EBRPLC/EAZZYxx-/xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Kuwa xxx/ xx, xxxxxxxxxxxxx

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
Nomero ya telefoni: xxxxxxxxxxxxxxxxxxxx
Imeyili: xxxxxxxxxxxxxxxxxxxx

rya: XXXXXXX

XXXXXX,

Impamvu: Amasezerano y' **INGUZANYO**

Ikigo cy'imari (nk'uko bisobanurwa muri aya masezerano) kishimiye kuguha inguzanyo ivugwa hasi ("Inguzanyo") hashingiwe ku mategeko n'amabwiriza bikurikira:

IGICE CYA A:
Ibisobanuro n'imikoreshereze by'amagambo;

1.1 "Banki" bivuga Equity Bank Rwanda PLC, ikigo gifite uburyozwe bushingiye ku imigabane cyanditswe mu buryo bwemewe n'amategeko y'u Rwanda agenga ibigo cy'ubucuruzi, gifite nimero 102229882 kandi cyemerewe gukora nk'ikigo cy'imari gifite icyicaro mu nyubako ya Grand Pension Plazza Kigali-Rwanda kandi gifite agasanduku k'Iposita 494 Kigali, Rwanda, aho bishoboka harimo n'abazungura bacyo n'abafite uburenganzira (b'ako kanya cyangwa ababakomokaho).

1.2 "Ugurijwe" bivuga **XXXXXXXXXXXXXXX** ufite imeyili XXXXXXXXXXXXXX**, na** nimero y 'irangamuntu **XXXXXXXXXXXXXXXXX** inyito ikoreshwa aho bishoboka ku bazungura be bemewe n'abandi babiherewe uburenganzira.

1.3 "Umunsi w'akazi" bivuga indi minsi yose itari ku wa gatandatu, ku cyumweru cyangwa umunsi w'ikiruhuko rusange aho Banki zifungura kugira ngo zikore imirimo rusange muri Repubulika y'u Rwanda.

1.4 "Ingwate" ikubiyemo ingwate ku mutungo utimukanwa iyo ari yo yose, igishamikiyeho umwenda (cyaba ndakuka cyangwa kigenda gihinduka), ingwate ku mutungo wimukanwa, uburenganzira, kwegurirwa umutungo binyujijwe mu ngwate, inyungu ku ngwate, kubikirwa umutungo, amasezerano

y’ubwizerane, uburenganzira bw’ibanze bwo guhuza imyenda, ikirego cyo kwiregura, uburenganzira bwa Banki, cyangwa ikindi kintu cyose gishamikiyeho umwenda gitanga inshingano ku muntu uwo ari we wese cyangwa gitanga uburenganzira bwo kwishurwa mbere ku bijyanye n'inshingano iyo ari yo yose y’umuntu uwo ari we wese.

1.5 “Ibifatwa nko kutishyura” bivuga igikorwa icyo ari cyo cyose mu bivugwa mu gice cya 5 cy'aya masezerano.

1.6 “Inguzanyo” bivuga inguzanyo ya Banki yatanzwe n'Ikigo cy'imari nk’uko bigaragara mu Gice cya B cy’iya baruwa.

1.7 “Ijanisha ry’Inyungu” bivuga ingano y’inyungu ku nguzanyo nk’uko bigaragara mu gice cya B kiri hasi, ari ryo janisha ry’inyungu rishobora rimwe na rimwe guhindurwa n'Ikigo cy'imari nyuma yo kubimenyesha ugurijwe ariko mu buryo bwemewe n'amategeko.

1.8 “Amasezerano” bivuga iyi nyandiko y'Inguzanyo.

1.9 “Ingwate” bivuga inyandiko y'ingwate ivugwa mu gice cya B.2 cy’iyi nyandiko cyangwa indi ngwate ishyirwaho cyangwa ishobora gushyirwaho n’uhawe inguzanyo cyangwa abisabwe n’undi ku nyungu Banki (Nk’uko bigenwa n’Ikigo cy'imari) kugira ngo hishingirwe ubwishyu bw’inguzanyo cyangwa indi ngwate cyangwa amasezerano cyangwa ubundi bwumvikane bifite ingaruka zimwe.

1.10 “FRW” n' “Amafaranga y’u Rwanda” bivuga ifaranga ry'u Rwanda ryemewe n’amategeko.

1.11 Ijambo “Umutwe” ukoreshwa muri iyi baruwa wakoreshejwe kugira ngo iyuzuze gusa, kandi ntifatwa nka kimwe mu bigize ibikubiye muri iyi baruwa.

1.12 Ijambo "Umuntu/Ikigo" rikubiyemo umuntu uwo ari we wese, ikigo, ikigo cy’ubucuruzi, isosiyete, ikigo cya Leta, cyangwa ishyirahamwe, ikigega cy’ubwizerane, imishinga ihuriweho, ihuriro, ubufatanye cyangwa ikindi kigo (cyaba gifite ubuzimagatozi butandukanye) cyangwa ishami ryacyo.

1.13 Kwifashisha amasezerano ayo ari yo yose, inyandiko (harimo n'iyi baruwa) bisobanura, ayo masezerano, inyandiko (harimo n'iyi baruwa) nk'uko byagiye byuzuzwa cyangwa bihindurwa hagati y’ababikoranye hakurikijwe

1.14 Kwifashisha ibiteganywa n'ibice, ingingo, ibika n’ imigereka, keretse iyo biteganijwe ukundi, bigomba gusobanurwa nk’ibice, ingingo, ibika n’imigereka by’iyi baruwa.

IGICE CYA B: Inguzanyo

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Nomero ya telefoni: xxxxxxxxxxxxxxxxxxxx

Imeyili: xxxxxxxxxxxxxxxxxxxx

rya: XXXXXXX

XXXXXX,

1. Imiterere y'inguzanyo:

Ubwoko bw'inguzanyo	**Ingano y'inguzanyo -**
Inguzanyo y'ubucuruzi	Frw XXXXXXX/= (Amafaranga y'u Rwanda XXXXXXXXXXX yonyine)

2. **Imiterere y'inguzanyo:**

Impamvu:	XXXXXXXXXXXXXXXXXXX
Igihe cyo kwishura:	XXXXXX (XX)
Ifaranga:	Amafaranga y'u Rwanda (Frw)
Ijanisha ry'inyungu:	XXX % agenda agabanuka
Amafaranga acibwa n'Umufuragiro:	Inguzanyo yasabwe ikenera ko hishyurwa amafaranga yo kwiga idosiye yo kwaka inguzanyo n'igenagaciro ry'inguzanyo kuri serivisi zihabwa uwaka inguzanyo mu gihe hasuzumwa ubusabe bw'inguzanyo. Uwaka inguzanyo agomba kwishyura 1 % ni ukuvuga amafaranga Miliyoni Imwe n'ibihumbi Mirongo Itanu XXXXXX Frw). Amafaranga yo kwaka inguzanyo hamwe n'ayo gusuzuma inguzanyo bitangirwa umusoro ku nyongeragaciro mu gihe cyo kwishyura (ubu ni 18% bingana na Frw CCCCCCCgusa. Umufaragiro ndetse n'umusoro yose yishyurwa n'uwatse inguzanyo cyangwa agakurwa ku inguzanyo yatse mugihe cyo kuyitanga.
Ubwishyu	Amafaranga azahabwa Uwatse inguzanyo ntashobora kurenga Frw XXXXXXXX/= (XXXXXXXXyonyine) nanone kandi aya

	mafaranga azashyirwa kuri konti y'Uwatse inguzanyo hamaze gukurwamo amafaranga y'umufuragiro, umusoro ku nyongeragaciro n'ubwishingizi mugihe atanzwe hakoreshejwe uburyo bw'ikoranabuhanga (XXX) .Ashobora kandi gutangwa hakoreshejwe ubundi buryo bw'ikoranabuhanga (XXXX) aho umukiriya ashyirirwa kuri konti ye amafaranga yose maze ikatwa ry'ibyumvikanweho rigakorwa nyuma. Uwatse inguzanyo ayishyurira mu buryo butaziguye kuri konti ye isanzwe cyangwa iyo kwizigama mugihe XXXXX XXXXX (XX) bigizwe n'-umwenda remezo n'inyungu bihwanye n'igiteranyo cyaXXXXXX Frw (XXXXXXXXXXXX) buri Kwezi kugeza igihe inguzanyo yishyuwe yose
Ijanisha ry'inyungu z'ibihano k'ubukererwe mukwishyura.	Ijanisha ry'inyungu z'ibihano k'ubukererwe nukwishyura ringana na 6% kumwaka rizongerwa ku ijanisha ry'inyungu isanzwe yemeranijweho.
Ijanisha ry'inyungu kumwenda wishyuwe mbere y'igihe cyemeranyijwe.	Mugihe inguzanyo yose yishyuwe mbere y'igihe cyemeranyijwe uwahawe inguzanyo akishyurirwa n'indi Banki cyangwa ikigo kimari, icyo gihe azacibwa Umunani ku ijana (8%) kungano y'inguzanyo azaba asigaje kwishyura ndetse n'inyungu zigezweho.Ariko kandi iyo Uwagurijwe yishyuye kugiti cye ,acibwa 0%.

Ubwishingizi bw'Umwenda	Imitungo kimwe n'ibindi bintu byose -bizakoreshwamo iyi nguzanyo cyangwa ifatwa nk'ingwate, Uwatse inguzanyo agomba kubifatira ubwishingizi bw'impanuka y'inkongi y'umuriro, umutingito, ibintu byose biturika, inkuba n'ubundi bwishingizi bujyanye n'ubukungu cyangwa imyenda n'ibindi. Uwatse inguzanyo agomba kumenyesha ikigo cy'ubwishingizi ibyerekeye umutungo w'imari cyangwa umwenda biri mu nyungu za Banki no guha Banki amasezerano y'ubwishingizi yemeza ko ariyo izishyurwa igihe icyishingiwe kizaba cyabaye. Amafaranga y'ubwishingizi agenwa n'umwishingizi. Uwatse inguzanyo yemereye Banki gukura kuri konti cyangwa za konti ze amafaranga asabwa mu kwishyura ubwishingizi yishyurwa mu gihe cy'ivugururwa ry'ibiteganywa n'ubwishingizi. Zirikana ko Banki itaryozwa ibifite aho bihuriye no gukoresha ubwo bubasha. Uwatse inguzanyo -yiyemeje gukora ku buryo konti iba -iriho amafaranga ahagije, ku matariki yo kwishyura ubwishingizi, kugira ngo Banki ibe yashobora kuyakuraho - Kwishyura amafaranga yo kuvugurura amasezerano y'ubwishingizi ni ngombwa kugira ngo inguzanyo yemerewe Uwayatse ikomeze -kwishyingirwa.
Ubwishingizi bw'Ubuzima	**<u>Ubwishingizi bw'ubuzima bugenwa n'ikigo cy'ubwishingizi</u>** **<u>Igihe impande zombi zemeranyijwe iyishyurwa ry'ubwishingizi bwa buri mwaka:</u>** Ugurijwe yishyura amafaranga yagenwe n'ikigo cy 'ubwishingizi mu mwaka wambere w 'inguzanyo ndetse no kwishyura buri mwaka amafaranga y'ivugurura ry'ubwishingizi ku inguzanyo isigaye. Mugihe Ugurijwe adafite amafaranga ahagije kuri konti ye mugihe cy'ivugurura ry'ubwishingizi, banki ifite uburenganzira busesuye

	bwo kumuha inguzanyo ingana n'amafaranga yasabwaga kugirango habeho ivugururwa ry'ubwishingizi bigakorwa mugihe cy'umunsi umwe.Igihe habayeho kutishyura iyo nguzanyo ahawe kubwo kuvugurura ubwishingizi ,inyungu z'ubukererwe zizamurwa ku ijanisha ry'Inyungu rya cumi n'umunani ku Ijana (18%) bigakorwa hatabayeho kubyumvikana no kubimenyesha Ugurijwe,Iyo inguzanyo y'ubwishingizi ahawe yishyuzwa na banki muburyo busanzwe . Zirikana ko Banki itaryozwa ibifite aho bihuriye no gukoresha ubwo bubasha **Igihe impande zombi zemeranyije iyishyurwa ry'ubwishingizi ingunga imwe:** Ugurijwe azishyura amafaranga yose yagenwe n'ikigo cy'ubwishingizi kugirango inguzanyo yemerewe ikomeze kwishingirwa mugihe cyose inguzanyo izamara.

3. INGWATE:

Inguzanyo yakwa kimwe n'izindi zisanzweho zigomba kwishingirwa mu buryo bukurikira

3.1 Ingwate -ku rwego rwa mbere inganaXXXXXX Frw mu mutungo ufite - UPI: **XXXXXXXXX** giherereye XXXXXXXXXX cyanditswe kuri **XXXXXXXXXXXXXXXXXXXXXXX** kigomba kwandikwa kinaterwaho kashi ku bwa Equity Bank Rwanda PLC mu gihe cy'amezi XXXXXXXXX (XXX).

3.2 Inyandiko yegurira Equity Bank Rwanda PLC inyungu zikomoka ku bikorwa by'ubucuruzi na amafaranga yose akomoka ku bukode**.**

3.3 Ubwishingizi bw'umwenda bwa **XXXXXXXXXXXXX** bwo kwishyurira Uwagurijwe umwenda wa Frw **XXXXXX** bwasinyiwe imbere ya Notaire bugahabwa Equity bank Rwanda plc.

4. Ibisabwa kugirango uhabwe inguzanyo

Keretse Ikigo cy'imari kibitanzemo inama ukundi mu nyandiko, guha inguzanyo Uwatse inguzanyo bishingira kuri ibi bikurikira:

4.1 Inguzanyo yishyurwa buri kwezi.

4.2 Uwatse inguzanyo agomba gushyira amafaranga ahagije kuri konti kugira ngo abashe kwishyura inguzanyo ku gihe kandi kutabyubahiriza bituma hakurikiraho uburyo bwo kwishyuzwa nk'uko buteganywa n'amategeko abigenga

4.3 Uwatse inguzanyo agomba gushyira amafaranga ahagije kuri konti kugira ngo abashe kwishyura inguzanyo ku gihe kandi kutabyubahiriza bituma hakurikiraho uburyo bwo kwishyuzwa nk'uko buteganywa n'amategeko abigenga.

4.4 Igenagaciro rigomba gukorwa k'umutungo watanzwe nk'ingwate, kandi bigakorwa n'umugenagaciro ufite amasezerano na Equity Bank Rwanda Plc. Iri genagaciro rizata agaciro nyuma y'imwaka itatu (3) icyo gihe hazakenerwa gukorwa igenegaciro rishya rikozwe n'umugenagaciro wa banki kandi rikishyurwa n'umukiriya, mugihe bidakozwe hashize iminsi mirongo itatu (30), Banki izaba ifite uburenganzira bwo gukoresha igenagaciro iryakozwe rikazishyurwa n'umukiriya.

4.5 Ubwishingizi bw'ibyago byose bugomba gufatwa binyuze mu bahagarariye umwishingizi cyangwa umwishingizi cyangwa bombi batoranyijwe n'Uwatse inguzanyo mu batanga izo serivisi bemejwe n'itsinda rya Banki ribishinzwe, hazirikanwa inyungu za Banki.

4.6 Inyandiko nsezeranyabwishyu ya **XXXXXXXX**Frw agomba guhita yishyurwa

4.7 Ingwate igomba kwandikishwa mbere y'uko inguzanyo itangwa.

4.8 Equity Bank Rwanda PLC igomba kuba ariyo banki yibanze ubitsamo

4.9 Inyandiko imenyesha amakuru y'ingenzi ivuguruye hakurikije amasezerano y'umwenda yashyizweho umukono n'usaba umwenda mu gihe cy'isinywa ry'amasezerano y'umwenda

4.10 Gutanga icyemezo cyo kutabamo umusoro w'ikigo cy'Igihugu cy'imisoro n'amahoro

4.11 Gutanga icyemezo cy'irangamimerere.

4.12 Ugurijwe asabwe gutanga raporo y'imyenda (CRB) igaragaza ko ntamyenda afite itishyurwa neza

4.13 Amafaranga yandi yose asabwa agomba kwishyurwa n'uwatse inguzanyo.

4.14 Kutubahiriza ibisabwa ku nguzabyo iyo ari yo yose mu zahawe uwatse inguzanyo cyangwa umuntu cyangwa abantu yishingiye (yaba yaratanzwe mu mafaranga cyangwa mubundi buryo butari ubwa mafaranga biba imbogamizi ku guhabwa iyi nguzanyo.

4.15 Inguzanyo zigomba kwishyurwa binyuze kuri konti y'abayatse kandi mu gihe konti zidafite amafaranga ahagije kugira ngo bashobore kwishyura, Banki ikura amafaranga kuri konti z'ikigo mu mafaranga ayo ari yo yose itabanje kubimenyesha ikigo cyangwa uwatse inguzanyo n'abanyamigabane.

4.16 Ugurijwe agomba kubitsa muri Equity Bank Rwanda plc amafaranga yose akomoka mubucuruzi bwe ku kigero cy'Ijana ku Ijana (100%), hagakorwa igenzurwa rya buri gihembwe.Mugihe bitubahirijwe hakazabaho kuzamurirwa inyungu ku inguzanyo izaba isigaye ku kigero cya kabiri ku ijana (2%).

4.17 Uruhare rw'umukiriya ni **150,988,200frw** rugomba kugaragazwa mbere yo guhabwa icyiro cyambere cy'inguzanyo.

4.18 Inguzanyo izatangwa mu byiciro bitatu(3) , icyiciro cya mbere ni 50,000,000frw/=gusa ,icyiciro cya kabiri ni 30,000,000/=Gusa, icyiciro cya gatatu ni 20,000,000/=gusa. Icyiciro cyanyuma cy'inguzanyo kigomba gutangwa nyuma yuko umugena gaciro wa banki (internal valuer) yemeje ko uruhare rw'umukiriya rwamaze kugokershwa.

4.19 Igenagaciro rivuguruye rigomba gukorwa k'umutungo watanzwe nk'ingwate nyuma yo kurangiza kubaka.

Icyakora, hashingiwe ku mpamvu zumvikana, inguzanyo ishobora gutangwa mbere kuzuza bimwe mu bisabwa n'umuyobozi w'inguzanyo cyangwa umuhagarariye ibyemeza.

5. UBWISHINGIZI:

a. Uwatse inguzanyo yiyemeza gufata ubwishingizi bw'umutungo w'ibikorwa bye, mu mazina ye n'aya Banki, ku bw'igihombo cyangwa ibyakwangizwa n'inkongi y'umuriro, impanuka, iby'abandi yaryozwa n'ibyakwangizwa n'imvururu, mu kigo cy'ubwishingizi cyemewe n'amategeko agenga ubwishingizi, kandi Uwatse inguzanyo aniyemeza kwishyurira igihe ikiguzi cy'ubwishingizi n'andi amafaranga yose yishyurwa ku bijyanye n'ubwishingizi kandi ko Utanga inguzanyo avugwa muri ayo masezerano y'ubwishingizi nk'uwishyurwa mbere igihe cyose ku gihombo cyaterwa n'inguzanyo itarishyurwa.

b. Uwatse inguzanyo afite uburenganzira bwo guhitamo utanga ubwishingizi cyangwa umuhuza mu bwishingizi, ku rutonde rw'abatanga ubwishingizi cyangwa abahuza mu bwishingizi bemewe n'urwego rushinzwe kugenzura iby'ubwishingizi, ariko akemezwa n'Abatanga inguzanyo.

IGICE CYA B:

1. Inyungu:

1.1 Uwatse inguzanyo akomeza kwishyura inyungu mbere na nyuma yo kugwa mu gihombo cyangwa iyegeranya n'igabagabanya ry'umutungo riturutse ku gihombo ryemejwe n'urukiko (mu gihe bibaye ngombwa). Inyungu (zaba inyungu zisanzwe cyangwa inyungu z'ubukerererwe) zibarwa umunsi ku munsi, zikabarwa ku mafaranga asigayemo, habariwemo n'umunsi wa mbere n'uwa nyuma zibarwamo hakurikijwe umubare nyawo w'iminsi irangiye habariwe ku minsi 365 igize umwaka, zikavanwa kuri konti y'Uwatse inguzanyo zigakurwa kuri konti afite muri banki hakurikijwe uburyo busanzwe bwa Banki bwa buri kwezi ku birarane kandi zikiyongera mu gihe hatabayeho kwishyura ku gihe.

1.2 Banki iha Uwatse inguzanyo integuza y'iminsi mirongo itatu (30) nibura mbere y'ihindurwa ry'ijanisha ry'inyungu agomba kwishyura, kandi muri icyo gihe, Uwatse inguzanyo na Banki baraganira maze bakemeranya ijanisha ry'inyungu rikwiye. Uwatse inguzanyo azirikana ko Banki izafatwa nk'iyatanze imenyesha rikwiye iryo menyesha ryohererezwa uwatse inguzanyo binyuze muri bumwe mu buryo buteganijwe mu ngingo ya 14 iri hepfo. Icyemezo cya Banki ku ijanisha ry'inyungu n'ingano y'inyungu zigomba kwishyurwa hakurikijwe ibiteganywa n'iki gika, ni zo zishyurwa, keretse mu gihe hakozwemo ikosa rigaragara.

2. Amafaranga acibwa:

2.1 Usibye amafaranga avugwa hano, Uwatse inguzanyo yishyura Banki ayo mafaranga hamwe n'andi yasabwa hakurikijwe igiciro Banki yashyizeho, igihe icyo ari cyo cyose bitanyuranyije n'amategeko.

3. Ingwate:

3.1 Uwaka inguzanyo ashyiraho (kandi akanagenzura ko umwishingira yashyizeho) ibiranga ingwate ya banki bivugwa mu gace ka A k'aya masezerano cyangwa indi ngwate banki yakenera igihe icyo ari cyo cyose kugira ngo Uwaka inguzanyo ashobore kuzuza inshingano ze.

3.2 Ingwate igomba gukomeza kuba ingwate ihoraho mu gihe cyose cyo kwishyura amafaranga agomba kwishurwa banki n'iyo habaho ubundi bwishyu bukorwa hagati mu gihe cyo kwishyura, cyangwa igihombo, iseswa, icungamutungo cyangwa iseswa ry'Ubucuruzi (mu gihe bibaye ngombwa) cyangwa habaye impinduka ku mimerere, ibyo afite cyangwa uruhare rwe cyangwa kuba nyir'ikintu ku birebana no kwishyura umwenda wose harimo n'inyungu, amafaranga asabwa , umufuragiro, ikiguzi, acibwa kimwe n'ubwishyu bw'ibyakozwe no kwishyura uburyozwe bwose, bwaba uburiho ubu cyangwa ubuzabaho mu gihe kizaza, yaba ubuzwi cyangwa ubuteganywa ko bushobora kubaho, Uwatse inguzanyo ashobora kuryozwa na banki ubu cyangwa igihe icyo aricyo cyose akaba yakongerwaho kandi bitabangamiye indi ngwate iyo ari yo yose banki ishobora kuba ifite ijyanye n'ubwo buryozwe.

3.3 Ingwate iyo ari yo yose banki ifite kubera indi nguzanyo yaba yarahaye Uwatse inguzanyo ifatwa nk'iy'iyo nguzanyo kandi ingwate zivugwa aha zifatwa nk'izatangiwe indi nguzanyo yatanzwe, ndetse zikanafatwa nk'izatangiwe izindi nguzanyo zisanzwe zihari cyangwa zizahabwa Uwatse inguzanyo mu gihe kizaza.

3.3.1 Banki ifite uburenganzira bwo gukomatanya ingwate.

4. Uguhagararira no Kwishingira:

4.1 Uwatse inguzanyo ahagararira kandi akizeza banki ko:

4.1.1. Ari ikigo cy'abikorera cyanditswe kandi gikora mu buryo buteganywa n'amategeko ya Repubulika y'u Rwanda kandi gifite ububasha bwo kugira umutungo, kikaba gikora ubucuruzi nk'uko bukorwa ubu kandi kikaba gishobora gufata inshingano, kikazubahiriza kandi kikazishyira mu bikorwa nk'uko biteganywa n'ibikubiye muri aya masezerano;

4.1.2 Iyi nyandiko ikubiyemo inshingano zemewe kandi zifatwa nk'itegeko Uwatse inguzanyo ashyira mu bikorwa hakurikijwe ibyo iteganya;

4.1.3 Ntabwo gushyira umukono kuri aya masezerano cyangwa kubahiriza ibyo ateganya bishobora kuvuguruzanya cyangwa bikavamo kutubahiriza ibisabwa ibyo ari byo byose cyangwa ibiteganywa cyangwa ngo bibe bitakubahirizwa uko byakabaye cyangwa bisaba ukwemeranya uko ari ko kose mu masezerano yo kwishyuza inguzanyo ifitiwe ingwate cyangwa indi nyandiko cyangwa ubundi bwumvikane Uwatse inguzanyo yagizemo uruhare cyangwa agomba kubahiriza cyangwa inyandiko y'ishingwa y'Uwatse inguzanyo cyangwa icyemezo cy'urukiko, itegeko cyangwa amabwiriza bireba Uwatse inguzanyo cyangwa ubucuruzi bukorwa n'Uwatse inguzanyo;

4.1.4 Uwatse inguzanyo yemerewe kandi afite uruhushya rwo gukora ibikorwa bibyara inyungu akora ubu;

4.1.5 Nta byishyuzwa cyangwa amasezerano cyangwa ubwumvikane byaba bifite ibigomba kubahirizwa cyangwa ntabyo byashyizweho n'Uwatse inguzanyo cyangwa Umwishingizi (aho bishoboka) ku byishyuzwa ibyo ari byo byose cyangwa ku ngwate yatanze kubera inguzanyo yahawe;

4.1.6 Uwatse inguzanyo ntagira uruhare cyangwa ngo ahangayikishwe n'ikirego, ubukemurampaka ubwo aribwo bwose cyangwa ikirego cyo mu rwego rw'ubutegetsi aho ibyavamo bishobora kugira ingaruka kuri

gahunda z’ubucuruzi cyangwa ku miterere y’ubukungu cyangwa bigatuma Uwatse inguzanyo adashobora kubahiriza cyangwa gukora inshingano ze ziteganywa n'iyi nyandiko;
4.1.7 Uwatse inguzanyo ntanyuranya n’ibiteganywa mu nyandiko y’ubwumvikane, amategeko shingiro by'Uwatse inguzanyo cyangwa ubundi buryo bw’ishyirwaho cyangwa inyandiko z’iyandikwa (uko bikwiye) cyangwa andi mategeko cyangwa amabwiriza y’urwego rubifitiye ububasha mu Rwanda kandi nta cyemezo cy’urukiko cyangwa itegeko byatanzwe byagize cyangwa bishobora kugira ingaruka zikomeye kuri gahunda z’ubucuruzi bw’Uwatse inguzanyo cyangwa ku miterere y’ubukungu cyangwa bigatuma Uwatse inguzanyo adashobora kubahiriza cyangwa gukora inshingano ze ziteganywa n'iyi nyandiko;

4.1.8 Nta kintu cyabaye cyangwa impamvu cyangwa mu gihe cyashize nyuma yo guhabwa imenyesha cyangwa gufata icyemezo cyafatwa nk’impamvu yo kutishyura hakurikijwe ibivugwa muri iyi nyandiko cyarabayeho kandi kigikomeza.
4.2 Guhagararira no kwizeza bivugwa muri iyi nyandiko bikomeza kugira agaciro k’Uwatse inguzanyo mu gihe cyose banki ikishyuza inguzanyo yahaye Uwatse inguzanyo.

5. Ibifatwa nko kutishyura:

5.1 iyo

5.1.1 Uwatse inguzanyo ananiwe kwishyura itariki yo kwishyura igeze amafaranga ayo ariyo yose cyangwa gukora inshingano cyangwa uburyozwe Uwatse inguzanyo agomba kwishyura banki cyangwa akananirwa kubahiriza amasezerano cyangwa ibiteganywa n’iyi nyandiko cyangwa akananirwa gukora inshingano nk'uko biteganywa mu nyandiko z’ingwate cyangwa, uguhagararirwa cyangwa kwizeza byahawe banki n’Uwatse inguzanyo bikaba atari byo cyangwa biyobya; cyangwa
5.1.2 Uwatse inguzanyo atubahirije ibiteganywa n'aya masezerano y’inguzanyo cyangwa andi masezerano ay’ariyo yose cyangwa inshingano zijyanye no kwaka umwenda akubiyemo imyenda yerekeye inguzanyo y’ubwoko ubwo ari bwo bwose kandi ikemera kwemeza cyangwa kugabanya inyandiko z’inguzanyo cyangwa ibyishyuzwa cyangwa ubukode butishyuwe n’indi myenda yose yaba iriho ubu cyangwa izabaho mu gihe kizaza y’umwenda w’ikodesha-gurisha, igurisha ritegeka ikodesha-gurisha (haba imari cyangwa ibikorwa) hamwe n’andi masezerano nk'ayo cyangwa ukundi kwishingirwa (ibyo bikaba bikubiyemo inshingano zose ziteganyijwe zerekeye inshingano cyangwa imyenda y’abandi bantu bose harimo abashingiye, indishyi zose cyangwa ingwate inyandiko zicuruzwa haba harimo inshingano ku rwego rwa mbere cyangwa rwa kabiri cyangwa uburyozwe) cyangwa niba hari inguzanyo cyangwa andi mafaranga yishyuwe ku byavuzwe biba cyangwa bishoboye kumenyekana ko byishyuwe mbere y’igihe cyagenywe cyangwa bitishyuwe mu gihe giteganyijwe; cyangwa

5.1.3 Imyanzuro yemejwe cyangwa ikirego cyatanzwe cyangwa icyemezo cyafashwe cyangwa iyo hatangiye iseswa ry'ibikorwa by'Uwatse inguzanyo; cyangwa

5.1.4 Uwahawe ingwate afata cyangwa akoresha cyangwa agerageza gukoresha ububasha bwo kugurisha cyangwa ushinzwe gucunga ingwate agashyirwaho kugira ngo acunge umutungo wose cyangwa igice cyawo cyangwa amafaranga Uwatse inguzanyo yinjiza; cyangwa

5.1.5 Icyemezo cy'urukiko icyo ari cyo cyose cyangwa itegeko byafatiwe Uwatse inguzanyo ntibyubahirizwe mu gihe cy'iminsi irindwi (7) cyangwa niba habaye kugishyira mu bikorwa ku ngufu cyangwa ubundi buryo bwashyizweho bukoreshejwe, bigakorwa ku gice cy'umutungo cyangwa amafaranga by'Uwatse inguzanyo; cyangwa

5.1.6 Uwatse inguzanyo yemeye gutangaza ko atemerewe ikiruhuko mu kwishyura cyangwa afatwa nk'utagishoboye kwishyura cyangwa yahagaritse, yananiwe cyangwa yirengagije cyangwa adashoboye (cyangwa afatwa nk'udashoboye) kwishyura imyenda ye igihe cyo kwishyura kigeze cyangwa itangazo ritumiza inama y'ababerewemo umwenda n'Uwatse inguzanyo cyangwa Uwatse inguzanyo agasaba cyangwa akumvikana n'ababerewemo umwenda muri rusange cyangwa icyiciro cyabo runaka; cyangwa

5.1.7 Uwatse inguzanyo atabanje kubyemererwa mu nyandiko na Banki, ahagarika cyangwa akamenyesha guhagarika imirimo y'ubucuruzi akora ku munsi yatangarijeho cyangwa yahagarikiyeho igice cy'ubucuruzi cyangwa agahindura imiterere n'uburyo akora ubucuruzi yatangiriyeho mu buryo ubwo aribwo bwose; cyangwa

5.1.8 Igice icyo aricyo cyose cy'umutungo cyangwa amafaranga Uwatse inguzanyo yinjiza byagurishijwe cyangwa bigatangwa (mu bundi buryo butari ubwo gucuruza busanzwe) cyangwa bigateganywa kugurishwa cyangwa gutangwa mu gikorwa cy'ubucuruzi kimwe cyangwa byinshi cyangwa bigakorwa mu buryo bwemewe n'igihugu cyangwa bukwiriye; cyangwa

5.1.9 Ingwate cyangwa inguzanyo ifite izindi ngwate z'inyongera cyangwa ingwate kuri iyo nguzanyo (cyangwa igice cyayo) yaba iriho ubu cyangwa ikabaho nyuma ishyirwa mu bikorwa ubu cyangwa ikananirwa cyangwa ntikomeze yose cyangwa ikareka gukomeza cyangwa igahagarikwa cyangwa itemeranywaho cyangwa ibangamiwe mu buryo butemewe cyangwa idashobora gukurikizwa cyangwa niba hari ibitarakozwe n'Uwatse inguzanyo cyangwa umuntu cyangwa abantu batanga ingwate cyangwa urundi ruhande bireba;

5.1.10 Uruhushya urwo arirwo rwose, iyemererwa, ubwumvikane cyangwa iyandikisha igihe icyo ari cyo cyose bituma Uwatse inguzanyo yubahiriza inshingano za Banki cyangwa kugira ngo akore ubucuruzi mu buryo busanzwe bikuweho, bifatiriwe cyangwa bihinduwe cyangwa ntibitangwe cyangwa byandikwe, kandi bigakurwaho mu buryo bidakomeza kugira agaciro; cyangwa

5.1.11 Kutubahiriza amategeko n'amabwiriza (iyo bihari) byemejwe cyangwa bivugwa mu nyandiko ijyanye n'ingwate yatanzwe; cyangwa

5.1.12 Iyo ibyavuzwe hejuru byose byabaye banki itabanje kubyemera mbere mu nyandiko ku bijyanye n'undi muntu akaba yarishingiye cyangwa yaratanze ingwate cyangwa yaratanze indishyi ku bijyanye n'inguzanyo (cyangwa igice cyayo) cyangwa ku kigo cy'ubucuruzi gishamikiye ku kindi cyangwa ikigo cy'ubucuruzi kibumbiyemo izindi (nk'uko biteganywa mu gace ka 154 k'itegeko rigenga ibigo by'ubucuruzi) ku kigo icyo ari cyo cyose gifasha cyangwa ikigo cy'Uwatse inguzanyo cyangwa icy'undi muntu; cyangwa

5.1.13 Icyemezo icyo ari cyo cyose cyafashwe hakurikijwe itegeko ryubahirizwa, gitegeka ko ingwate iyo ariyo yose yatanzwe ivanwa mu bugwate; cyangwa

5.1.14 Binyuranyije n'amategeko cyangwa bidashoboka cyangwa bikaba bihenze cyangwa bigoye (nk'uko banki yabiteganya yo ubwayo) kugirango Banki ikore cyangwa ibungabunge cyangwa itange iyo nguzanyo cyangwa igice cyayo; cyangwa

5.1.15 Habaho ihererekanya (haba mu gikorwa kimwe cy'ubucuruzi cyangwa byinshi) k'ubifitemo inyungu zirenga mirongo itanu kw'ijana (50%) by'umugabane w'amafaranga wahawe abatse inguzanyo cyangwa kugabana cyangwa gutanga imigabane iyo ari yo yose ku bantu batari ba nyir'imigabane ku munsi wemejwe cyangwa niba hazabaho gusimbura abagize inama y'ubutegetsi cyangwa ubuyobozi bukuru butari bwaremejwe na banki mu nyandiko mbere cyangwa banki ikaba ibona ko (byemezwa na Banki mu bwisanzure bwayo) bigira ingaruka zikomeye ku bushobozi bw'Uwatse inguzanyo mu guhsyira mu bikorwa neza inshingano ze za Banki; cyangwa

5.1.16 hazabaho ikindi kintu icyo ari cyo cyose cyangwa impamvu banki ibona ko (byemezwa na Banki mu bwisanzure bwayo) bigira ingaruka zikomeye ku bushobozi bw'Uwatse inguzanyo mu gushyira mu bikorwa neza inshingano ze za Banki; cyangwa

5.2 Inguzanyo ihita igeza igihe cyagenwe kandi ikishyurwa kandi Uwatse inguzanyo akishyura banki amafaranga yose asigaye hamwe n'inyungu bijyanye n'ikindi kiguzi cyose n'ibyishyurwa bigejeje igihe cyagenwe bikishyurwa banki hakurikijwe ibiteganywa mu ngwate kandi banki igahagarika kugira ibyo ibaza Uwatse inguzanyo kandi ikaba ifite uburenganzira bwo kuba yarega kugirango isubizwe ibyatanzwe (igisigaye ku byatanzwe) igahita yishyuza cyangwa igakoresha ububasha n'uburenganzira ihabwa n'amasezerano y'ingwate;

6. Izindi nshingano:

6.1 Gutanga inguzanyo bishingira ku:

6.1.1 Kuba Uwaka inguzanyo n'Abishingizi bemera ibikubiye mur'aya masezerano;

6.1.2 Kuba Banki yaramaze kubona (mu buryo bw'ireme banki yemera) inyandiko zasabwe na banki harimo icyemezo cy'iyandikwa ry'Uwaka inguzanyo, umubare-banga umuranga n'icyemezo cy'umusoro ku nyongeragaciro, inyandiko y'ubwimvikane n'inyandiko z'iyandikwa, ibiranga abayobozi b'inama y'ubutegetsi, imenyekanisha ry'umwaka, impapuro zerekana imari nk'uko bisabwa na banki hamwe n'indi myanzuro yose n'ibyemewe, uruhushya,ubwishingizi n'izindi nyandiko zose zasabwa na banki;

6.1.3 Guhagararira no kwishingira bivugwa muri iyi nyandiko bikaba ari ukuri kandi bikaguma ari ukuri binasobanutse buri gihe nk'aho buri kimwe cyose hakurikijwe ibimenyetso n'impamvu byari bihari icyo gihe;

6.1.4 Banki yarabonye amafaranga yose y'ibyishyurwa, Uwatse inguzanyo asabwa kwishyura mu gihe igihe cyo kuyishyura cyageze

6.1.5 Ibisabwa kugirango uhabwe inguzanyo byakozwe no kwishyura biteganywa mu gice A cyay'amasezerano byujujwe cyangwa byubahirijwe;

6.1.6 Nta kibazo cy'ibifatwa nko kutishyura cyabayeho kandi nta kintu cyabayeho cyafatwa nko kutubahiriza ibisabwa, haratanzwe imenyesha kandi igihe giteganyijwe kikaba cyarashize cyangwa banki yakoze ibyo igomba kugena,

6.1.7 Uwatse inguzanyo yubahirije ibisabwa mu buryo banki ibona ko bihuje n'intambamyi zose, amategeko n'amabwiriza byashyizweho na banki igihe cyose ku birebana no gutanga inguzanyo;

6.1.8 Kuboneka kw'amafaranga no kuba banki yubahiriza ibisabwa byose, amategeko n'amabwiriza byubahirizwa byashyizweho na Banki Nkuru y'u Rwanda igihe cyose cyangwa n'urundi rwego urwo ari rwo rwose rw'ubugenzuzi.

6.2 NO kuba Banki idashobora kuryozwa kunanirwa kubahiriza inshingano zayo bitewe n'impamvu banki idashobora kwigobotora cyangwa, mu buryo butaziguye cyangwa buziguye, bivuye ku byakorwa cyangwa ibitakozwe na Leta, urwego rwa Leta cyangwa urundi rwego rugenzura, imyigaragambyo, akato, guhagarika, ibikorwa byo mu rwego rw'imyemerere, kwivumbagatanya kwa rubanda cyangwa imidugararo.

7. Ibindi impande zombi zumvikanyeho:

7.1 Rimwe na rimwe kandi abisabwe na Banki, Uwatse inguzanyo azajya aha Banki amakuru igomba gusaba harimo kopi zerekana ubugenzuzi bw'inguzanyo, zerekana uko ubukungu bwifashe, impapuro zerekana amafaranga, inyungu n'igihombo hamwe no guhuza umutungo zateguwe hakurikijwe amahame mpuzamahanga y'ibaruramari.

7.2 Amafaranga yose agomba kandi ageze igihe yishyurwa kuri Banki hakurikijwe ibiteganywa n'ayamasezerano, igihe cyose yitabwaho mbere y'izindi nshingano zose z'Uwatse inguzanyo z'ubu n'izizaza

zidafite ingwate kandi zidateganijwe (harimo n'inshingano ziteganijwe) usibye inshingano ziteganijwe n'amategeko ariko zitari mu masezerano.

7.3 Atabanje Kubyemeranyaho na Banki mu nyandiko, Uwatse inguzanyo ntashobora guhindura imiterere y’imari shingiro kandi ateganya ko abanyamigabane badahererekanya cyangwa ngo batange imigabane iyo ari yo yose hatabayeho ubwumvikane kandi ko abayobozi bariho batabemerera guhererekanya cyangwa gutanga imigabane bafite mu watse inguzanyo.

7.4 Uwatse inguzanyo ntatanga ingwate iyo ari yo yose cyangwa yemere ko hatangwa ingwate, iturutse cyangwa ivuye cyangwa yaguwe mu mitungo yatanzweho ingwate ubu cyangwa mu bihe bizaza kugira ngo Uwatse inguzanyo yishyure imyenda (yindi atari iyi nguzanyo).

7.5 Uwatse inguzanyo yiyishyurira ubwishingizi kandi agakomeza gushinganisha (ndetse akishyura ubwishingizi bwose kimwe n'andi mafaranga akenewe kugira ngo ubwishingizi bukomeze bubeho) imitungo yose ibasha gutangirwa ubwishingizi ku mwishingizi wabanje kwemerwa na Banki mu nyandiko, agashinganisha igihombo cyangwa kwangirika kwaterwa n'inkongi y'umuriro, ubujura, imyivumbagatanyo ya rubanda, ibiturika, impanuka y'indege, umwuzure, imiraba, ikirere kibi, inkuba, guturika kw'imiyoboro kimwe n'ibindi byago ndetse n'biteganywa na Banki igihe cyose byasabwa kugira ngo huzuzwe agaciro kasimbura iyo mitungo igihe cyose, harimo n'amafaranga y'ubugenzuzi bw'abubatsi ndetse n'andi mafaranga y'umwuga yose n'ay'isenyuka ndetse n'aho iyo mitungo icibwa amafaranga cyangwa ikayacibwa kubera banki kugira ngo haboneke ubwo bwishingizi mu mazina ahuriweho y'Uwatse inguzanyo na banki cyangwa mu gihe banki ibikoze mu izina rw'Uwatse inguzanyo (mu gihe yananiwe kubikora maze banki ikiyemeza kongera ubwo bwishingizi mu mafaranga banki ubwayo yasohoye n'amafaranga yose yatanzwe na banki hakurikijwe ibiteganywa n'iyi ngingo agomba gusubizwa n'Uwatse inguzanyo mu gihe abisabwe no kwirengera inyungu hakurikijwe impuzandengo ivugwa muri ay’amasezerano). Inyungu ya banki igaragazwa mu masezerano kandi amasezerano aba akubiyemo izo ngingo kugira ngo Banki irengerwe nk'uko banki ishobora kubisaba mu buryo bwumvikana maze

7.6 Uwatse inguzanyo agomba igihe cyose kubahiriza no gukurikiza amasezerano yose, inshingano n'ibisabwa bikubiye muri iyi baruwa ndetse no mumasezerano y’Ubugwate.

8. Ubwishyu:

8.1 Ubwishyu bwose bugomba gukorwa hakurikijwe ibiteganywa nay’amasezerano kandi bukorwa mu buryo butaziguye mu masaha asanzwe y'akazi. Iyo hari amafaranga ateganywa nay’amasezerano agomba kwishyurwa ku munsi utari uw'akazi, ubwishyu bukora ku munsi w'akazi ukurikiraho. Ubwishyu bwose Uwatse inguranyo atanze hakurikijwe ibiteganywa n'iyi baruwa bukorwa binyuze kuri konti isanzwe

y'Uwatse inguzanyo iri muri Banki cyangwa kuri konti ya banki bitewe n'uko Banki yabimenyesheje Uwatse inguzanyo mu nyandiko igihe cyose.

8.2 Amafaranga yose yishyurwa n'Uwatse inguzanyo hakurikijwe ibiteganywa nay'amasezerano yishyurwa yose nta na make aburaho (agomba kwizigama uko bisabwa nk'uko biteganywa n'amategeko kugeza igihe biteganyijwe ukundi) maze akaba ari umwere anatunganye, nta na make agabanyijeho cyangwa ngo abe ayabitse ku ruhande. Iyo Uwatse inguzanyo asabwe n'amategeko kugabanya cyangwa kugumana amafaranga ku yo agomba kwishyura banki igihe icyo ari cyo cyose, Uwatse inguzanyo yihutira kwishyura banki ayo mafaranga arengaho kuko banki igomba kwakira amafaranga yuzuye yakakiriye nta yavanyweho cyangwa ngo asigaranwe, kandi agahita aha banki icyemezo cy'ayo mafaranga yari yakuyeho cyangwa yasigaranye hamwe nikigaragaza ko banki yanyuzwe no kuba ayo mafaranga yari yakuweho cyangwa yasigaranywe yishyuwe ku nzego zibishinzwe mu gihe yagombaga kuba yishyuwe..

8.3 Iyo inguzanyo iyo ari yo yose cyangwa igice cyayo bitanzwe cyangwa bikavunjwa mu rindi faranga ritari amanyarwanda, ntibikuraho inshingano z'Uwatse inguzanyo kwishyura keretse iyo kwishyura bikozwe muri iryo faranga rindi mu buryo kuyohereza ari ubuntu kandi yavunjwa. Amafaranga yose yakiriwe cyangwa yakiriwe nushinzwe gucunga ingwate nyuma y'uko bisabwe na banki avunjwa muri iryo faranga rindi mu gihe banki ibona ko biri ngombwa kandi ibyifuza kugira ngo irengere ishingano n'uburyozwe by'Uwatse inguzanyo bihari cyangwa biteganywa muri iryo faranga rindi ku giciro cy'ivunjisha cya banki nk'uko umwanzuro wafashwe na banki ubigena mu kugura iryo faranga rindi ku ifaranga risanzwe rihari ndetse n'Uwatse inguzanyo agaha banki indishyi kubera igiciro cyose banki yatanze irigura.

9. Kuvunja amafaranga y'inguzanyo:

Banki ishobora kuvunja amafaranga y'inguzanyo cyangwa igice cyayo mu rindi faranga iryo ari ryo ryose bitewe n'ubukererwe bw'Uwatse inguzanyo ku giciro cy'ivunjisha kigenwa ndetse n'amafaranga yose agomba kwishyurwa kimwe n'ayo agomba banki (hakubiyemo n'inyungu kimwe n'andi yatanzwe, ayaciwe n'ayasohotse) akishyurwa banki muri iryo faranga rishya.

10. Guhwanisha imyenda:

Banki igihe cyose itabanje gutanga imenyesha cyangwa kubisaba Uwatse inguzanyo kandi bitabangamiye uburyo bwo guhuza konti cyangwa ikindi kintu birebana, Banki ishobora guhuza cyangwa gukomatanya konti zose cyangwa konti imwe muzo uwatse inguzanyo asanganywe (iz'uwatse inguzanyo yaba ari umwe cyangwa izo afatanyije n'abandi) ziri muri banki aho zaba zihereye hose harimo na konti ziri mu mazina ya banki (zaba izisanzwe, izo kubitsaho, iz'inguzanyo cyangwa izindi izo ari zo zose, haba hatanzwe imenyesha cyangwa ntayo kandi mu ifaranga iryo ari ryo ryose) ndetse no gufatira cyangwa kohereza

amafaranga ayo ari yo yose ari mu mwenda kuri konti imwe cyangwa iyo ari yo yose muri zo,kugira ngo huzuzwe inshingano n'uburyozwe Uwatse inguzanyo agomba banki, byaba ari ibiriho ubu, ibizaza, ibyakozwe, ibiteganywa, iby'ibanze, ibishingiye ku ngwate, ibihuriweho cyangwa bihuriweho n'abantu benshi kandi Uwatse inguzanyo yiyambuye uburenganzira mu buryo butaziguye bwo guhwanisha imyenda ashobora kuba afite, kugeza ubu yemererwa n'amategeko, burebana n'ikirego yarega Banki ubu cyangwa yatanga nyuma.

11. Amafaranga yakoreshejwe n'indishyi:

Abisabwe, Uwatse inguzanyo yishyura banki ibyakoreshejwe, ayaciwe n'ayasohotse byakozwe hatangwa inguzanyo kandi, abisabwe, agasubiza banki ayasohotse yose harimo n'ayatanzwe na banki mu by'amategeko bifite aho bihuriye no kugirana ibiganiro by’ubwumvukane no gutegura ay’amasezerano ndetse no gutegura no kwandikisha ingwate, ndetse, abisabwe, akanasubiza banki amafaranga yose yatanzwe na banki mu gukurikirana no kwishyuza amafaranga ya banki yageze igihe cyo kwishyurwa hakurikijwe ibiteganywa n'iyi baruwa cyangwa ingwate cyangwa ubundi buryo bwo kurengera cyangwa kubahiriza uburenganzira bwayo buteganywa niyi baruwa cyangwa ingwate kandi Uwatse inguzanyo yishyura amafaranga yose yo mu by'amategeko, kashe n'imisoro n'amahoro (niba bihari) bishobora gukenerwa kuri ay’amasezerano no ku masezerano y’ubugwate cyangwa akanaha banki indishyi kubera uburyozwe bwose burebana cyangwa bwakomoka ku bukererwe ubwo ari bwo bwose cyangwa kwirengagiza/kwibeshya byakozwe n'Uwatse inguzanyo mu kuyishyura. Uwatse inguzayo aha banki indishyi z'igihombo banki yahuye nacyo bitewe n'inguzanyo yahawe.

12. Gushyiraho intumwa:

Bidasubirwaho, Uwatse inguzanyo ashyizeho banki ngo imubere intumwa kandi mu izina no mu mwanya w'Uwatse inguzanyo, ikore inshingano n'amasezerano n'ibindi uwatse inguzanyo yagakoze hakurijwe ibiteganywa nay’amasezerano bikubiyemo ndetse no muri rusange igakoresha izina ry'Uwatse inguzanyo igukoresha izina ry’uwatse inguzanyo, ububasha bumwe cyangwa bwose buvugwa muray’amasezerano cyangwa mumamategeko mu birebana na banki.

13. Kwandikisha ingwate

Kugira ngo ingwate yandikwe, Uwatse inguzanyo yemerera mu buryo bweruye Utanga inguzanyo kwiyandikishaho imitungo yimukanwa (nk'uko bivugwa mu ngingo ya 3).

Amafaranga yose yishyuwe ku bw'ibyo yishyurwa n'Uwatse inguzanyo kandi akishyurwa banki ikimumenyesha.

14. Inzira zifashishwa mugihe habayeho kutubahiriza ibisabwa

Mu gihe binaniranye kwishyura inyungu n'ishyingu nk'uko biteganyijwe muri gahunda yo kwishyura, banki ifite ububasha bwo gucunga, gukodesha, kugurisha cyangwa gufatira imitungo yatanzweho ingwate hakurikijwe ibiteganywa n'Itegeko nomero 10/2009 ryo ku wa 14 Gicurasi 2009 yerekeye ingwate nk'uko ryavuguruwe kugeza ubu ndetse hakurikijwe ibiteganywa n'Itegeko nomero 34/2013 ryo ku wa 24 Gicurasi 2013 ryerekeye inyungu ku ngwate y'imitungo yimukanwa.

Mu gihe iyo mitungo igurishijwe, banki ikurikiza amabwirizwa ateganywa n'Itegeko rigenga ingwate ndetse nandi ashyirwaho n'inzego zibifitiye ububasha.

15. Amategeko agenga ingwate

Uwatse inguzanyo yiyemeza kuzuza ibisabwa byose kugira ngo abone ibyangombwa by'ibibanza bivugwa mu ngingo ya 6 ivugwa muri aya Masezerano maze akabishyikiriza banki.

Mu gihe ibisabwa bitubahirijwe, banki yiyemeza kuzuza ibikurikizwa mu izina ry'Uwatse inguzanyo ariko iyo serivise ikishyurwa amafaranga atanu ku ijana (5%) y'inguzanyo. Icyakora, ayo mafaranga ntashobora kurenga Rwf 5.000.000. Uwatse inguzanyo n'Umwishingizi we bahaye banki kandi uburenganzira bwihariye bwo gukurikiza ibikenewe, harimo gushyira umukono ku nyandiko zo kwakira ibyangombwa by'ibibanza.

Uwatse inguzanyo n'Umwishingizi biyemeza mu buryo bweruye gusaba kwandika ingwate yatanzwe (agaha banki uburenganzira n'ububasha bwo kuyiyandikishaho kumwanya wa mbere), nk'uko bivugwa muri aya masezerano, ku Biro by'Umwanditsi Mukuru.

Ingwate iba inakubiyemo imitungo itimukanwa hakurikijwe icyatumye inyubako zitangwaho ingwate, kimwe n'ibindi byakongerwaho byakorwa kuri iyo nyubako. Iyo ngwate inagera kandi no ku bitimukanwa biyirimo mugihe nabyo ari ibya nyir'uwo mutungo utimukanwa birimo.

Uwatse inguzanyo agaragaza ko imitungo yavuzwe haruguru ari iye ku giti cye kandi itatanzweho ingwate ndetse ko nta n'izindi nshingano zijyanye n'amategeko zireba iyo ngwate mbere yo kuyitangaho ingwate, haba kuri Leta y'u Rwanda cyangwa undi muntu uwo ari we wese.

Uwatse inguzanyo kandi anagaragaza ko yishyuye imisoro n'amahoro yose yerekeranye n'imitungo yatanzeho ingwate muri uwo mwaka kandi akiyemeza bisesuye kwishyurira igihe mu bihe bizaza ibindi biguzi birebana n'iyo mitungo yavuzwe.

Imitungo yatanzweho ingwate ifatirwa ubwishingizi n'Uwatse inguzanyo ku birebana n'impanuka zaterwa n'inkongi y'umuriro, umutingito, ibiturika by'amoko yose, inkuba n'ibindi. Uwatse inguzanyo agomba kumenyesha ikigo cy'ubwishingizi ibyerekeye ingwate yahaye Banki no guha banki amasezerano y'ubwishingizi.

Uwatse inguzanyo n'Umwishingizi basubirana imitungo yatanzweho ingwate mu gihe Uwatse inguzanyo yamaze kwishyura amafaranga yose agomba banki, ni ukuvuga inguzanyo y'ifatizo, inyungu ndetse n'andi mafaranga akenerwa kwishyurwa banki ku mpamvu iyo ari yo yose n'uburyo ubwo ari bwo bwose.

16. Kwegurira:

Uwatse inguzanyo ntafite uburenganzira bwo kwegurira uburenganzira bwose, inshingano cyangwa inyungu cyangwa igice cyabyo umuntu uwo ariwe wese bitabanje kumvikanwaho na banki mu nyandiko. Banki ishobora kwegurira cyangwa guha umuntu uburenganzira bwose n'inshingano igenerwa n'aya masezerano cyangwa ingwate iyo ari yo yose. Babisabwe na banki, Uwatse inguzanyo n'Abishingizi be buzuza inyandiko zose ndetse bakanagirana ayo masezerano asobanurwa na banki akenewe kugira ngo yemeze uko kwegurira cyangwa guhereza abandi.

17. Imenyesha:

Imenyesha iryo ari ryose banki ikora ibiteganywa n'aya masezerano ifatwa nk'iyageze k'Uwatse inguzanyo iyo:

a) Ayihawe mu ntoki cyangwa yoherejwe binyuze mu iposita izwi neza, yoherejwe ku buryo bwa telex cyanwa facsimile kuri aderesi y'Uwatse inguzanyo yamenyeshejwe banki cyangwa ku biro bizwi neza cyangwa ikindi cyicaro cy'ubucuruzi bw'Uwatse inguzanyo mu Rwanda. Iyo mburo ifatwa nk'iyamugezeho iyo yoherejwe binyuze mu iposita mu minsi irindwi (7) nyuma y'itariki yohererejweho (hatitawe ko ishobora kutamugeraho cyangwa ikagarururwa) cyangwa cyangwa iyo yoherejwe ku buryo bwa telex cyangwa fax ku munsi bwohererejweho, cyangwa

b) Inyujijwe ku rubuga nkorambaga rwe bwite, harimo na telefoni, ubutumwa bugufi, emeyili, interineti cyangwa ubundi buryo bwumvikanyweho banki yamenyeshejwe n'Uwatse inguzanyo, cyangwa

c) Inyujijwe mu kinyamakuru cyandika binyujijwe mu binyamakuru 2 bisohoka buri munsi bigera mu Rwanda hose.

18. Gutangaza:

Kugira ngo banki ibashe kubahiriza ibisabwa n'amabwiriza, mu gihe yemeye gutanga inguzanyo, mu buryo budasubirwaho, Uwatse inguzanyo yemeranya n'abakozi ba banki ndetse n'abayihagarariye gutangaza, mu buryo ubwo ari bwo bwose, amakuru yerekeranye n'Uwatse inguzanyo ndetse na konti ze zijyanye na banki nta mupaka, amakuru arambuye yerekeranye n'inguzanyo ihawe Uwatse inguzanyo, ingwate yafashwe, imyenda y'Uwatse inguzanyo n'amafaranga abitsa muri banki, kutubahiriza ibisabwa byerekeranye n'inguzanyo, amafaranga atarishyurwa ku nguzanyo kimwe n'umwanzuro yafatiwe.

(i) Birebana n'urwego rugenzura harimo n'urugenzura imisoro mu bubasha bwarwo ubwo ari bwo bwose

(ii) Uw'ingenzi banki yeguriye imitungo cyangwa undi uwo ari we wese wagize uruhare mu burenganzira cyangwa inshingano byayo byerekeranye n'inguzanyo y'Uwatse inguzanyo

(iii) Abishingizi abo ari bo bose, undi muntu cyangwa abatanze ingwate

(iv) Abahagarariye banki na

(v) Biro ishinzwe kugenzura imyenda nk'uko bisabwa n'amategeko

19. Kureka, Uburyo bwo gukemura ibibazo:

Nta kudashyira mu bikorwa cyangwa gukererwa gushyira mu bikorwa ibiteganywa n'uburenganzira, ububasha cyangwa ibyihariye banki igenerwa nay'amasezerano bizagira icyo byangiza cyangwa ngo bigaragare nko kubireka ndetse nta na kimwe uburenganzira, ububasha cyangwa ibyihariye cyangwa igice cyabyo cyabuza gushyira mu bikorwa ubundi burenganzira, ububasha n'ibyihariye. Ubu burenganzira n'ibisubizo biteganywa muri aya masezerano bikubiye hamwe kandi ntibikumira ubundi burenganzira n'ibisubizo biteganywa n'amategeko.

20. Amategeko agenga ay'amasezerano, ingingo zikomeye, imyanzuro, gukemura amakimbirane n'ububasha

Aya masezerano kimwe n'amasezerano akomoka ku kuba Uwatse inguzanyo ayemera hashingiwe ku mategeko n'amabwiriza bivugwa muri iyi baruwa bigengwa kandi bishingira ku biteganywa n'amategeko y'u Rwanda. Nta na kimwe mu biteganywa n'iki gika gitambamira uburenganzira bwa banki bwo gukurikirana Uwatse inguzanyo mu rukiko urwo ari rwo rwose rubufitiye ububasha, ndetse ntibinabuza ko

kuba hari gukurikiranwa ikirego mu rukiko rumwe cyangwa nyinshi mu zibifitiye ububasha kitanajyanwa mu bundi bubasha, byaba bifite inshingano zimwe cyangwa zitandukanye.

21. Igihe aya masezerano amara:

Aya masezerano afunguriwe kwemerwa mu gihe cy'iminsi mirongo itatu (30) uhereye ku itariki aya masezerano yakorewe, atakwemerwa muri icyo gihe, agafatwa nk'akuweho nyuma y'iyo minsi. Nyamara, inguzanyo igomba kuba yatanzwe mu gihe cy'iminsi ijana na mirongo inani (180) uhereye ku itariki amasezerano yemerewe, bitaba ibyo inguzanyo igafatwa nk'igomba kuba nk'itagitanzwe.

Umukiliya wanyu,

Ku ruhande rwa:

Equity Bank Rwanda PLC
ABASHYIRAHO UMUKONO BEMEWE

…………………………..	**…………………**
Uwemerewe Gusinya	Uwemerewe Gusinya

Twemeje inguzanyo hashingiwe ku mategeko n'amabwiriza bikubiye muri aya masezerano

<u>Ugurijwe</u>

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Imbere ya Noteri wa Leta cyangwa Noteri wikorera

ICYITONDERWA:

1. Uwatse inguzanyo agomba gusinya paji zose z’aya masezerano.
2. Iyo Uwatse inguzanyo ari ikigo cy'ubucuruzi, kashe y'ikigo igomba gushyirwa kuri aya masezerano hari n'abayobozi babiri cyangwa umuyobozi umwe hamwe n'umunyamabanga bayo