

**CONCERNING APPROVAL OF THE RULES FOR NON-CASH PAYMENTS AND REMITTANCES ON THE
TERRITORY OF THE REPUBLIC OF KAZAKHSTAN
WITHOUT OPENING A BANKING ACCOUNT**

Resolution of the Board of the National Bank of the Republic of Kazakhstan
dated October 13, 2000 N 395. Registered with the Ministry of Justice of the
Republic of Kazakhstan on November 26, 2000 N 1304

For the purpose of improvement of the normative legal base regulating non-cash payments on the territory of the Republic of Kazakhstan, the Board of the National Bank of the Republic of Kazakhstan shall resolve as follows:

1. To approve the enclosed Rules for non-cash payments and remittances on the territory of the Republic of Kazakhstan without opening a banking account and put them into execution upon the expiry of two weeks of the date of state registration with the Ministry of Justice of the Republic of Kazakhstan.

2. The Payment Systems Department (R.N. Musayev):

1) jointly with the Legal Department (S.B. Sharipov) shall take measures for state registration with the Ministry of Justice of the Republic of Kazakhstan of this Resolution and the Rules for non-cash payments and remittances on the territory of the Republic of Kazakhstan without opening a banking account;

2) within a ten-day period of the date of state registration with the Ministry of Justice of the Republic of Kazakhstan shall bring this Resolution and the Rules for non-cash payments and remittances on the territory of the Republic of Kazakhstan without opening a banking account to the notice of branches of the National Bank of the Republic of Kazakhstan and second tier banks.

3. Control of implementation of this Resolution shall be imposed on the Deputy Chairman of the National Bank of the Republic of Kazakhstan E.T. Zhangel'din.

*Chairman
of the National Bank*

Approved by the Resolution
of the Board of the National Bank
of the Republic of Kazakhstan
dated October 13, 2000 N 395

**Rules for Non-Cash Payments and Remittances
on the Territory of the Republic of Kazakhstan
Without Opening a Banking Account**

Chapter 1. General Provisions

1. These Rules shall determine a procedure for making non-cash payments and remittances on the territory of the Republic of Kazakhstan by the second tier banks and organizations carrying out certain banking operations (hereinafter, banks) without opening a client's banking account, as well as the requirements imposed on the parties to such payments and remittances.

2. Payments and remittances without opening a banking account shall refer to payments and remittances under which a transmitter and (or) a beneficiary does not use banking accounts and which are made by way of contribution of cash to transfer them on a non-cash basis in favor of the beneficiary stated by the transmitter and (or) receive cash by the beneficiary escaping the banking account.

Herewith, non-cash payments and remittances made by legal entities and their subdivisions shall be performed only if they open a banking account, except for payment by legal entities of taxes and other compulsory payments to the budget, and voluntary pension contributions.

Payment of compulsory pension contributions without opening a banking account shall be made by persons who have the right to make cash pension contributions to the bank in accordance with the legislation of the Republic of Kazakhstan on the pension fund scheme.

A legal entity shall be entitled to pay for the bank's service by way of cash contribution in the amount not exceeding four thousand monthly index factor. <*>

Footnote. Item 2 as amended - by the Resolution of the Board of the National Bank of the RK dated July 4, 2003 N 204 (effective from January 1, 2004).

3. These Rules shall not regulate relations which are connected with physical transfer of cash escaping a bank.

4. These Rules shall use general concepts defined in Article 3 of the Law of the Republic of Kazakhstan *Concerning Payments and Remittances* dated June 29, 1998 N 237-I and in item 3 of the Rules for the use of payment documents and making non-cash payments and remittances on the territory of the Republic of Kazakhstan approved by Resolution of the Board of the National Bank of the Republic of Kazakhstan dated April 25, 2000 N 179.

5. Payments and remittances without opening a client's banking account can be performed both in Tenge and foreign currency.

6. Payments and remittances without opening a client's banking account in Tenge which are performed between residents and non-residents, and all payments and remittances in foreign currency shall be made in accordance with the requirements set by the currency law of the Republic of Kazakhstan.

7. Non-cash payments and remittances without opening a banking account shall be made on the basis of receipts, pay-in slips, invoices-notifications, receipts-notifications for payment of taxes and other compulsory payments to the budget, receipts-notifications for remittance of pension contributions, and other documents used to receive cash. These documents shall be payment documents (hereinafter, notices of payment). <*>

Footnote. Item 7 as changed and amended - by the Resolution of the Board of the National Bank of the RK dated July 4, 2003 N 204 (effective from January 1, 2004).

8. Notices of payment should contain obligatory requisites established by item 11 of these Rules. Provisions stipulated by this item shall not apply to invoices-notifications for payment for public utility services, receipts-notifications for payment of taxes and other compulsory payments to the budget by physical persons, individual entrepreneurs and legal entities, and receipts-notifications for remittance of pension contributions. <*>

Footnote. Item 8 as amended - by the Resolution of the Board of the National Bank of the RK dated November 16, 2001 N 439; in new edition - by the Resolution of the Board of the National Bank of the RK dated July 4, 2003 N 204 (effective from January 1, 2004).

9. Notices of payment shall be accepted by a bank during a designated trading day of the bank.

Chapter 2. General Requirements to the Procedure for Execution of Notices of Payment

10. Notices of payment shall be submitted by a transmitter to the bank in the form established by a receiving bank or customs of business turnover applicable in banking practice, if a form of notices of payment is not established by normative legal acts of the National Bank of the Republic of Kazakhstan.

11. Upon payments and remittances without opening a banking account, notices of payment should contain the following obligatory requisites:

1) name of the notice of payment;

2) number of the notice of payment, date, month, year when it was drawn up;

3) surname, name, father's name (if any) of a physical person - a transmitter and (or) a beneficiary or a full name, including form of incorporation, of the legal entity - a transmitter and (or) a beneficiary;

4) individual identification codes of a transmitter or a beneficiary.

If a physical person does not have an individual identification code, the ID

card details and postal address (country, city, index, street, number of building and apartment) should be indicated;

5) a full name, including form of incorporation, of the transmitter's bank and the beneficiary's bank, their banking identification codes;

6) transmitter's code "COd", beneficiary's code "Cbe", purpose of payment and its coded notation established by the normative legal acts of the National Bank of the Republic of Kazakhstan;

7) amount of payment in figures and in words;

8) tax registration number (TRN) of a transmitter or a beneficiary, if payment is made with indication of their individual identification code;

9) if a transmitter is a legal entity - surname, name, father's name, signature of its authorized persons, and stamp impression. If a transmitter is a physical person - his signature;

10) other requisites stipulated by the laws of the Republic of Kazakhstan.

12. A transmitter shall have the right to indicate a value date in the notice of payment, except for invoices-notifications for payment for public utility services.

13. A receipt-notification for payment of taxes and other compulsory payments to the budget shall be submitted by a physical person in the blank forms according to Appendix N 1 thereto, an individual entrepreneur, a private notary or an attorney in the blank forms according to Appendix N 2 thereto.

A receipt-notification for payment of taxes and other compulsory payments to the budget shall be submitted by a legal entity in the blank forms according to Appendix 3 thereto. Upon payment of the legal entity of taxes and other compulsory payments to the budget for its branches (representative offices, structural subdivisions), in the column "transmitter" a name of the branch (representative office, structural subdivision) of the legal entity should be indicated, in the column "TRN" a tax registration number of the branch (representative office, structural subdivision) should be indicated, in the column "transmitter's address and telephone number" an address and a telephone number of the legal entity should be indicated.

A date when a taxpayer pay cash to the receiving bank should coincide with a date stated by the transmitter in the receipt-notification for payment of taxes and other compulsory payments to the budget.

A receipt-notification for remittance of pension contributions shall be submitted in the blank forms according to Appendix 4 thereto. <*>

Footnote. Item 13 in the new edition - by the Resolution of the Board of the National Bank of the RK dated November 16, 2001 N 439; as changed and amended - by the Resolution of the Board of the National Bank of the RK dated July 4, 2003 N 204 (effective from January 1, 2004).

14. Upon completion of notices of payment a transmitter may indicate additional information concerning his location and location of a beneficiary (telephone number, fax number, e-mail and other information).

Chapter 3. Procedure for Receipt of Notices of Payment

15. Upon receipt of a notice of payment from a transmitter, a receiving bank shall accept it and execute within the dates established by the legislative acts of the Republic of Kazakhstan.

By accepting the notice of payment, the receiving bank shall assume obligation to remit money in favor of the beneficiary.

Cash received in satisfaction of taxes and other compulsory payments to the budget and also in satisfaction of pension contributions shall be remitted to the beneficiary by the receiving bank not later than the next trading day from the date of their receipt by the receiving bank. <*>

Footnote. Item 15 as amended - by the Resolution of the Board of the National Bank of the RK dated July 4, 2003 N 204 (effective from January 1, 2004).

16. Upon receipt of a notice of payment from a transmitter, the receiving bank shall issue to the transmitter an appropriate confirmation of the receipt of cash.

17. The bank shall have the right to charge a commission for execution of the clients' notices of payment for payments and remittances without opening a banking account.

An amount, a procedure and a term of payment of the commission shall be determined by the bank itself.

18. Upon execution of the notice of payment the receiving bank shall not have the right to charge a commission at the expense of the amount of payment, unless otherwise provided by the remittance agreement between the receiving bank and the transmitter (except for the remittance agreements for the purpose of payment of taxes and other compulsory payments to the budget).

19. The bank should refuse from accepting the transmitter's notices of payment if:

1) the notice of payment is filled in and (or) submitted with violation of the requirements set by these Rules and (or) terms and conditions of the remittance agreement;

2) the transmitter did not provide an amount of money sufficient to make a remittance;

3) the bank discovered discrepancy of the amount stated in the notice of payment in figures and in words;

4) upon non-compliance with the other requirements set by the laws of the Republic of Kazakhstan and (or) terms and conditions of the remittance agreement.

Chapter 4. Remittance Agreement

20. A remittances without opening a banking account shall be made under the remittance agreement. Under the remittance agreement one party (a receiving bank) shall be liable by order of the other party (a transmitter) to remit money in favor of a third person without assignment of an individual identification code to the transmitter.

21. Upon conclusion of the remittance agreement the receiving bank and the transmitter should agree upon a procedure for remittance, including a procedure for charging a commission, as well as their rights, duties and responsibility for remittance.

22. The remittance agreement shall be deemed to be concluded if the bank accepts the client's notices of payment for execution at the time when the client applied to the bank requesting to provide such banking service.

23. The receiving bank shall be liable to acquaint the transmitter who remits money without opening a banking account with the payment procedure and its own tariffs established by the internal rules of the bank for this type of services.

Chapter 5. Remittance

24. To make a remittance, the transmitter's bank, on the basis of the accepted notice of payment, shall draw up a respective payment order which is executed by the method and under the procedure stipulated by the legislative acts of the Republic of Kazakhstan and normative legal acts of the National Bank of the Republic of Kazakhstan.

Chapter 6. Completion of Payments and Remittances

25. Upon receipt of money in favor of the beneficiary who does not have a banking account, the beneficiary's bank should notify the beneficiary of the receipt of money in his favor by a notice drawn up by the bank in a duly form.

26. A remittance in accordance with the transmitter's notice of payment shall be deemed completed from the time:

1) when an accounting entry is made for the beneficiary's banking account upon receipt of money in his favor;

2) when cash is actually given to the beneficiary by the beneficiary's bank, if the beneficiary does not have a banking account.

27. Cash shall be issued by the beneficiary's bank to the beneficiary - physical person under the notice of payment upon submission of ID card by the

beneficiary.

28. The bank shall be liable to issue to the beneficiary a document confirming payment and containing conditions of the transmitter's notice of payment.

29. Upon receipt of cash, the beneficiary must sign the appropriate document of the bank with obligatory indication of the surname, name, father's name (if any), ID card details, amount of money received and currency of payment.

30. If the beneficiary fails to appear to receive money under the notice of payment (if there is no a banking account), the beneficiary's bank should account for this amount on the respective banking accounts of the bank provided for by the chart of accounts for the second tier banks within the dates established by the internal rules of the bank.

31. Revocation and suspension of the execution of the notice of payment shall be made in accordance with the legislation of the Republic of Kazakhstan.

Chapter 7. Refund Upon Remittances Without Opening a Banking Account

32. If it is impracticable to make a remittance, the transmitter's bank and the beneficiary's bank should take requisite measures to refund money to the transmitter.

33. If a fact of execution of the erroneous instruction was established, an amount of such remittance shall be refunded to the transmitter's bank not later than the next trading day from the date of establishment of this fact, with indication of the reason for refund.

34. In refunding of the erroneously remitted amount to the transmitter's bank:

1) if there is the transmitter's banking account, this amount shall be credited to this account;

2) if there is no transmitter's banking account, the amount shall be accounted for in the bank's accounts provided for by the chart of accounts for the second tier banks.

35. In refunding by the beneficiary's bank, the transmitter's bank should within three banking days of the receipt of refunded money notify the transmitter of such refund under the procedure stipulated in the remittance agreement.

If refund is made for the reason of execution of the erroneous instruction for remittance, the transmitter's bank may not notify the transmitter of the refund and within three banking days of the date of refund the transmitter's bank shall send to the beneficiary's bank a payment document with proper requisites.

36. If there is no transmitter's banking account, the refunded money shall be paid through the cash department of the transmitter's bank upon submission by the transmitter of the appropriate document with the bank's endorsement of acceptance of the remittance.

37. The receiving bank shall bear responsibility, as stipulated by the legislative acts of the Republic of Kazakhstan and the remittance agreement, for the erroneous execution of the transmitter's notice of payment, if the error was made through its fault.

The receiving bank shall not bear responsibility for the erroneously executed notice of payment, if the error in such notice of payment was made by the transmitter.

Chapter 8. Responsibility of the Parties

38. For non-fulfillment or improper fulfillment of the requirements of the legislation of the Republic of Kazakhstan, including these Rules, relating to remittance without opening a banking account the parties to such remittance shall bear responsibility under the procedure specified by the legislative acts of the Republic of Kazakhstan.

Chapter 9. Additional Conditions

39. Any matters that are not regulated by these Rules shall be regulated in accordance with the legislation of the Republic of Kazakhstan.

Appendix N 1
to the Rules for Non-Cash Payments and
Remittances on the Territory of the
Republic of Kazakhstan Without Opening a
Banking Account <*>

Footnote. The Rules are amended by Appendix 1 - by the Resolution of the Board of the National Bank of the RK dated November 16, 2001 N 439; Appendix 1 in the new edition - by the Resolution of the Board of the National Bank of the RK dated July 4, 2003 N 204 (effective from January 1, 2004).

Receipt (for physical persons)		Resident <input type="checkbox"/>	
		Non-resident <input type="checkbox"/>	
Transmitter _____ (taxpayer's surname and initials)			
TRN _____			
Transmitter's address and telephone number _____ (taxpayer's address and telephone number)			
Beneficiary _____		TRN _____	
(tax committee)			
Beneficiary's bank _____		BIK _____	
(territorial bodies of the Treasury)			
Name of payment	KBK	KNP	Amount
Tax on property of physical persons	104102		
Land tax	104302		
Tax on vehicles of physical persons	104402		
Total (amount in words):			
Cashier:	Transmitter's signature _____		Date _____

Notice (for physical persons)		Resident <input type="checkbox"/>	
		Non-resident <input type="checkbox"/>	
Transmitter _____ (taxpayer's surname and initials)			
TRN _____			
Transmitter's address and telephone number _____ (taxpayer's address and telephone number)			
Beneficiary _____		TRN _____	
(tax committee)			
Beneficiary's bank _____		BIK _____	
(territorial bodies of the Treasury)			
Name of payment	KBK	KNP	Amount
Tax on property of			

physical persons	104102		
Land tax	104302		
Tax on vehicles physical persons			
	104402		
Total (amount in words):			

Cashier: Transmitter's signature _____ Date _____

Appendix N 2
to the Rules for Non-Cash Payments and
Remittances on the Territory of the
Republic of Kazakhstan Without Opening a
Banking Account <*>

Footnote. The Rules are amended by Appendix 2 - by the Resolution of the Board of the National Bank of the RK dated November 16, 2001 N 439; Appendix 2 in the new edition - by the Resolution of the Board of the National Bank of the RK dated July 4, 2003 N 204 (effective from January 1, 2004).

Receipt (for individual entrepreneurs)			
			Resident <input type="checkbox"/>
			Non-resident <input type="checkbox"/>
Transmitter _____ (taxpayer's surname and initials or name)			
TRN _____			
Transmitter's address and telephone number _____ (taxpayer's address and telephone number)			
Beneficiary _____		TRN _____	
(tax committee)			
Beneficiary's bank _____			BIK _____
(territorial bodies of the Treasury)			
Name of payment	KBK	KNP	Amount
Individual income tax	101202		
Value-added tax	105101		
Social tax	103101		
Individual income tax deducted at source of payment	101201		
Total (amount in words):			
Cashier:	Transmitter's signature _____		Date _____

Notice (for individual entrepreneurs)			
			Resident <input type="checkbox"/>
			Non-resident <input type="checkbox"/>
Transmitter _____ (taxpayer's surname and initials or name)			
TRN _____			
Transmitter's address and telephone number _____ (taxpayer's address and telephone number)			

Beneficiary _____ TRN _____
 (tax committee)
 Beneficiary's bank _____ BIK _____
 (territorial bodies of the Treasury)

Name of payment	KBK	KNP	Amount
Individual income tax	101202		
Value-added tax	105101		
Social tax	103101		
Individual income tax deducted at source of payment	101201		

Total (amount in words): _____

Cashier: Transmitter's signature _____ Date _____

Appendix N 3
to the Rules for Non-Cash Payments and
Remittances on the Territory of the
Republic of Kazakhstan Without Opening a
Banking Account <*>

Footnote. The Rules are amended by Appendix 3 - by the Resolution of the Board of the National Bank of the RK dated July 4, 2003 N 204 (effective from January 1, 2004).

Receipt (for legal entities)		Resident	_
		Non-resident	_
Transmitter _____			
(legal entity's name or			
name of the legal entity's branch, representative office,			
TRN _____			
structural subdivision)			
Transmitter's address and telephone number _____			
Beneficiary _____		TRN	_____
(tax committee)			
Beneficiary's bank _____		BIK	_____
(territorial bodies of the Treasury)			
Name of payment	KBK	KNP	Amount
Corporate			
income tax			
Excise duties			
VAT			
Social tax			_____ _____
Total (amount in words):			Date _____
Cashier:	CEO's name _____		Chief accountant's
	and initials _____		name and initials _____
	Signature _____	Stamp	Signature _____

Notice (for legal entities)		Resident	_
		Non-resident	_
Transmitter _____			
(legal entity's name or			
name of the legal entity's branch, representative office,			
TRN _____			
structural subdivision)			
Transmitter's address and telephone number _____			
Beneficiary _____		TRN	_____

(tax committee)
 Beneficiary's bank _____ BIK _____
 (territorial bodies of the Treasury)

Name of payment	KBK	KNP	Amount
Corporate income tax			
Excise duties			
VAT			
Social tax			

Total (amount in words): _____ Date _____

Cashier | CEO's name _____ Chief accountant's name and initials _____
 | and initials _____ | name and initials _____
 | Signature _____ Stamp Signature _____

Appendix N 4
to the Rules for Non-Cash Payments and
Remittances on the Territory of the
Republic of Kazakhstan Without Opening a
Banking Account <*>

Footnote. The Rules are amended by Appendix 4 - by the Resolution of the Board of the National Bank of the RK dated July 4, 2003 N 204 (effective from January 1, 2004).

Receipt (for pension payments)	Resident _____ Non-resident _____		
Transmitter _____ TRN _____			
Transmitter's address and telephone number _____			
Beneficiary _____ TRN _____ IIK _____			
(наименование пенсионного фонда)			
Beneficiary's bank _____ BIK _____			
Intermediary bank State Pension			
Payment Center TRN _____ IIK _____			
Head Almaty branch			
of the National bank of the Republic of Kazakhstan BIK _____			
Name of payment	Period	KNP	Amount
Compulsory pension contributions		010	
Voluntary pension contributions		013	
Fine		019	
Total (amount in words):			Date _____
Cashier: Transmitter's name and initials _____			
Signature _____ Stamp (if any) _____			

No	Social individual code	Surname, name, father's name	Surname, father's name in registration card to obtain social individual code (indicate, if changed)	Date of birth	TRN	Amount
1.						
2.						
3.						

Date _____

Transmitter's name and initials _____

Signature _____ Stamp (if any) _____

Notice (for pension payments) Resident _____
 Non-resident _____
 Transmitter _____ TRN _____
 Transmitter's address and telephone number _____

Beneficiary _____ TRN _____ IIK _____
 (наименование пенсионного фонда)
 Beneficiary's bank _____ BIK _____
 Intermediary bank State Pension
 Payment Center TRN _____ IIK _____
 Head Almaty branch
 of the National bank of the Republic of Kazakhstan BIK _____

Name of payment	Period	KNP	Amount
Compulsory pension contributions		010	
Voluntary pension contributions		013	
Fine		019	
Total (amount in words):			Date _____

Cashier: Transmitter's name and initials _____
 Signature _____ Stamp (if any) _____

No	Social individual code	Surname, name, father's name	Surname, father's name in registration card to obtain social individual code (indicate, if changed)	Date of birth	TRN	Amount
1.						
2.						
3.						

Date _____
 Transmitter's name and initials _____
 Signature _____

Stamp (if any)

Chairman