease) and referred to the local budget.

See Letter No. ЮД-2-1-12/5807 of the Ministry of State Revenues of the Republic of Kazakhstan "On Rent and Land Tax", dated 18 July 2001.

2. If a land plot is allocated in the territory of the Republic of Kazakhstan to other states, the amount of rent shall be determined by the international treaties ratified by the Republic of Kazakhstan.
3. The transfer of state-owned land plots into private ownership shall be effected in return for lump-sum or installment payments on the decision of the local executive body, except for such instances where a land plot may be transferred without compensation into the ownership of:
  - 1) citizens of the Republic of Kazakhstan that are owners of residential quarters by way of undivided right in condominium properties;
  - 2) citizens of the Republic of Kazakhstan for the purpose of engaging in personal subsidiary enterprises, gardening, individual housing and country cottage construction within the limits of the established standards;
  - 3) in other instances provided for by legislative acts of the Republic of Kazakhstan.
4. In the event of a complete change of the designated purpose of a land plot that has been allocated without compensation for the purpose of engaging in a personal subsidiary enterprise, gardening, individual housing and country cottage construction, payment for such land shall be established in accordance with applicable legislation of the Republic of Kazakhstan for the change of designated purpose [of land].
5. Land plots and the right of land use in the form of state in-kind grants shall be provided to investors in accordance with this Law and legislation on the state support of direct investment.
6. Base payments for land plots that are transferred for value into private ownership or leased out by the state or state-owned land users, shall be established by the Government of the Republic of Kazakhstan.

The assessed value of a specific land plot shall be determined by an authorized agency in accordance with the base payments for lands transferred by the state into private ownership. The assessed value of land plots located in residential areas and transferred into private ownership, shall be determined by applying correction (upgrading or downgrading) indices to the base payments.

Correction indices and zone boundaries in cities of regional significance, settlements and rural residential areas shall be approved by the decision of the regional representative body at the suggestion of the regional executive body, and in cities of oblast significance (the cities of Astana and Almaty) by the decision of the oblast representative body (of the cities of Astana and Almaty) at the suggestion of the oblast executive body (of the cities of Astana and Almaty).

The assessed value of additional land plots transferred into the private ownership of citizens of the Republic of Kazakhstan for the purpose of engaging in personal subsidiary enterprises, gardening and country cottage construction in excess of the planned rate of free land transfer, shall be determined in accordance with the base pay rate for lands of rural residential areas nearest to the assessed land plots.

The assessed value of land plots located outside the limits of residential areas that have been (are) allotted to citizens and non-governmental legal entities for development or built up by production buildings (structures, installations) and complexes thereof, including lands designed to service such buildings (structures, installations) in accordance with their designation, shall be established at ten percent of the base payments for lands that have been (are) allotted for the aforementioned purposes in the cities of oblast significance.

7. If a land owner sells or leases out the land plot, and if a non-governmental land user sells the right of land use to other persons or leases out the respective land plot to secondary land users, the amount, time and form of payment for such land plots shall be determined by the relevant purchase-and-sale or lease contracts in accordance with applicable civil legislation.

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## **Chapter 2. Jurisdiction of Government Bodies in the Sphere of Land Relations**

### **Article 10. Jurisdiction of the Government of the Republic of Kazakhstan**

The jurisdiction of the Government of the Republic of Kazakhstan in the sphere of land relations shall include:

- 1) elaboration of guidelines for the use and conservation of the land reserve of the Republic of Kazakhstan;
- 2) development of state programs on the rational use of land, preservation and improvement of land fertility, conservation of land resources in concert with other nature-conservation measures;
- 3) allocation and withdrawal of land plots from all the land categories in the instances relating to the construction or expansion of specially protected territories of republican significance, execution of international obligations, and utilization of lands for national defense needs;
- 4) establishment of the procedure for formalizing the right of land ownership and the right of land use;
- 5) approval of the format of documents certifying the right of land ownership and the right of land use;
- 6) coordination of the proposals by the oblast representative and executive bodies relating to the change of the boundaries of regions and cities of oblast significance; establishment and alteration of the suburban zones around cities of oblast significance;
- 7) approval of the procedure for referring lands to the category of specially protected territories and reserving lands for such purpose, approval of the list of specially protected territories of republican and international significance;
- 8) approval of the procedures for land management, land cadastre maintenance and land monitoring;
- 9) establishment of the procedure for exercising state control over land use and land conservation practices;
- 10) regulation of interregional land relations;
- 11) other issues referred to its jurisdiction by this Law and other legislative acts.

## **Article 11. Jurisdiction of the Central Authorized Land Management Body and of its Local Divisions**

The jurisdiction of the central authorized body and of its local divisions shall include:

- 1) implementation of the uniform state policy in the sphere of land management and regulation of land relations;
- 2) exercise of state control over land use and land conservation practices;
- 3) organization of land cadastre maintenance and land monitoring procedures;
- 4) organization of land management procedures;
- 5) protection of the state interests in the sphere of land relations;
- 6) organization of land use planning and forecasting procedures in accordance with zoning requirements, establishment of land plot boundaries, and formalization of the requisite documentation;
- 7) issue of licenses for land management activities;
- 8) determination of the assessed value of specific land plots sold to private owners or transferred to land users by the state;
- 9) organization of zoning procedures;
- 10) determination of divisibility or indivisibility of land plots;
- 11) identification of unused lands and lands used in violation of applicable legislation;
- 12) adoption of measures aimed at eliminating violations of land legislation;
- 13) expert evaluation of republican, oblast and regional programs, projects and schemes relating to land use and land conservation;
- 14) suspension of construction, development of mineral deposits, operations of industrial facilities, geological exploration and other work, if said activities are performed in violation of land legislation and established land use procedures, and if said activities are performed under projects that have not been subjected to expert evaluation or failed to pass expert evaluation;
- 15) issue of mandatory instructions to eliminate the disclosed violations of land legislation;
- 16) consideration of cases on administrative offenses in the sphere of land legislation.

2. The authorized body and its local divisions shall perform their functions in accordance with the relevant regulations approved by the Government of the Republic of Kazakhstan.

## **Article 12. Jurisdiction of Local Representative and Self-Government Bodies**

1. The jurisdiction of local representative bodies relating to the regulation of land relations in the respective territories shall include:
  - 1) approval of programs on the rational use of lands, improvement of land fertility, and conservation of land resources in concert with other nature-conservation measures;
  - 2) approval of economic land management plans for residential areas, including agricultural lands placed within the jurisdiction of *aul* (rural) executive bodies;
  - 3) approval of local budgetary expenses relating to the conservation of land resources and improvement of land fertility;
  - 4) hearing of reports prepared by the heads of local executive bodies and organizations on the use and conservation of land resources;
  - 5) adoption of decisions on the establishment of boundaries between administrative and territorial entities within the scope of jurisdiction established by legislative acts;

- 6) other issues referred to their jurisdiction by this Law and other legislative acts.
2. In the sphere of regulation of land relations, local self-government bodies shall ensure the participation of individuals in the local decision-making process within the scope of jurisdiction established by legislative acts of the Republic of Kazakhstan.

### **Article 13. Jurisdiction of the Oblast Executive Body**

The jurisdiction of the oblast executive body relating to the regulation of land relations shall include:

- 1) Development, submission for approval to the oblast representative body and implementation of oblast programs on the rational use of lands, improvement of land fertility and conservation of land resources in concert with other nature-conservation measures;
- 2) allocation of land plots for temporary cattle-driving routes of interregional significance;
- 3) issue of permits to use land plots for exploration work in accordance with Clause 2 of Article 54 of this Law;
- 4) allocation of land plots to state research, educational and other agricultural scientific institutions and their experimental farms, including state-owned seed-growing and livestock-breeding farms;
- 5) reservation of lands for the establishment of specially protected territories of all types;
- 6) allocation and withdrawal of land plots from all land categories in the instances relating to the construction or expansion of specially protected territories of local significance, except for the instances provided for in Clause 3 of Article 10 of this Law;
- 7) regulation of interregional land relations within the scope of jurisdiction established by this Law and other legislative acts;
- 8) allocation and withdrawal of land plots in the instances provided for in Article 72 of Republic of Kazakhstan, except for the lands of the forest reserve;
- 9) coordination, control and supervision over the activities of regional and urban (in cities of oblast significance) executive bodies relating to the use and conservation of land resources;
- 10) other issues referred to its jurisdiction by this Law and other legislative acts.

### **Article 14. Jurisdiction of Regional (except for urban districts), Urban, Village, *Aul* and Rural Executive Bodies**

The jurisdiction of regional (except for urban districts), urban, village, *aul* and rural executive bodies relating to the regulation of land relations in the respective territories shall include the following issues:

- 1) allocation of land plots into private ownership and use;
- 2) withdrawal (repurchase) of land for state needs;
- 3) development, submission for approval to the relevant representative body and implementation of regional and urban programs on the rational use of lands, improvement of land fertility and conservation of land resources in concert with other nature-conservation measures;

- 4) development, submission for approval to the relevant representative body and implementation of economic land management plans for residential areas, including agricultural lands placed within the jurisdiction of *aul* (rural) executive bodies;
- 5) issue of permits to use land plots for exploration work in accordance with Clause 2 of Article 54 of this Law;
- 6) establishment of a special regional land reserve;
- 7) control over land use and land conservation practices;
- 8) issue of permits to state-owned land users for a long-term lease of land plots in accordance with Clause 5 of Article 30 of this Law;
- 9) other issues referred to their jurisdiction by this Law and other legislative acts.

## **Section 2. Right of Ownership, Right of Use and Other Rights to Land**

### **Chapter 3. Right of Ownership to Land**

#### **Article 15. Forms of Ownership of Land**

1. The Republic of Kazakhstan recognizes and provides equal protection to the state and private ownership to land.
2. Subjects of the right of ownership are as follows:
  - › The Republic of Kazakhstan is the subject of the right of state ownership of land in the territory of the Republic of Kazakhstan;
  - › Citizens and non-governmental legal entities are the subjects of the right of private ownership to land plots under the terms, conditions and restrictions established by this Law].

#### **Article 16. Scope of Right of Ownership**

1. The owner shall enjoy the right of possession, use and disposition with respect to the land plot owned thereby.
2. The land ownership rights of the state shall be exercised by state management bodies within such jurisdiction as may be established by this Law and other legislative acts.
3. The owner of a land plot may exercise his ownership rights subject to the terms, conditions and restrictions established by this Law and other legislative acts.

#### **Article 17. Exercise of Right of State Ownership**

Land plots allocated from state-owned lands may be:

- 1) sold or transferred without compensation into private ownership;
- 2) transferred into permanent or temporary use for value or without compensation;
- 3) otherwise legally disposed of in the instances provided for by this Law, other legislative acts or international treaties.

See also Resolution No. 1511 of the Government of the Republic of Kazakhstan "On the Approval of the Procedure for the Sale and Purchase of State-Owned Land Plots or the Right of Permanent Land Use", dated 10 December 1996.

#### **Article 18. Objects of the Right of Private Ownership**

1. Citizens of the Republic of Kazakhstan may hold in private ownership such land plots as may be allocated thereto for the purpose of engaging in personal subsidiary enterprises, gardening and country cottage construction.

In the event of denaturalization of a citizen of the Republic of Kazakhstan who owns a land plot that has been allocated thereto for the purpose of engaging in personal subsidiary enterprise, gardening and country cottage construction, the respective right of ownership shall be alienated or formalized anew as provided for by Article 49 of this Law.

2. Citizens and non-government legal entities may hold in private ownership land plots that have been (are) allocated for development or built up by production and non-production, including residential, buildings (structures, installations) and complexes thereof, including lands that are designed to service such buildings (structures, installations) in accordance with their designation.
3. Not subject for transfer into private ownership shall be:
  - 1) Land plots of agricultural designation, except for the instances provided for in Clause 1 hereof;
  - 2) Land plots used for defense needs;
  - 3) Land plots of specially protected territories, lands of health rehabilitating, recreational, historical and cultural designation;
  - 4) Land plots of the forest and water reserves;
  - 5) Land plots of general use in residential areas;
  - 6) Land plots of the reserve.
4. Foreign citizens and stateless persons may not hold in private ownership land plots that have been (are) allocated for the purposes indicated in Clause 1 hereof.

#### **Article 19. Exercise of Right of Private Ownership**

1. Owners of land plots shall exercise their rights of possession, use and disposition of such land plots at their discretion and without any authorization from government bodies, unless otherwise provided for by this Law and other legislative acts.
2. Owners of land plots may enter into any transactions involving their land plots, except for such transactions as may be prohibited by legislative acts.

The right of ownership to a land plot shall be transferred to another person with all the encumbrances existing at the time of transaction.
3. Owners of land plots may transfer their land plots into temporary use under the contract of temporary use of a land plot. The contract of temporary use of a land plot shall be formalized as a contract of lease (jointly with the lessee) or as a contract of use without compensation (jointly with the beneficiary land user).

#### **Chapter 4. Right of Land Use**

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#### **Article 26. Transfer of Right of Land Use**

1. The transfer of the right of land use shall be understood to mean the assignment of the right of land use by one land user to another.

The transfer of the right of land use shall be effected by way of civil-law transactions and on other grounds provided for by applicable legislation.

The alienation of the right of land use shall be effected by way of civil-law transactions (sale and purchase, donation, change, and others).

The transfer of the right of land use to another person for a fixed term shall be effected under the contract of lease or the contract of temporary use of land without compensation.

2. Land users may not enter into any transactions involving the right of land use, including alienation thereof, in respect to the following lands:
  - 1) lands of general use;
  - 2) lands allocated for defense needs;
  - 3) lands of specially protected territories, lands of health rehabilitation, recreational, historical and cultural designation;
  - 4) service allotments.
3. The transfer by a land user of a land plot in his possession into the temporary use of another person (secondary land user) and the alienation of the right of temporary use of land shall be effected in accordance with the procedure established in Clause 4 of Article 25 and Article 28 of this Law.

### **Article 27. Right of Permanent Use of Land**

1. Land plots shall be allocated by right of permanent use of land to the following state-owned land users:
  - 1) legal entities that own buildings (structures, installations) or premises in condominium properties by right of economic jurisdiction or operational management;
  - 2) legal entities engaged in agricultural and forestry production;
  - 3) legal entities engaged in land utilization on lands of specially protected territories;
  - 4) in other instances provided for by legislative acts.
2. Foreign land users may not enjoy the right of permanent use of land.

### **Article 28. Right of Temporary Use of Land**

1. The right of temporary use of land may be granted for a short term (up to 5 years) or for a long term (from 5 to 49 years).

The period of temporary land use shall be established with due account of the designated purpose of lands.

2. Unless otherwise provided for by legislative acts or contract, temporary land users that fulfil their obligations in good faith, upon the expiry of the contract term, shall enjoy the preferential right, other things being equal, to conclude the contract for another term. The temporary land user shall be obliged to notify the lessor in writing about the intention to conclude such contract within the deadline specified therein, or, if no deadline is specified in the contract, within three months of the expiry of the effective contract.
3. Unless otherwise provided for by this Law, non-governmental land users enjoying the right of primary long-term use of land for value, shall have the right to lease (sublease) or transfer into temporary use without compensation the land plots in their possession (or parts thereof), and to alienate their right of temporary use of land.

State-owned land users shall exercise the aforementioned rights in accordance with the procedure established by Article 30 of this Law.



4. If a primary temporary land user transfers the land plot under a contract of secondary use of land, the term of such contract may not exceed the period of primary use of land and cannot entail the distortion of the designated purpose of said land plot.
5. Secondary land users shall exercise their rights in accordance with the procedure established by Article 29 of this Law.

See Resolution No. 1495 of the Government of the Republic of Kazakhstan "On the Approval of Model Contracts on Temporary Use of Land", dated 6 December 1996.

### **Article 29. Right of Secondary Use of Land**

1. The [right of] secondary use of land shall arise from the contract of secondary use of land in such instances where the primary land user does not alienate his right of land use but transfers the land plot in his possession (or part thereof) to another person for temporary use and notifies the authorized body to that effect.  
Secondary land users shall always be temporary land users without lawful authority to transfer their rights to other land users.
2. In the event of transfer of a land plot into secondary use, the primary and secondary land users shall be fully liable to the state for performing their obligations as land users.
3. The contract of secondary use of land shall be formalized as a contract of lease or a contract of temporary use of land without compensation.
4. Secondary land users shall engage in economic activities on the respective land plots, exercise other rights and perform other duties of land users (under Articles 47 and 48 of this Law) in compliance with the terms and conditions provided for by the contract of secondary use of land.
5. Foreign nationals, stateless persons, foreign legal entities and enterprises with foreign participation may rent land plots but may not transfer land plots of agricultural designation into secondary use.

### **Article 30. Specifics of the Legal Status of State-Owned Land Users**

1. State-owned land users shall engage in economic activities on the respective land plots and exercise other rights relating to the use of land with due account of the designated purpose of the land plots and the target objectives stipulated in the land users' charters.
2. State-owned land users may not alienate or pledge their right of land use, except for those instances where the alienation or pledge of such right is related to the alienation in accordance with the established procedure or the pledge of immovable property located on such land plots.
3. The right of land use enjoyed by state-owned land users may not constitute the object of vindication under creditor claims, except for those instances where execution is levied against the right of land use under creditor claims for vindication of a building (structure, installation) owned by the state-owned land users (Clause 3 of Article 61 of this Law).
4. If a state-owned land user leases out in accordance with the established procedure the buildings (structures, installations) owned thereby, such land user shall also lease out in accordance with the rules established by Clause 3 of Article 36 of this Law the land plot taken up by the aforementioned property and required for the maintenance thereof in accordance with the established rules.

It shall be prohibited to lease to another person a land plot taken up by buildings (structures, installations) without leasing said buildings (structures, installations).

5. Unless otherwise provided for by legislative acts of the Republic of Kazakhstan, state-owned land users may lease out their land plots for a long term exclusively with the approval of the state, represented by the authorized body.
6. State-owned land users may not transfer their land plots into temporary use without compensation, except for instances where such land plots may be allocated by way of service allotments.

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## **Chapter 6. Rights and Duties of Land Plot Owners and Land Users**

### **Article 47. Rights of Land Plot Owners and Land Users**

1. Unless otherwise provided for by this Law and other legislative acts, land plot owners and land users shall have the right:
  - 1) to engage in independent economic activities on the land plots, using them for such purposes as may follow from their designation;
  - 2) of ownership, economic jurisdiction and operational management with respect to the crops, agricultural and other plantings, agricultural and other products obtained through the use of the land plots, and revenues from the sale thereof;
  - 3) to use for the needs of their enterprises, in accordance with the established procedure and without intention to enter into transactions, sand, clay, gravel, other generally used mineral resources, peat, surface and underground water, and bring into operation other useful properties of the land;
  - 4) to receive full compensation for losses, if the land plot is withdrawn (repurchased) for the state need;
  - 5) to construct by right of ownership, economic jurisdiction or operational management residential, production, ancillary and other buildings (structures, installations) consistent with the designated purpose of the relevant land plots;
  - 6) to perform drainage, irrigation and other amelioration work, to build ponds and other water reservoirs in accordance with the established construction, ecological, sanitary, hygienic, and other special requirements.
2. The rights specified in paragraphs 2), 3), 5) and 6) of Clause 1 hereof may be limited for temporary land users by the transfer deed to a land plot or by the contract of lease (contract of temporary use of land without compensation).

### **Article 48. Duties of Land Plot Owners and Land Users**

1. Land plot owners and land users shall be obliged:
  - 1) to use land in accordance with its designated purpose, and in the event of temporary use of land, in accordance with the transfer deed for a land plot or contract of lease (contract of temporary use of land without compensation);
  - 2) to use such process technologies as will comply with the relevant sanitary and ecological requirements, to disallow any harm to the health of people or damage to the natural environment, or deterioration of the sanitary, epidemiological, radiation and ecological situation due to their economic or other activities;
  - 3) to maintain land fertility and perform those land conservation measures that are prescribed in Article 107 of this Law;

- 4) to make timely payments of the land tax (rent) and of other statutory and contractual charges;
  - 5) to comply with the established procedure for the use of forest, water and other natural resources, to ensure the protection of monuments of historical, cultural and architectural heritage and of other state-protected sites on the land plots in accordance with statutory requirements;
  - 6) to observe in the course of economic and other activities construction, ecological, sanitary, hygienic and other special requirements (norms, rules, standards);
  - 7) to submit on time to the government bodies information on the status of land and land use practices as provided for by land legislation;
  - 8) to observe the rights of other land plot owners and land users;
  - 9) to preclude the removal of the fertile topsoil for the purpose of sale or transfer to other persons, except for those instances where such removal is necessary to prevent an irrecoverable loss of the fertile topsoil;
  - 10) to ensure the introduction of servitude in accordance with the procedure established by this Law.
2. Land users may have other duties as provided for by legislative acts and contracts of temporary use of land.
  3. Unless otherwise provided for by this Law, land plot owners and land users shall bear all such obligations as may encumber the relevant land plot (its use in accordance with the designated purpose, assurance of servitude, payment of taxes and other mandatory charges, and etc.).

Land plot owners and land users may not independently change the designated purpose, the utilization regime, the servitude of a land plot, or any other terms and conditions for the use of land established on the basis of legal normative acts.

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## **Chapter 7. Servitude**

### **Article 50. Grounds for Servitude**

1. In the instances provided for by this Law and other legislative acts, land plot owners or land users shall be obliged to give interested individuals and legal entities the right of limited purpose-oriented use of the land plots belonging to them by right of ownership or land use.
2. The right of limited purpose-oriented use of another's land plot (servitude) may arise from the following grounds:
  - 1) directly from a legal normative act;
  - 2) from a contract concluded between the interested party and the land plot owner or land user;
  - 3) from a regulatory act issued by the local executive body;
  - 4) from a court judgement;
  - 5) in other instances provided for by legislative acts.
3. If a legal normative act provides for the establishment of servitude on the basis of a contract between the interested party and the land plot owner or land user, the interested party may contest in court the refusal of the land plot owner or land user to conclude such contract or the contractual terms and conditions proposed by the land plot owner or land user, by filing a law suit against said land owner or land user.

4. If a legal normative act provides for the establishment of servitude on the basis of an act issued by the local executive body, the interested party, land plot owner or land user may contest such act in court.

#### **Article 51. Right of Individuals to Have Access to and Pass Through Another's Land Plot**

1. Individuals shall enjoy the right of free and unsanctioned access to land plots that are open to public.
2. Unless a land plot that is in private ownership or land use is enclosed with a fence, or unless the private owner of such land plot or land user otherwise indicates that access to said land plot is forbidden without his permission, any person may pass through such land plot, providing that such conduct does not cause harm to the land plot owner or land user.

#### **Article 52. Right of Limited Use of Adjacent or Other Land Plots**

1. Private owners and users of land plots may demand that the subjects of the right of private ownership or land use of adjacent land plots, or, where necessary, the subjects of the right of private ownership and land use of other land plots, ensure the right of limited use of said land plots.
2. The right of limited use of adjacent or other land plots may be established to ensure:
  - 1) the passage of individuals and transport vehicles through adjacent or other land plots in the instances where another route to the private owner's or user's land plot is nonexistent, or extremely difficult, or requires disproportionate expenses;
  - 2) the construction and operation of requisite electricity transmission lines, communication lines, water supply and drainage facilities, heat supply facilities, irrigation systems, and to ensure other needs of a private owner or user of a land plot, which cannot be satisfied unless the adjacent or other land plots are encumbered with servitude.
3. Adjacent or other land plots shall be encumbered with servitude on the basis of contracts concluded with the subjects of the right of private ownership or use of such land plots.
4. The subject of the limited right to use a land plot must compensate the private land plot owner or land user for all servitude-related losses in accordance with an independent expert opinion and (or) court judgement.
5. The contract may provide for servitude payment.
6. If servitude is established in respect of a state-owned land plot that has not been transferred into use, servitude payments shall be channeled to the local budget.

#### **Article 53. Temporary (Seasonal) Cattle-Driving Routes**

1. Temporary (seasonal) cattle-driving routes may be established by regional (on the territory of a region) or oblast (on the territory of an oblast) executive bodies by agreement with the private land owners or land users on whose land plots such routes are established, without withdrawing said land plots from the private land owners or land users.
2. Cattle owners shall be liable to the private land owners or land users for any damage caused thereto during the transfer of cattle along the cattle-driving routes.

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## **Article 72. Limited Withdrawal of Lands of Specific Categories**

Agricultural lands with the cadastral valuation above the average regional level, lands of suburban zones, experimental fields of research and educational institutions of agricultural, biological, irrigation-and-amelioration specialization, and lands of the forest reserve may only be liable for withdrawal in exceptional instances involving the establishment and expansion of specially protected territories, implementation of international treaties, discovery of valuable natural deposits, construction of roads, communication lines, trunk pipelines and facilities of state significance.

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### **Section 3. Land Categories**

#### **Chapter 10. Lands of Agricultural Designation**

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#### **Article 83. Long-Term Cattle-Driving Routes**

1. To ensure the transfer of cattle from agricultural producers to seasonal pastures, meat-packing plants and cattle purchasing stations, land plots shall be allocated for the establishment of long-term cattle-driving routes; such land plots shall usually be allocated on the pasture-lands along the borders of land plots in use and shall be large enough to provide forage crops to cattle in transit.
2. Land plots designed for the establishment of long-term cattle-driving routes for the transfer of cattle within one region shall be allocated by the regional executive body.  
Land plots designed for the establishment of cattle-driving routes for the transfer of cattle through the territory of several regions shall be allocated by the oblast executive body.
3. Users of lands allocated for long-term cattle-driving routes shall be obliged to construct along such routes the requisite number of wells, watering and rest areas for the cattle, structures and installations ensuring the compliance with ecological requirements and normal operations of the cattle-driving routes, and ensure an unimpeded transfer of cattle at the time agreed upon with the veterinary supervision agencies.
4. The establishment of temporary (seasonal) cattle-driving routes without allocation of land plots by right of land use shall be governed by the rules provided for the establishment of servitude (Article 53 of this Law).

#### **Article 84. Compensation for Agricultural Production Losses**

1. Agricultural production losses caused by the withdrawal of agricultural lands for purposes unrelated to agricultural production shall be subject for compensation in order to preserve the scope of agricultural production by way of restoring the amount and quality of agricultural lands.

These losses shall be liable for compensation irrespective of the damages provided for in Article 120 of this Law.

2. Agricultural production losses shall be compensated by those persons for whose benefit the relevant land plots are allocated from agricultural lands for purposes unrelated to agricultural production, and also by those persons for whose benefit conservation, sanitary and protective zones are established.
3. Individuals and legal entities for whose benefit land plots are allocated from lands of agricultural designation and lands of the forest reserve, shall be relieved of the obligation to provide compensation for losses, if the relevant land plots are allocated for the following purposes:

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- 4) construction of nature-conservation facilities that do not aggravate the nature of adjacent lands;
- 5) forest amelioration of degraded lands and of lands contaminated with chemical and radioactive substances.

Losses shall not be liable for compensation if relevant land plots are allocated to nature reserves, national, zoological and dendrological parks, botanical gardens, and in other instances provided for by legislative acts of the Republic of Kazakhstan.

4. The amount of and the procedure for assessing such agricultural production losses as are liable for compensation shall be established by the Government of the Republic of Kazakhstan.

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### **Chapter 13. Lands of Specially Protected Territories, Lands of Health Rehabilitating, Recreational, Historical and Cultural Designation**

#### **Article 92. Composition of Lands of Specially Protected Territories and of Lands of Health Rehabilitating, Recreational, Historical and Cultural Designation**

1. Lands of specially protected territories shall include lands of state-owned nature reserves, state-owned national parks, state-owned natural conservation areas, state-owned natural parks, state-owned natural monuments, state-owned sanctuary zones, state-owned game reserves, state-owned zoological parks, state-owned botanical gardens, state-owned dendrological parks, and state-owned nature **support** reserves.
2. Lands of health rehabilitating designation shall include resort areas with a natural curative effect, and land plots that are favorably located for the organization of disease prevention and treatment.
3. Deemed as lands of recreational designation shall be lands designed and used for mass-scale entertainment, recreation and tourism activities.
4. Deemed as lands of historical and cultural designation shall be land plots taken up by historical and cultural reserves, memorial parks, burial areas, archeological parks (burial hills, camps and sites of ancient settlements), architectural and landscape landmarks, rock carvings, religious structures, battlefields.

#### **Article 93. Assignment of Lands to the Category of Specially Protected Territories and Land Reservation**

1. The assignment of lands to the category of specially protected territories shall be performed in accordance with the law of the Republic of Kazakhstan.

2. The reservation of lands for inclusion into the category of specially protected territories shall be performed in accordance with the legislation of the Republic of Kazakhstan on specially protected territories.

#### **Article 94. Legal Regime of Lands of Specially Protected Territories and of Lands of Health Rehabilitating, Recreational, Historical and Cultural Designation**

1. The withdrawal of lands of specially protected territories and lands of health rehabilitating designation for other purposes shall be prohibited.
2. The legal regime of special protection or the regime of regulated economic activities shall be established with respect to lands of specially protected territories and lands of health rehabilitating designation.
3. The regime of lands of specially protected territories and lands of health rehabilitating designation shall be established in accordance with this Law and other legislation of the Republic of Kazakhstan.
4. The procedure for using lands of recreational designation shall be established by the local representative and executive bodies.
5. Lands of historical and cultural designation shall be used in accordance with the procedure and on the terms and conditions provided for by this Law and legislation on historical and cultural monuments.
6. Lands of specially protected territories, lands of health rehabilitating, recreational, historical and cultural designation shall be registered separately within those land reserve categories wherefrom they are allocated.

#### **Article 95. Lands of Conservation, Sanitary-Protective and Other Protective Zones**

1. Conservation, sanitary-protective and other protective zones of specially protected territories and of lands of health rehabilitating designation may be established to ensure the special protection of said territories and lands; any activities as may negatively affect the preservation and reproduction of the objects of state-owned nature reserves shall be prohibited within the boundaries of such zones.

The size, boundaries and utilization regimes of conservation, sanitary-protective and other protective zones of specially protected territories shall be determined by the local representative and executive bodies.

2. The local executive bodies shall separately register lands taken up by conservation, sanitary-protective and other protective zones of specially protected territories, and mark them in position with special symbols.
3. Land plots located within the limits of lands taken up by conservation, sanitary-protective and other protective zones of specially protected territories shall be used in compliance with the established zone protection regime and may be withdrawn (repurchased) for public needs in accordance with the requirements provided for by this Law.

### **Chapter 14. Lands of the Forest Reserve**

#### **Article 96. Concept and Composition of Lands of the Forest Reserve**

1. Deemed as lands of the forest reserve shall be land plots that are covered with timber, as well as land plots that are not covered with timber but serve the forest management needs.

2. Lands of the forest reserve shall be allocated into permanent or temporary use to state-owned organizations engaged in forest management and shall be used thereby in accordance with the procedure, on the terms and conditions established by this Law and other legislation.
3. Land plots of the forest reserve located within the boundaries of agricultural organizations may be transferred thereto into use for engaging in agricultural and forest management activities. The use of the forest reserve within the limits of such land plots shall be effected in accordance with the requirements set out in the forest legislation.

#### **Article 97. Transfer of Lands of the Forest Reserve into Use for Agricultural Purposes**

Local executive bodies, by agreement with authorized forest management bodies, may transfer into the temporary use of individuals and legal entities for agricultural purposes those agricultural lands that are located on the lands of the forest reserve and are not used for forest management purposes.

#### **Article 98. Limited Transfer of Lands of the Forest Reserve into Other Land Categories**

The transfer of lands of the forest reserve into other categories of lands that are not related to the forest management shall be performed in exceptional instances by the Government of the Republic of Kazakhstan.

#### **Article 99. Compensation of Losses of Forest Management Enterprises**

1. Subject for compensation shall be such losses incurred by forest management enterprises as may result from withdrawal of forest lands for purposes unrelated to forest management or agricultural production, or from deterioration of the quality of lands due to activities of individuals and legal entities.
2. Losses incurred by forest management enterprises shall be compensated by those persons for whose benefit the relevant land plots are allocated from lands of the forest reserve for purposes unrelated to forest management or agricultural production.
3. Cash receipts by way of compensation for losses incurred by forest management enterprises shall go to the revenues of the state budget.

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President of the Republic of Kazakhstan

N.Nazarbaev