PRIVATE & CONFIDENTIAL

Nomero ya dosiye: _____ Itariki (dd/mm/yyyy) _____

Amazina: _____ Nomero y'indangamuntu: ____ Nomero ya

Telefone:_____ Nomero ya Konti:_____

KIGALI RWANDA

Bwana / Madame,

IMPAMVU: IYI NGUZANYO IHAWE _____

Dushingiwe ku busabe bwawe, twishimiye kukumenyesha ko wemerewe inguzanyo ivugwa hano hasi, ndetse n'izindi nguzanyo nkazo mushobora kuzahabwa hashingiwe ku mabwiriza n'ibindi bisabwa muri iyi baruwa ikwemerera guhabwa inguzanyo ikubiyemo amategeko n'amabwiriza rusange, iri ku mugereka wayo. Hashingiwe kandi ku bimaze kuvugwa haruguru Aya masezerano yemewekandi akozwe hagati ya _____ _____-_____, ufite umunyarwanda/ Umunyamahanga, ufite indangamuntu/ urwandiko rw'inzira no.___ yatangiwe I_____ (witwa "Uhawe inguzanyo" muri iyi baruwa) na Banki ya **NCBA BANK**

RWANDA PLC (yitwa "Banki"muri iyi nyandiko) ko mu gihe habayeho amakimbarane ayo ari yo yose, anyuranyije cyangwa atubahiriza amategeko n'amabwiriza nk'uko bisabwa muri iyi baruwa cyangwa ibisabwa bikubiye mu mategeko rusange ya Banki, n'inyandiko z'ingwate, icyo gihe, amategeko n'amabwiriza bikubiye muri iyi baruwa ni byo bizitabwaho.

1. **AMAKURU YEREKEYE INGUZANYO ITANZWE**

Ubwoko bw'inguzanyo	**Umubare w'amafaranga y'inguzanyo atanzwe (RWF)**	**Impamvu**	**Uburyo bwo kubara inyungu**

Nta mafaranga yatanzwe mbere kuri iyi nguzanyo yemewe gukoreshwa mu buryo ubwo ari bwo bwose bubangamiye cyangwa bunyuranyije n'amategeko n'amabwiriza agomba kubahirizwa.

2. KWISHYURA INGUZANYO

Inguzanyo yishyurwa iyo bisabwe. Icyakora, bitabangamiye uburenganzira bwa Banki bwo gusaba ko inguzanyo yatanzwe yishyurwa igihe icyo ari cyo cyose, kandi hashingiwe ko nta gikorwa cyo kutubahiriza amasezerano cyabaye (nk'uko bigaragara muri iyi baruwa) hemejwe ko:

____(Inguzanyo yatanzwe) _____ izishyurwa mu mezi _____ (___) uhereye ku itariki

amafaranga y'inguzanyo yashyiriwe kuri konti y'Uhawe inguzanyo.

Umukono w'umwishingizi wa banki umukono w'Uwatse inguzanyo

_____ _____

Iyo hari umubare w'amafaranga ayo ariyo yose yishyuwe n'Uhawe inguzanyo, cyangwa yagaruje ku nguzanyo yahawe ari munsi y'ayo agomba kwishyura, cyangwa Banki imugomba, Banki ishobora: (i) Gufatira amafaranga ayo ari yo yose yinjiye kuri konti y'Uhawe inguzanyo, cyangwa yishyuye ku nguzanyo, mu buryo ubwo ari bwo bwose cyangwa ku mpamvu banki ibona ko bukwiye, mu bushishozi bwayo; (ii)Gushyira cyangwa kwimura amafaranga yose Uhawe inguzanyo yashyize kuri konti ye cyangwa konti ze angana n'amafranga yose abereyemo Banki maze ikayashyira ku yindi konti isinziriye itabyara inyungu, nta nteguza, hanyuma agakoreshwa kwishyura umwenda abereyemo Banki.

4. KWISHYURA NO KURANGIZA UMWENDA MBERE Y'IGIHE CYAGENWE

Igihe cyose Uhawe inguzanyo yabishakira, uretse gusa aho byaba byavuzwe ukundi muri iyi baruwa, ashobora kwishyura umwenda wose abereyemo Banki mbere y'igihe cyagenwe cyo kuwishyura hamwe n'inyungu zose ndetse n'andi mafaranga agomba Banki, ushyizeho n'imifuragiro itandukanye Banki imusaba kwishyura, nk'uko iyi baruwa ibisobanura.

Ashobora kandi kwishyura mbere y'igihe inguzanyo Banki yamuhaye mu byiciro. Amafaranga yose yishyuwe Banki mbere y'igihe mu byiciro ashobora gukoreshwa kwishyura ibirarane by'umwenda Banki yatanze, bahereye ku myenda iheruka gutangwa. Uretse gusa aho iyi ibaruwa y'umugereka ibisobanura ukundi, amafaranga yishyuwe mbere y'igihe ntiyemerewe gukoreshwa incuro irenze imwe. Kuba rero Uhawe inguzanyo yishyura mu byiciro, ntibimuvanaho inshingano zo kwishyura nkuko biteganywa muri iyi baruwa, kereka gusa iyo bireba kwishyura amafaranga yose yishyuwe mbere.

Ibyo ari byo byose, iyo hari indi banki igiye kwishyura inguzanyo isigaye y'Uhawe inguzanyo, icyo gihe, iyo Banki isabwa kwishyura amafaranga angana na 8% wongeyeho umusoro ku nyongera gaciro (VAT) ku mubare wose w'amafaranga y'inguzanyo iyo banki ishaka kwishyurira Uhawe inguzanyo.

5. KUGENA IGICIRO/INYUNGU KU NGUZANYO

5.1. Kwishyura inyungu ku nguzanyo

Uhawe inguzanyo agomba kwishyura (kandi muri iyi baruwa yemereye Banki kubikuza kuri konti ye) (nta

nteguza Banki imuhaye) inyungu ku nguzanyo nk’uko biteganywa mu buryo bukurikira:

Inyungu ku nguzanyo y’amafaranga yose yishyurwa ku ijanisha rya …… ku ijana, rikaba n’ijanisha fatizo rya Banki kuri ubu gihagaze kuri **17%,** ukuyemo inyungu ya ……..%. (“ijanisha rya Banki ntarengwa”) cyangwa hakurikijwe ibindi bipimo by’ijanisha bitarenze ibyemewe n'amategeko.
inyandiko ya Banki igaragaza uburyo konti ihagaze igereranijwe n’ijanisha cyangwa umubare w’amafaranga y'inyungu yishyurwa ni yo igenderwaho, iyo nta kosa riyigaragayemo

5.2 Kubara inyungu

Inyungu ibarwa hashingiwe ku mwaka w’iminsi 365 ku mwenda wavanywe kuri konti. Inyungu ku mwenda watanzwe ziyongera buri munsi ku mafaranga y’umwenda fatizo asigaye uhereye umunsi yatangiweho kandi bitabujije ko Banki ifite uburenganzira bwo gusaba ko izo nyungu zishyurwa mu gihe cyagenwe, izo nyungu zizajya zikurwa kuri konti isanzwe y'Uhawe inguzanyo buri kwezi uko amezi akurikirana, kandi igihe inyungu zitishyuriwe igihe zikiyongera ku zindi buri kwezi. Iyo kwishyura ku ncuro ya mbere amafaranga y’inguzanyo cyangwa umwenda uwo ariwo wose biteganijwe kwishyurwa ku munsi wa mbere w’ukwezi gukurikira itangwa ry’igice cya mbere cy’inguzanyo cyangwa inguzanyo yose yuzuye, hanyuma, urestse kwishyura igice cya mbere, Uwatse inguzanyo asabwa kwishyura kandi inyungu zibarwa uhereye ku munsi inguzanyo yatangiweho kugeza uko ukwezi kurangiye. Kuri buri kwezi gukurikiraho, inyungu zizajya zibarwa ku munsi wa nyuma w’ukwezi kurangiye zibarwe ku mafaranga yose y’inguzanyo itarishyurwa (yaba inguzanyo fatizo cyangwa inyungu zayo) kandi zikaba zigomba kwishyurwa ku munsi wa mbere w’ukwezi gukurikiraho. Mu gihe umunsi wa nyuma w’akazi w’ukwezi ari ikiruhuko cyangwa nta kazi gahari, inyungu igomba kubarwa ku munsi w’akazi ukurikira.

5.3. Inyungu z’ubukererwe z’inyongera

Haseguriwe ibiteganywa mu gihe Uwatse inguzanyo ananiwe kwishyura inguzanyo ku gihe cyagenwe, hamwe n’uburenganzira bwa Banki buvugwa hano hasi, Uwatse inguzanyo ntashobora kwemererwa kugira ibirarane by’amafaranga atishyuye cyangwa ngo agire kuri konti ye amafaranga arenze ayo yahawe na Banki y’icyiciro cya mbere mu gihe atarishyura inguzanyo cyagwa imyenda ya Banki.
Niba, igihe cyose inguzanyo itarishyurwa, Uhawe inguzanyo afite ibirarane mu kwishyura inguzanyo yahawe na Banki cyangwa kuri konti ye afite amafaranga arenze ayo yahawe na Banki nk’uko biteganywa n’iyi baruwa, Banki yaba yarasabye Uwahawe inguzanyo kwishyura cyangwa itarabimusabye, cyangwa yaba yaramumenyesheje mu nyandiko ko agomba kwishyura cyangwa itaramumenyesheje, Uwatse inguzanyo azishyura Banki inyungu z’ubukerererwe zihwanye n’igihe cyose konti ye imaze mu birarane cyangwa se iriho amafaranga arenze ayo yahaweho inguzanyo, ayishyure ku ijanisha rya 5% yiyongera ku rwunguko rusanzwe rwavuzwe mu ngingo ya 5.1 ku mwaka y’amafaranga yose y’ibirarane cyangwa arenze ku yo yahawemo inguzanyo, abazwe uhereye umunsi ibyo byabereyeho kugeza igihe yishyuwe yose hakurikijwe ibiciro bya Banki.

5.4. Guhindura ijanisha ry’inyungu n’andi mafaranga Banki ikata

Hatitawe ku zindi ngingo zose ziteganywa muri iyi baruwa, Banki ifite uburenganzira, igihe icyo ari cyo cyose ibona ari ngombwa, bwo guhindura ijanisha ry’inyungu kimwe n’uburyo bwo kubara iryo

janisha. Ihinduka ry'ijanisha rishobora gukorwa kubijyanye n'ijanisha ry'inyungu, ikinyuranyo hagati y'inyungu yishyuwe n'Uwatse inguzanyo n'inyungu yose igomba kwishyurwa, cyangwa irindi janisha iryo ari ryo ryose rikoreshwa mu ibaruwa iyo ari yo yose cyangwa hagahurizwa hamwe uburyo butandukanye bwo kubara inyungu, harimo no guhindura ibipimo fatizo inyungu ibarirwaho. Ijanisha ry'inyungu ryahinduwe cyangwa rishya ryishyurwa guhera umunsi iryo vugurura cyangwa ijanisha ry'inyungu ritangiye kubahirizwa. Bibaye ngombwa, inyungu zakongera kubarwa hakurikijwe ibivugwa muri iyi baruwa.

Banki imenyesha Uwatse inguzanyo nibura habura iminsi mirongo itatu (30) mbere yo guhindura ijanisha ry'inyungu, cyangwa gushyiraho umufuragiro mushya, cyangwa amafaranga Banki yaka ku nguzanyo, ariko kuba Uhawe inguzanyo atarashyikirijwe iryo menyesha ntibitesha agaciro impinduka yakozwe iyo ari yo yose. Banki ishobora gukora imenyesha (i) hakurikijwe uburyo buvugwa muri iyi baruwa; cyangwa (ii) hifashishijwe amatangazo rusange mu buryo ubwo aribwo bwose bw'isakazamakuru; cyangwa (iii) mu itangazo rinyujijwe ku rubuga rwa interineti rwa Banki cyangwa bikamanikwa ahatangirwa amafaranga ku biro by'amashami ya Banki. Iyo ijanisha ry'inyungu yishyurwa ku nguzanyo rihinduwe, kandi Inguzanyo ikaba yishyurwa mu byiciro, Banki ishobora (i) guhindura umubare w'ibyo byiciro; cyangwa (ii) igahindura umubare w'amafaranga yishyurwa mu byiciro; cyangwa (ii) ikabihindura byombi.

6. AMAFARANGA YISHYURWA KU NGUZANYO, AY'IBYAKORESHEJWE N' IMIFURAGIRO

(i) Uretse gusa aho byavuzwe ukundi, Uhawe inguzanyo agomba kwishyura amafaranga akoresha mu birebana n'inguzanyo, imifuragiro ndetse hakurikijwe inyandiko ikubiyemo ibiciro ngenderwaho bya Banki. Inyandiko ikubiyemo ibiciro ngenderwaho bya Banki iboneka ku mashami yose ya Banki ndetse no ku rubuga rwayo: (www.ncbagroup.com.) Amafaranga akoreshwa mu birebana n'inguzanyo, ndetse n'imifuragiro bisonerwa imisoro yose isanzwe. Uko byagenda kose, amafaranga ya dosiye n'akoreshwa mu bijyanye n'inguzanyo ateganijwe muri iyi baruwa ntasubizwa, inguzanyo yaba yahagaritswe, yishyuwe mbere cyangwa itakorshejwe.

(ii) Banki izishyuza amafaranga yakwa Uhawe inguzanyo akurikira: aya dosiye, imifuragiro n'andi mafaranga yakoreshejwe mu bijyanye n'inguzanyo, kandi ahita yishyurwa Uhawe inguzanyo akimara kwakira iyi baruwa kandi bigakorwa mbere y'uko Banki ishyira cyangwa imuha iyo nguzanyo kuri konti y'Uhawe inguzanyo:

a. Umufuragiro:

b. Amafaranga yo gukurikirana dosiye yishyurwa buri mwaka:

c. Amafaranga yo gusaba inguzanyo:

d. Amafaranga yo gukora ubushakashatsi

e. Kuba indi Banki cyangwa ikigo cy'imari byagura iyo nguzanyo; hishyurwa 8% by'umwenda usigaye.

(iii) Banki ifite uburenganzira bwo kongera gusuzuma nyuma y'igihe runaka amafaranga ya dosiye, amafaranga y'ibyakoreshejwe mu bijyanye n'inguzanyo n'imifurangiro itandukanye. Mbere yo kugira icyo ihindura kuri ayo mafaranga yaka mu bijyanye n'inguzanyo, Banki iha integuza Uwatse inguzanyo nibura habura iminsi mirongo itatu (30), uhereye umunsi yabitangarijeho hakurikijwe amabwiriza abigena.

7. IBIGOMBA KUBAHIRIZWA

7.1. Banki ntitegekwa gutanga iyi nguzanyo cyangwa igice cyayo, kereka gusa igihe izaba yamaze kubona ibimenyetso bihagije byerekana neza ko ibisabwa byose bivugwa muri iyi baruwa byujujwe mu buryo bwose bushoboka. Niba Uhawe inguzanyo hari ingingo imwe atubahirije mu gihe cyagenwe na Banki, Banki ifite uburenganzira bwo guhagarika gutanga iyo nguzanyo.

7.2. Ibyo Uhawe inguzanyo agomba kuzuza kugira ngo abikuze inguzanyo yemerewe: Haseguriwe ibivugwa mu ngingo ya 7.1, ibi bikurikira bigomba kubahirizwa mbere y'uko Banki yemerera Uwatse inguzanyo kuyikoresha:

a) Iyi baruwa hamwe n'inyandiko z'ingwate (niba zihari) zashyizweho umukono kandi zandikwa mu bitabo byabugenewe.

b) Hakozwe igenzura ku Uhawe inguzanyo cyangwa abagize aya masezerano hanagenzurwa mu bitabo byabugenewe ibyemezo by'imitungo yatanzweho ingwate, bigaragara neza ko Uhawe inguzanyo cyangwa abagize aya masezerano batahagaritse burundu ibikorwa byabo by'ubucuruzi cyangwa ngo bagwe mu gihombo gikabije cyangwa ngo babihamywe n'urukiko, kandi imitungo yabo yose ndetse n'ingwate zatanzwe zose nta ntitizi zifite kandi ntizagwatirijwe ahandi, kandi nta menyeshagurisha ryatanzwe kuri iyo mitungo cyangwa izo ngwate.

c) Amafaranga yose yishyuzwa ku byerekeye inguzanyo, n'ayakoreshejwe agomba kwishyurwa Banki mu gihe cyagenwe yose agomba kuba yishyuwe;

d) Kunanirwa kwishyura umwenda ntibyigeze bibaho, haba kera cyangwa ubu;

e) Banki igomba kuba yashyikirijwe dosiye cyangwa izindi inyandiko z'amasezerano, ibyemejwe, ibitekerezo, ibyemezo, uburenganzira cyangwa ubwishingizi, Banki ishobora gusaba bishyize mu gaciro;

f) Nta hinduka ryigeze ribaho ryaba iry'amategeko cyangwa amabwiriza ya leta cyanga ayo mu nzego z'imari, iz'ubukungu cyangwa iza politike mu Rwanda, ryatuma Banki ibona ko (kandi uburyo Banki ibona ibintu ntibugoragozwa ndetse bugomba kubahirizwa) gukomeza gutanga inguzanyo bitagikwiriye kandi bitagishoboka;

g) Uhawe inguzanyo yubahirije ibisabwa byose yagomba gukora mbere kugira ngo inguzanyo izakoreshwe neza, nkuko Banki yagiye ibimusaba mu bihe bitandukanye;

h) Abahaewe inguzanyo batanze ibyangombwa bihagije byemeza ko umusanzu basabwe gutanga bawutanze.

8. INGWATE

(i) Bitabangamiye uburenganzira bwa Banki bwo gusaba ko inguzanyo yose yishingirwa mu buryo bwuzuye, iyo inguzanyo cyangwa igice cyayo bitatangiwe ingwate nkuko bisabwa muri iyi baruwa, amafaranga yose Banki ibona ko asigaye atarishyurwa ku nguzanyo itaratangiwe ingwate azishyurwa bidasabye ko atangirwa ingwate. Icyakora, Banki ifite uburenganzira bwo gusuzuma buri igihe ibyagendeweho mu gutanga inguzanyo itatangiwe ingwate, kandi mu gihe bibaye ngombwa, ikaba yasaba ko hatangwa ingwate.

(ii) Inguzanyo izishingirwa n'ingwate zikurikira ("Inyandiko z'ingwate"):

- Ingwate yo mu rwego rwa mbere yatanzwe ku nzu ifite **UPI……..** ihereye mu Mudugudu wa…….Kagari ka ……., Umurenge wa ……, Akarere ka …….., Intara ya ……/ Umujyi wa Kigali;
- Ubwishingizi ku nguzanyo bwishingira kwishyura inguzanyo ya…….. bwemeza ko Banki ya NCBAR izishyurwa mbere mu gihe habayeho igihombo.
- Ubwishingizi bw'inkongi y'umuriro bufatiwe umutungo watanzweho ingwate.
- Kwandikisha umutungo watanzweho ingwate muri RDB.
- Icyemezo cy'uko ikigo cyitwa ……. hamwe na …….. kizajya kinyuza umushahara wa buri kwezi muri NCBAR.
- Ibyangombwa by'ubutaka by'umwimerere bigomba gutangwa.
- Ingwate ikomatanyije

(iii) Ingwate zose zihabwa Banki zigomba kuba ziri mu buryo bwemewe na Banki, zigategurwa, zikanononsorwa maze zigashyirwaho umukono na kashe bya noteri wa Leta, ibyo byose bikishyurwa n'Uwatse inguzanyo. Ibyangombwa by'imitungo yatanzweho ingwate bigomba gusuzumwa no kwemezwa na Banki ndetse n'abajyanama bayo mu by'amategeko, mbere y'uko bishyikirizwa Banki;

(iv) Nta ngwate ku mutungo utimukanwa ukodeshejwe zizemerwa na Banki mu gihe amasezerano y'ubukode bw'umutungo utimukanwa watanzweho ingwate atagejeje ku myaka itanu (05) uhereye igihe inguzanyo yatangiwe;

(v) Uretse gusa mu gihe byumvikanyweho ukundi na Banki, ingwate zose zifitwe na Banki nk'ingwate ku yindi myenda yahaye Uhawe inguzanyo, nayo ihinduka ingwate kuri iyi nguzanyo, kandi Uwatse inguzanyo ntashobora gusubizwa umutungo uwo ari wo wose yagwatirije, yashinganishije, yeguriye Banki cyangwa wafatiriwe na Banki atabanje

kwishyura amafaranga yose yishingiwe n'izo ngwate, kandi akanishyura amafaranga yose yatanzweho ingwate muri iyi baruwa;

(vi) Uretse mu gihe byavuzwe ukundi muri iyi baruwa, ingwate ziri mu maboko ya banki zigomba gukomeza kuyibera ingwate hatitawe ko amafaranga yose y'umwenda yaje kwishyurwa cyangwa ko ubucuruzi bw'Uhawe inguzanyo cyangwa Abishingizi babo bwafunze imiryango cyangwa bwasheshwe, uko byaba byaragenze kose, cyangwa harabaye impunduka ku Bafashe inguzanyo cyangwa Abishingizi babo zijyanye n'imiterere, imiyoborere cyangwa kumenya ushinzwe kwishyura amafaranga yose y'inyungu, amahoro, umufuragiro n'andi yose azasabwa kwishyurwa, azwi ubu cyangwa atazwi, Banki ishobora kwishyuza Uhawe inguzanyo igihe cyose; izo ngwate ziba ziyongera, kandi zitabangamiye, ku yindi ngwate yose Banki ishobora guhabwa, ubu cyangwa mu gihe kiri imbere, yishingira ubwishyu bw'ayo mafaranga yavuzwe.

(vii) Uretse gusa aho byavuzwe mu buryo bwumvikana muri iyi baruwa, Uhawe inguzanyo yemeye kandi yemeje ko nta kizakoma mu nkokora uburengazira Banki ifite bwo gukomatanyiriza hamwe ingwate zose ishobora, mu gihe runaka, guhabwa n'Uwafase inguzanyo ku mpamvu iyo ari yo yose; kandi yemeye ko nta ngwate n'imwe mu zahawe Banki azasubizwa kereka gusa igihe azaba yamaze kwishyura amafaranga yose y'umwenda wishingiwe n'iyo ngwate kandi akishyura n'andi yose yishingiwe n'izindi ngwate;

(viii) Uwatse inguzanyo yemeye ko, mu gihe habayeho igabanuka ry'agaciro k'ingwate yatanze, Banki ishobora, mu bushishozi bwayo busesuye, gusaba ko Uwatse inguzanyo yongeraho izindi ngwate kugira ngo zishingire mu buryo bukwiriye inguzanyo yahawe cyangwa igasaba Uhawe inguzanyo kugabanya amafaranga y'inguzanyo asaba kugira ngo bihwane n'igabanuka ry'agaciro k'ingwate ku isoko. Byongeye, Iyo Uwatse inguzanyo amaze mu minsi itanu y'akazi (5) yarananiwe kubahiriza ibyo asabwa, Banki ishobora, mu bushishozi bwayo busesuye, gukoresha uburenganzira ihabwa n'ingingo ya 11, cyangwa bumwe muri | bwo buvugwa hasi.

(ix) ANDI MASEZERANO

Uretse amasezerano yavuzwe mu mategeko n'amabwiriza rusange nanone:

(a) Uwagurijwe azajya buri gihe ashyikiriza Banki, igihe ibisabye, amakuru yerekeye inguzanyo ndetse n'ibikorwa by'ubucuruzi by'Uwatse inguzanyo kandi agatangwa mu buryo Banki yabisabyemo, cyangwa andi makuru ayo ari yo yose, Banki ibona ko ikeneye kugira ngo isuzume cyangwa igenzura neza imikorere y'Uwatse inguzanyo;

(b) Kumenyesha banki mu gihe umukoresha ahindutse akanatanga n'inyandiko yemeza ko umukoreshwa we mushya yemeye ko azajya anyuza umushahara we wa buri kwezi kuri Banki, mbere y'itariki yagenwe cyo yo kwishyura icyiciro cy'inguzanyo gikurikiraho;

(x) INYANDIKO N'AMAKURU BISABWA

(a) Raporo iheruka y'isuzuma ry’umutungo utimukanwa yohererejwe Banki.

(xi) IBYO UWATSE INGUZANYO YEMEYE

Uhawe inguzanyo aremeza ko yasomye kandi yasobanukiwe amategeko n’amabwiriza akubiye muri iyi baruwa (harimo n’ingengabihe, imigereka n’izindi nyandiko zose ziri ku mugereka w’iyi baruwa. Uwatse inguzanyo yijeje Banki ko mbere yo gushyira umukono kuri iyi baruwa, yagishije inama abanyamategeko be kandi ko yakurikije inama bamugiriye, kandi ko yemera ko Banki yemeye kugirana na we aya masezerano igendeye kuri icyo cyizere.

Mu kugaragaza ibyo Uhawe inguzanyo yemeye, shyira umukono wawe kuri iyi baruwa maze hamwe n’ibindi byangombwa byose n’imigereka, uyohererereze Banki mu gihe kitarenze iminsi mirongo itatu (30) uhereye ku itariki y’iyi baruwa, bitabaye ibyo, aya masezerano azahinduka impfabusa kandi Banki ubwayo izafata umwanzuro wo kutayatanga. Hatitawe ku biteganywa n’ngingo iyo ari yo yose yo muri iyi baruwa (n’iyo yaba ivuga amatariki amasezerano y’inguzanyo azaba atagifite agaciro), ibikubiye muri iyi baruwa bizakomeza kugira agaciro kugeza igihe habayeho ivugururwa ry’ingwate, hatanzwe ibaruwa iyongerera igihe cyangwa iyisimbura kandi yemejwe n’Uwatse inguzanyo, uretse igihe Banki, mu bushishozi bwayo, yabigena ukundi kandi ikabimenyesha mu nyandiko Uwafshe inguzanyo.

Murakoze

Mu izina rya Banki

_____

_____

_____

Nemeye/Twemeye amategeko n’amabwiriza byavuzwe haruguru.
Uhawe inguzanyo:

_____

_____

_____

1. IBISOBANURO

Muri iyi baruwa no muri aya mategeko n'amabwiriza rusange:

(i) udutwe duto tugize ibika by'aya masezerano twashyizweho mu rwego rwo kugira ngo bisomeke neza gusa, nta ruhare tugira mu gusobanura ingingo z'aya masezerano;

(ii) amagambo akoreshejwe asobanura ubuke aba agomba no kumvikanisha ubwinshi cyangwa byombi kandi;

(iii) amagambo asobanura igitsina "gabo" agomba no kuba asobanura igitsina "gore" cyangwa byombi.

(iv) Itegeko ryose cyangwa ingingo yose y'itegeko ifatwa nk'iyumvikanisha itegeko ryahinduwe cyangwa ryongeye gushyirwaho, ndetse n'icyemezo, iteka cyangwa amabwiriza yashyizweho hagamijwe guhindura iryo tegeko cyangwa kongera kurishyiraho;

(v) Imvugo yose yerekeza kuri iyi baruwa isaba inguzanyo cyangwa ku yindi nyandiko yose izafatwa nk'aho ivuga kuri iyi baruwa, ku Migereka yayo no kuri aya mategeko n'amabwiriza cyangwa no ku yindi nyandiko yose ifite agaciro ubu, kandi mu gihe runaka, ikaba yavugururwa, ikagira icyo yongerwaho cyangwa igasimburwa.

2. RAPORO YEREKANA UKO UMWENDA UHAGAZE

Nibura rimwe mu gihembwe, mu ntangiriro no mu mpera z'igihe gikubiye muri iyo raporo, Banki izajya iha Uhawe inguzanyo raporo yerekana amafaranga asigaye kwishyurwa ku mwenda, amafaranga yashyizwe kuri konti n'ayakuweho, arimo inyungu n'andi mafaranga yishyuzwa atabariwe muri izo nyungu hamwe n'amatariki ayo mafaranga yashyiriwe cyangwa yakuriwe kuri konti;

3. KUBIKUZA AYABIKIJWE NO KONGERA KUGUZA

Banki ishobora, mu bushishozi bwayo kandi igihe cyose, Ishingiye ku mategeko n'amabwiriza ateganyijwe muri iyi baruwa ihesha inguzanyo, kwemerera Uhawe inguzanyo kongera kubikuza cyangwa kongera kuguza amafaranga yishyuwe inguzanyo cyangwa ayatanzwe hishyurwa inguzanyo mbere y'igihe, yaba ayanyujijwe kuri iyo konti cyangwa ku yindi, hishyurwa inguzanyo imwe cyangwa izirenze imwe. Ayo mafaranga Uwatse inguzanyo yongeye kubikuza cyangwa kugurizwa hamwe n'inyungu zayo, abarwa mu bigize umwenda wishingiwe n'Inyandiko z'ingwate.

4. KUNANIRWA KWISHYURA KU GIHE CYAGENWE NO GUSABA KO KWISHYURA KU GIHE

Dukurikije ibiteganywa n'ibaruwa ihesha inguzanyo, Uwatse inguzanyo afatwa nk'uwananiwe kwishyura inguzanyo, mu gihe atubahirije cyangwa avuze ko hari icyo atazubahiriza mu bikubiye mu

masezerano, mu byemejwe, mu mabwiriza, mu bisabwa cyangwa mu ngingo zavuzwe muri iyi baruwa cyangwa mu nyandiko z'ingwate, bikagaragazwa n'uko habayeho kimwe cyangwa byinshi muri ibi bikurikira;

(i) Iyo Uhawe inguzanyo yananiwe cyangwa atishyuye amafaranga yose ku gihe cyagenwe, yaba abisabwe na Banki mu buryo butaziguye cyangwa itabimusabye cyangwa (niba yishyura ari uko abisabwe) igihe abisabwe; cyangwa;

(ii) Iyo Uwafashe inguzanyo atubahirije imwe mu ngingo zikubiye muri iyi baruwa ihesha inguzanyo cyangwa mu nyandiko z'ingwate, kandi Banki yabimumenyesha akanga kumvira inama yagiriwe mu nyandiko ngo akosore ibyo atubahirije; cyangwa;

(iii) Iyo hari uhagarariye cyangwa akagira icyo yizeza mu izina ry'Uwatse inguzanyo, haba mu buryo buziguye cyangwa butaziguye, itangazo ryose, icyemezo cyangwa indi nyandiko yose itanzwe n' Uhawe inguzanyo ashingiye kuri iyi baruwa, bikagaragara ko zitavuga ukuri cyangwa ziyobya (hakurikijwe uko Banki ibibona) mu birebana n'ikintu runaka cy'ingenzi guhera ku itariki byakoreweho cyangwa bifatwa nk'aho byakozwe; cyangwa;

(iv) Iyo hari ikintu cyabaye cyangwa hakavuka ikibazo (wenda nk'Uwatse inguzanyo akagira ibibazo by'amafaranga) gishobora gutuma, bitewe n'uburyo Banki ibibona, Uwatse inguzanyo adashobora kuzuza inshingano ze nk'uko abisabwa muri iyi baruwa ihesha inguzanyo cyangwa mu nyandiko z'ingwate; cyangwa se zimwe mu nyandiko z'ingwate zigatangira gushidikanywaho;

(v) Iyo Uhawe inguzanyo cyangwa undi mu bagiranye amasezerano ahagaritse cyangwa aretse (cyangwa avuga ko agiye guhagarika cyangwa kureka) umushinga w'ubucuruzi yakoraga cyangwa igice cy'ingenzi cyawo, abitewe n'indi mpamvu itari iyemewe muri iyi baruwa yo kugurisha ubwo bucuruzi.

(vi) Iyo Banki ibona ko hari akaga kugarije ingwate iyo ariyo yose yatanzwe hashingiwe ku bikubiye muri iyi baruwa cyangwa ku yindi nyandiko yose y'ingwate, cyangwa iyo mu gihe cy'igenzura ry'ingwate Banki isanze agaciro k'iyo ngwate kadahagije hakurikijwe ibyo Banki iyikeneyeho, cyangwa;

(vii) Iyo bigaragaye ko Uwatse inguzanyo aramutse akoze cyangwa yubahirije inshingano imwe cyangwa nyinshi zishingiye kuri iyi baruwa ihesha inguzanyo cyangwa mu nyandiko z'ingwate byaba binyuranyije n'amategeko; cyangwa;

(viii) Iyo hari ibibazo biri mu nkiko, mu bukemurampaka, bikorwaho iperereza n'inzego z'ubuyobozi, iza leta cyangwa ngenzura mikorere, cyangwa ibindi bijyanye n'iperereza cyangwa imanza byibasiye cyangwa byugarije Uwatse inguzanyo, abo bagiranye amasezerano cyangwa imitungo yabo ku buryo bishobora kugira ingaruka zikomeye ku nguzanyo yishingiwe n'inyandiko z'ingwate;

(ix) Iyo Uwatse inguzanyo hari ibintu asabwa gukora, kubahiriza cyangwa kwemera bijyanye

n’ibiteganywa muri iyi ibaruwa (i) ntabikore, ntabyubahirize, cyangwa ngo abyemere, (ii) ku buryo hatagize igihindurwa ibyo bintu bitakongera kubahirizwa; (iii)Uwatse inguzanyo, isosiyete yose banki ifata ko ikorana n’Uwatse inguzanyo kuko ayifitemo imigabane cyangwa ari mu buyobozi bwayo cyangwa isosiyete yose Banki ifata ko Uwafashe inguzanyo avuga rikijyana muri iyo sosiyete (kubera ko ari we ufitemo imigabane myinshi kuruta abandi cyangwa kubera ko iyo sosiyete yamenyereye cyangwa ko igomba byanze bikunze kugendera ku mabwiriza, inyungu cyangwa ibyifuzo by’Uwatse inguzanyo, cyangwa mu nyungu ze cyangwa ku byifuzo bye), atubahirije ingingo iyo ari yo yose y’amasezerano yagiranye na Banki cyangwa inyandiko z'ingwate; cyangwa byombi (bitewe n’icyabaye) mu birebana n’izindi konti cyangwa izindi nguzanyo zatanzwe n’abandi basanzwe bakorana na banki. Hakurikijwe imikorere isanzwe ya banki, cyane cyane mu bijyanye no kugenzura no gutanga raporo ku mikorere ya konti z’ama sosiyete yibumbiye mu itsinda rimwe, hatitawe ku biteganywa n’ingingo z’iyi baruwa, imwe muri sosiyete zigize itsinda ry’Uwatse inguzanyo niramuka inaniwe kwishyurira bizafatwa ko Uwatse inguzanyo yananiwe kwishyura; cyangwa;

(x) Iyo bibaye ngombwa ko undi mwenda w'Uwatse inguzanyo wishyuzwa mbere y’igihe cyagenwe cyangwa bikaba bishoboka ko wasabwa kwishyurwa mbere y’igihe cyagenwe bitewe n’uko Uwatse inguzanyo atujuje inshingano zirebana n’uwo mwenda; cyangwa Uwatse inguzanyo yananiwe kujya yishyura amafaranga y’uwo mwenda ku itariki yagenwe, cyangwa niba yishyura ari uko abisabwe, akananirwa kuyishyura igihe yabisabwe; cyangwa mu gihe ingwate yatanzwe kuri uwo mwenda igeze igihe cyo kugurishwa; cyangwa

(xi) Iyo urukiko rubifitiye ububasha rutegetse ko hakorwa ifatira, ishyirwa mu bikorwa ry’icyemezo cy’urukiko cyangwa indi myanzuro ku mitungo y’Uwatse inguzanyo kandi Uwatse inguzanyo ntagire icyo akora ngo iryo fatira, icyo cyemezo cyangwa imyanzuro y’urukiko bivanweho mu gihe cy’imirinsi (7) uhereye igihe iyo myanzuro yafatiwe; cyangwa;

(xii) Igihe Uhawe inguzanyo ananiwe burundu kwishyura imyenda cyangwa bikemezwa ko ubucuruzi bwe bwahombye burundu, ku buryo atagishoboye kwishyura imyenda ku gihe cyagenwe, agahagarika, agasubika cyangwa akavuga ko agiye guhagarika cyangwa gusubika kwishyura imyenda yose cyangwa igice cyayo, cyangwa agatangiza ibiganiro na Banki hashakishwa uburyo yakwemererwa kongererwa igihe cyo kwishyura cyangwa bagahindura ingingo zirebana n’uburyo azishyura uwo mwenda cyangwa se agasaba ko kwishyura umwenda wose cyangwa igice cyawo byasubikwa mu gihe runaka; cyangwa;

(xiii) iyo hari ingamba zifashwe bitewe no kunanirwa burundu kwishyura imyenda cyangwa igihombo gikabije Uwatse inguzanyo yagize; iyo hari ikirego mu rukiko gisaba kwemeza ko ubucuruzi bw’Uwafashe inguzanyo bwaguye mu gihombo gikabije, ikirego nk’icyo cyaba gitanzwe n’Uwatse inguzanyo cyangwa ari we warezwe, ariko hagashira iminsi makubyabiri n’umwe (21) kidateshejwe agaciro cyangwa ngo gisubikwe, uhereye umunsi cyatangiweho; cyangwa

(xiv) iyo Uhawe inguzanyo yemeye kwegurira uburenganzira bwe abo abereyemo imyenda cyangwa yumvikanye na bo kubishyura amafaranga make ku yo abarimo cyangwa se hari icyemezo cy’urukiko cyamufatiwe akamara iminsi cumi n’ine (14) cyangwa irenze atarubahiriza ibyo asabwa

n’icyo cyemezo, uretse gusa mu gihe yaba yarakijuririye bigatuma ishyirwa mu bikorwa ryacyo risubikwa.

(xv) Iyo Uhawe inguzanyo ahawe cyangwa agasaba guhabwa n’Urukiko rubifitiye ububasha cyangwa ubundi buyobozi, uburenganzira bwo kuba ahagaritse kwishyura imyenda cyangwa guhagarika ibijyanye no kwishyura muri rusange; cyangwa;

(xvi) Iyo igice kinini cy'imitungo cyangwa cy’amafaranga y’ Uhawe inguzanyo yeguriwe igihugu cyangwa yafatiriwe ku gahato hashingiwe ku itegeko ryatowe n’inteko ishingamategeko cyangwa irindi tegeko; cyangwa

(xvii) Iyo inguzanyo idakoreshejwe icyo yasabizwe cyangwa igakoreshwa mu bikorwa binyuranyije n’amategeko cyangwa igakoreshwa mu bucuruzi butemewe cyangwa bwo gushaka gukira vuba ariko burimo akaga;

(xviii) Iyo Banki yanditse konti y’ Uhawe inguzanyo ku yandi mazina cyangwa ikayifunga bitewe (i) n’amabwiriza cyangwa icyemezo cyafashwe, cyangwa (ii) bitewe n’uko konti yakoreshejwe nabi; cyangwa (iii) igafungwa biturutse ku cyemezo cy’urukiko cyangwa irindi tegeko; cyangwa (iv) biturutse ku ipereereza Banki yakoze igasanga hari ibikorwa bibi byakozwe, muri byo harimo uburiganya, ubujura n’ibindi bikorwa bikemangwa, cyangwa;

(xix) Iyo, ku mpamvu izo ari zo zose, inyandiko z’ingwate zidashobora kwishingira inguzanyo mu buryo bwuzuye, cyangwa iyo inyandiko z’ingwate zigomba kwandikwa zidashoboye kwandikwa cyangwa zigateshwa agaciro, ku mpamvu izo ari zo zose;

(xx) Iyo hatanzwe itegeko ryo gufatira amafaranga cyangwa umutungo wimukanwa w’Uwatse inguzanyo cyangwa uw’abayobozi bakuru ba sosiyete ye cyangwa hagatangwa uburenganzira bwihariye ku mitungo y’Uwatse inguzanyo atabanje kubiherwa uruhushya na banki mu nyandiko; cyangwa

(xxi) Iyo Uhawe inguzanyo yeguriye ubuyobozi bwa sosiyete undi/abandi bantu (baba ibigo cyangwa amasosiyete) bakora bonyine cyangwa ku bufatanye n’abandi mu gihe Banki idashobora kwemera ko ubwo buyobozi buhabwa undi muntu; cyangwa;

(xxii) Iyo Uhawe inguzanyo agurishije, yeguriye undi muntu cyangwa atanze mu buryo ubwo ari bwo bwose imitungo ye cyangwa ibikorwa byose bya sosiyete ye cyangwa igice kinini cyabyo, byatangirwa rimwe cyangwa mu byiciro atabanje kubiherwa uruhushya rwanditse na Banki; cyangwa;

(xxiii) Iyo umutungo wose watanzweho ingwate ku nguzanyo cyangwa igice cyawo byangiritse burundu cyangwa hakangirika ibiwugize kandi (i) amafaranga y’ubwishingizi akaba adashobora gusana cyangwa kwishyura ibyangiritse byose kuri uwo mutungo, (ii) ngo imirimo yo gusana ishobora gutwara amezi atandatu kugira irangire, (iii) Uwatse inguzanyo akaba ataratanze indi ngwate

y’inyongera igomba kwishingira ibyangiritse kuri iyo mitungo; cyangwa,

(xxiv) Iyo kimwe mu byangombwa byatanzwe mu kwaka inguzanyo gitakaje agaciro mu buryo ubwo ari bwo bwose cyangwa kikaba kitagihuje n’igihe cyangwa cyarakuweho, cyangwa hari icyo kinengwa, cyangwa kikaba gikemangwa, kitagikoreshwa cyangwa kidahuje n’ibyasabwe; cyangwa;

(xxv) Hakurikijwe imikorere isanzwe ya banki, hagaragaye imikoreshereze mibi ya konti, gutanga sheki zitazigamiwe, sheki zirimo uburiganya n’ibindi bikorwa binyuranyije n’amategeko n’amabwiriza Banki igenderaho; cyangwa;

(xxvi) Iyo umwishingizi uwo ari we wese atanze integuza ko agiye guhagarika uburyozwe yari afite bwo kuba yarishingiye kwishyura inguzanyo; cyangwa

(xxvii) kudatanga ku gihe cyangwa mu gihe Banki ibisabye, ndetse no mu buryo iyashakamo, amakuru y’imari n’ibikorwa by’ubucuruzi bw’Uwatse inguzanyo, cyangwa andi makuru yose Banki ibona ko akenewe kugira ngo igenzure imikorere y'Uwatse inguzanyo.

Iyo habayeho kimwe mu bikorwa bimaze gusobanurwa bigaragaza kunanirwa kwishyura, Banki ifite uburenganzira bwo guhita ihagarika inguzanyo yose cyangwa igice cyayo ngo bitongera gukoreshwa, cyangwa kugabanya umubare w’amafaranga y’inguzanyo ihabwa Uwatse inguzanyo muri aya masezerano, bitabaye ngombwa ko ibanza kubisaba; kandi inguzanyo hamwe n'andi mafaranga yose agomba kwishyurwa nk’uko biteganyijwe muri iyi ibarurwa azahita yishyuzwa, hatitawe ku ngingo iyo ari yo yose yo muri iyi baruwa yaba ibivuga ukundi. Kimwe mu bikorwa bimaze gusobanurwa bigaragaza kunanirwa kwishyura nikiramuka kibayeho, Banki ifite uburenganzira bwo gufatira Uwatse inguzanyo ibyemezo bikwiriye (yaba ibyibwirije ubwayo cyangwa binyuze ku bakozi bayo bayihagarariye), urugero nko:

i. guhagarika inguzanyo cyangwa gutanga ikirego cyo kwishyuza umwenda, haba mbere, nyuma cyangwa mu gihe kimwe no kwiyandikishaho ingwate; no

ii. Gufatira amafaranga asigaye kuri konti yose y’Uwafashe inguzanyo, yaba ari mu manyarwanda cyangwa amadevize, ku ishami iryo ari ryo ryose rya Banki cyangwa muri imwe mu masosiyete ya Banki yibumbiye hamwe, kugira ngo hishyurwe umwenda abereyemo Banki, no

iii. Guhagarika burundu cyangwa by’agateganyo igice cy’inguzanyo yari itaratangwa cyangwa yari itarakoreshwa mbere y’iryo kosa ryo kunanirwa kwishyura;

iv. Guhagarika igice icyo ari cyo cyose cy’inguzanyo cyamaze gutangwa cyangwa gukoreshwa.

10. UBURYO BWO KUGARUZA UMUTUNGO

Hashingiwe ku byihutirwa biteganywa n'amategeko (niba bihari), amafaranga yose Banki yabonye biturutse ku byemezo cyangwa imyanzuro yafashe ishingiye ku biteganywa na zimwe mu nyandiko z'ingwate, iyakoresha mu buryo bukurikira:

i. Mbere na mbere, mu kwishyura ubukode bwose, imisoro, ibikorwa by'igenzura, amahoro, amafaranga y'ibyakoreshejwe yemewe n'amategeko ndetse n'andi mafaranga atangwa n' Uhawe inguzanyo yishyurwa inzego z'ubuyobozi zibifitiye ububasha mu birebana n'umutungo wagwatirijwe cyangwa wahawe Banki ho ingwate y'inguzanyo;

ii. Ubwa kabiri, mu kwiyandikishaho ingwate cyangwa kuzuza inshingano izo arizo zose, cyangwa gukoresha ububasha ubwo ari bwo bwose bwahawe Banki, mu kwishyura imifuragiro, amahoro, amafaranga y'ibyakoreshejwe na Banki n'undi muntu wese washyizweho na Banki uteganywa mu nyandiko z'ingwate yakoresheje mu kwandikisha ingwate mu mazina ya Banki cyangwa mu gukora imirimo iyo ari yo yose cyangwa gukoresha ububasha ahabwa ubwo aribwo bwose;

iii. Ubwa gatatu, mu kwishyura Banki inyungu zose zigeze igihe cyo kwishyurwa ariko zitarishyurwa zibazwe ku nguzanyo isigaye utarishyurwa;

iv. Ubwa kane, mu kwishyura Banki amafaranga asigaye kwishyurwa ku nguzanyo fatizo kandi ageze cyo kwishyurwa;

v. Ubwa gatanu, mu kwishyura Banki andi mafaranga yose atarishyurwa kandi akaba agomba kwishyurwa nk'uko biteganywa mu nyandiko zose z'ingwate cyangwa igice cyazo;

vi. Ubwa karindwi, mu kwishyura Banki andi mafaranga yose agomba kwishyurwa kandi akaba atarishyuwe;

vii. Ubwa munani, amafaranga yose asagutse azahabwa abantu bose bayafiteho uburenganzira:

GUSA NI UKURIZIRIKANA KO: Banki ishobora guhindura gahunda yo kwishyura yavuzwe haruguru cyangwa igashyira ayo mafaranga kuri konti itabarirwaho inyungu.

12. KONTI & AMAFARANGA YISHYURWA

Uwatse inguzanyo ashyikiriza Banki inyandiko zikurikira zitanzwe n'Abatse inguzanyo;

(a) Inyandiko z'ibaruramari ry'umwaka zagenzuwe kandi zigashyirwaho umukono n'abayobozi ba Sosiyete y'Abatse inguzanyo, zigatangwa mu gihe cy'iminsi 180 nyuma y'umwaka w'ingengo y'imari w'Abagurijwe.

(b) Kopi z'imenyekanisha ry'umusoro wishyuwe buri mwaka, hamwe na kopi y'inyemezabwishyu zatanzwe mu gihe kitarenze iminsi 30 nyuma y'imenyekanisha ry'umusoro rya nyuma.

(c) Amakuru yose y'ingenzi akenewe ajyanye n'imari n'ibikorwa by'Abatse inguzanyo kugira ngo bakorrwe isuzumwa cyangwa igenzura mu buryo bukwiye kandi bwumvikana, bitarenze tariki ya 30 Kamena buri mwaka, kugira ngo byorohe gusuzuma ibijyanye n'inguzanyo batse;

(d) Kopi z'inyemezabwishyu zerekana ko imifuragiro, imisoro, amahoro n'ibindi byishyurwa ku mitungo itimukanwa y'Abatse inguzayo byishyurirwa igihe, hakubiyemo ubukode bw'ubutaka, ibiciro n'ubukode hamwe n'ibyemezo by'uko umusoro ku butaka wishyuwe, bitewe n'ibisabwa, bitabaye ibyo, Banki izakoresha uburenganzira ihabwa n'itegeko bwo kwishyura mu buryo butaziguye inzego zibishinzwe itabanje kubimenyesha Uwatse inguzayo, maze ikure kuri konti isanzwe y'Uwatse inguzanyo amafaranga yo kwishyura imifuragiro, imisoro, amahoro, n'ibindi byishyurwa, hiyongereyeho n'andi yakoreshejwe, niba ahari, kugira ngo igihe cyose inyungu za Banki zisegasirwe.

13. IBISABWA KU BWISHINGINZI

Uwatse inguzanyo agomba:

(i) Gushyira ubucuruzi bwe bwose mu bwishingizi no gukomeza kwishyura ubwishingizi mu kigo cy'ubwishingizi cyemewe na Banki, ku rwego no mu buryo bushyize mu gaciro kandi busanzwe bukorwa mu bigo bikora ubucuruzi nk'ubwe cyangwa busa na bwo cyangwa biri mu gace kamwe cyangwa ahantu hameze kimwe, aho yishingira ingaruka n'ibindi byose byabangamira ubucuruzi bwe Banki ishobora kuzajya imusaba kwishingira;

(ii) Gushyira mu bwishingizi imitungo itumukanwa yatanzweho ingwate no gukomeza kuyishinganisha mu kigo cy'ubwishingizi cyemewe na Banki, ku rwego no mu buryo bushyize mu gaciro kandi busanzwe bukoreshwa Banki ishobora rimwe na rimwe gusaba, kandi Banki izakora ku buryo inyungu zayo zishyirwa mu masezerano y'ubwishingizi bw'iyo mitungo itimukanwa (yagwatirijwe cyangwa yahawe Banki ho ingwate) kandi bigakorwa mu buryo Banki ishobora kubisaba, mu bushishozi bwayo busesuye;

(iii) Kwishyura imisanzu yose y'ubwishingizi mu gihe gikwiye kandi cyagenwe hamwe n'andi mafaranga yose akenewe kugira ngo ubwishingizi bwayo bwose bugumane agaciro kandi agashyikiriza Banki amasezerano y'ubwishingizi y'umwimerere, ibyemezo by'uko yavuguruwe n'inyemezabwishyu zose zishyuriweho imisanzu y'ubwishingizi yafashe n'akamaro kabwo.

(iv) Guhita amenyesha Banki ikintu cyose cyabaye cyangwa gishobora gutuma habaho kwishyurwa hashingiwe ku masezerano y'ubwishingizi kuri umwe mu mitungo itimukanwa watanzweho ingwate muri Banki, kandi Uwatse inguzanyo ntashobora kwemera kwishyurwa ayo mafaranga, uretse gusa igihe abanje kubiherwa uruhushya rwanditse na Banki. Amafaranga yose y'ubwishyu bukomoka ku bwishingizi yakiriwe na Banki izayakoresha mu kwishyura inguzanyo. Asagutseho azashyirwa kuri konti y'Uwatse inguzanyo yafunguje muri Banki;

(v) Uwatse inguzanyo aremera yeruye ko Banki ishobora, ariko idategetswe, gufatira ubwishingizi imitungo yose yimukanwa n'itimukanwa wose no gukomeza kwishyura ubwo bwishingizi

hashingiwe ku bikubiye muri iki Cyiciro. Banki niramuka ibikoze, Uwatse inguzanyo azishyura umusanzu w'ubwishingizi igihe azaba abisabwe na Banki. Iyo amasezerano y'ubwishingizi arangiye ntahite avugururwa uwo munsi, mu gushyira umukono kuri aya masezerano, Uwatse inguzanyo ahaye ububasha Banki anayemerera kuvugurura ubwishingizi mu izina rye, no kubikuza kuri konti ye amafaranga yo kwishyura umusanzu w'ubwishingizi ku munsi ukurikira itariki amasezerano y'ubwishingizi yarangiriyeho. Mu gihe nta mafaranga asigaye kuri konti ye cyangwa ariho akaba adahagije kwishyura ubwishingizi, Uwatse inguzanyo yemereye banki kubikuza amafaranga arenze kuri konti ye. Uwatse inguzanyo yumvikanye na Banki ko ayo mafaranga Banki yishyuye azahita ahinduka umwenda wo kwishyura ubwishingizi (IPF) uzishyurwa mu mezi atarenze 10, ku nyungu isanzwe yishyurwa ku nguzanyo hakiyongeraho umufuragirao wa 2%, kandi impande zombi zigomba gushyira umukono ku ibaruwayihariye ihesha inguzanyo (Amaserano y'inguzanyo y'umusanzu w'ubwishingizi-IPF)

14. GUHAGARARIRWA N'INGWATE

Uwatse inguzanyo n'abagiranye amasezerano bombi bahamije kandi bijeje Banki ibi bikurikira:

(i) Uwatse inguzanyo n'uwatanze ingwate hamwe n'abandi bavugwa muri iyi baruwa baba ikigo, isosiyete, ishyirahamwe, cyangwa urugaga, banditswe mu buryo bukurikije amategeko kandi bwemewe gukoreshwa muri aya masezerano;

(ii) Ibaruwa ihesha inguzanyo n'inyandiko z'ingwate, nibimara gushyirwaho umukono, bizahinduka inshingano zo mu rwego rw'amategeko zigomba kubahirizwa n'Uwatse inguzanyo hamwe n'undi wese uvugwa muri aya masezerano kandi ntaho bizaba binyuranyije n'amategeko, amabwiriza, ibibujijwe muri aya masezerano, cyangwa amategeko shingiro n'inyandiko y'ubwumvikane bwo gushinga isosiyete cyangwa izindi nyandiko zigize aya amasezerano;

(iii) Nta manza (zaba mbonezamubano cyangwa nshinjabyaha) ziri kuregwamo cyangwa zigiye kuregwamo Uwatse inguzanyo cyangwa abandi bagize aya masezerano, ku buryo bazitsinzwe byagira ingaruka mbi ku mutungo wabo cyangwa ku bushobozi bwabo bwo kwishyura imyenda;

(iv) Nta ngamba zafashwe cyangwa ziteganywa gufatwa zo kwemeza ko sosiyete y'Uwatse inguzanyo cyangwa iy'undi mu bagize aya masezerano yaguye mu gihombo cyangwa ko igiye guseswa. Nta muntu ushinzwe gucunga imitungo y'isosiyete iri mu gihombo, ushinzwe kuzahura ubucuruzi no gucunga igihombo cyangwa ushinzwe iyegeranya n'igabagabanya ry'umutungo washyizweho ngo acunge umutungo w'Uwatse inguzanyo cyangwa uw'undi wese mu bagize aya masezerano;

(v) Ko Uhawe inguzanyo cyangwa undi mu bagize aya masezerano batigeze bananirwa kwishyura imyenda, haba mu gihe cyashize cyangwa muri iki gihe;

(vi) Nta mpinduka zikomeye zabaye ku mutungo w'Uwatse inguzanyo cyangwa uw'undi mu bagize aya masezeranoo, cyangwa mu bindi bishobora kugira ingaruka mbi ku bushobozi bw'Uwatse inguzanyo cyangwa ubw'abandi bagize aya masezerano bwo kuzuza inshingano zabo zishingiye muri iyi baruwa ihesha inguzanyo no mu nyandiko z'ingwate;

(vii) Uhawe inguzanyo na buri wese mu basinye aya masezerano ni bo amategeko yemera ko ari bo ba nyir'imitungo yimukanwa n'itimukanwa ivugwa mu nyandiko z'ingwate kandi bawufiteho uburenganzira bwo kuwukoresha.

(viii) Uwatse inguzanyo ntabwo yahishe amakuru ayo ari yo yose ashobora gutuma guhabwa inguzanyo na Banki biba binyuranyije n'amategeko ayo ari yo yose cyangwa ngo indi miziro ijyana no gutanga inguzanyo Banki yashyiriweho na Banki Nkuru y'u Rwanda cyangwa urundi rwego rw'ubuyobozi rufite ububasha kuri Banki;

(ix) Imitungo itimukanwa n'iyimukanwa yatanzweho ingwate ku nguzanyo (hakubiyemo n'inyungu ziyikomokaho) hamwe n'amafaranga yose yishyuwe Banki ubu cyangwa azishyurwa nyuma, yabonetse mu nzira ziboneye, zitanyuranyije n'amategeko n'amabwiriza y'u Rwanda yerekeye kurwanya iyezandonke cyangwa andi mategeko asa nayo akoreshwa mu gihugu ayo mafaranga aturutsemo cyangwa amategeko ayo ariyo yose agenga imisoro Uwatse inguzanyo gomba kubahiriza,

(x) Amakuru n'inyandiko zose zitanzwe n'Uwatse inguzanyo cyangwa abandi bagize aya masezerano hakubiyemo n'amakuru y'ienyekanisha ry'umutungo, ay'imikoreshereze ya konti n'imenyekanisha ry'amafaranga yinjijwe, afitanye isano n'inguzanyo, ibikorwa by'ubucuruzi cyangwa ishusho y'imari y'Uwatse inguzanyo cyangwa abandi bagize aya masezerano agomba kuba yuzuye, ari y'ukuri, atari amahimbano, ahuje n'ukuri kandi ashobora kugenzurwa inkomoko;

(xi) Ibyemezo byose, impushya, uburenganzira no guhakana uburyozwe bikozwe na Leta cyangwa izindi nzego zayo, cyangwa inzego ngenzuramikorere cyangwa abatanze inguzanyo cyangwa abakodesha cyangwa abafatiriye imitungo itimukanwa cyangwa yimukanwa yose yatanzweho ingwate, bikenewe mu gushyira umukono kuri iyi baruwa ihesha inguzanyo no ku nyandiko z'ingwate, kuzitanga, kuzihesha agaciro cyangwa mu ishyirwa mu bikorwa ryazo, cyangwa bikenewe kugira ngo Uwatse inguzanyo asohoze inshingano ze cyangwa iyi baruwa ndetse n'inyandiko z'ingwate zemerwe mu itangwa ry'ibimenyetso, aho bisabwa, byarashatswe biraboneka kandi bifite agaciro kose gateganywa n'amategeko ;

(xii) Uhawe inguzanyo n'abo bafatanyije muri aya masezerano (niba bihari) bemera ko Banki yashingiye ku byo bavuze haruguru kugira ngo itange inguzanyo. Uwatse inguzanyo n'abo bafatanyije muri aya masezereano (niba bahari) biyemeje ko ibivugwa haruguru bizakomeza kuba ukuri ku matariki azajya akuriraho amafaranga kuri konti no mu gihe cyose azaba acyishyura inguzanyo kugeza igihe yose azarangiriza kuyishyura. Ingamba Banki yafata bitewe n'uko habayeho kwica amasezerano ntizishobora kuzitirwa n'ipereereza ryose ryakorwa na/cyangwa mu | izina rya Banki ku bucuruzi bw'Uwatse inguzanyo cyangwa abo bafatanyije muri aya masezerano;

(xiii) Uhawe inguzanyo yemeye bidasubirwaho kandi yemerera Banki gukora igenzura ku nguzanyo no kugenzura amakuru Uwatse inguzanyo cyangwa abo bafatanyije muri aya masezerano bahaye Banki, ikayabaza ahandi (hakubiyemo ibiro bishinzwe kugenzura inguzanyo, imiryango cyangwa ibigo byashyizweho kugira ngo bishakishe kandi bitange amakuru ku nguzanyo cyangwa andi makuru); na

(xiv) Uhawe inguzanyo aremeza kandi yijeje Banki ko (i) yahawe uburenganzira n'abo bafatanyije muri aya masezerano, n'abagize inama y'ubutegetsi, abayobozi bakuru ba sosiyete, abakozi bayihagarariye n'abanyamigabane b'amasosiyete bafatanyije, bwo kumenyesha Banki amakuru yabo yihariye mu gihe cyo gusaba no guhabwa inguzanyo ndetse no gutanga ingwate; (ii) azabamenyesha ko Banki ishobora gushakisha cyangwa kugenzura amakuru yihariye aberekeye iyavanye ahandi hantu, nko mu bigo bishinzwe kugenzura inguzanyo no mu bitabo byabugenewe cyangwa ibigo bitandukanye bya Leta bibishinzwe. Izi ngingo zose zavuzwe haruguru zikubiyemo ibyemejwe n'ibyijejwe zizakomeza kugira agciro no nyuma yo gushyira umukono kuri iyi baruwa no kuyitanga. Uwatse inguzanyo azafatwa nk'uwemereye kandi akizeza Banki ko ibyemejwe n'ibyijejwe byose bimaze kuvugwa bikomeza kuba ukuri, mu buryo bwose kandi buri munsi.

15. IBYO BIYEMEJE MURI RUSANGE

Mu gihe Inguzanyo ikiri kuri konti, Uwatse inguzanyo yiyemeje ko, uretse gusa mu gihe bivugurujwe n'inyandiko ya Banki,:

(i) Amafaranga yose y'inguzanyo ageze igihe cyo kwishyurwa Banki ashingiye kuri iyi Baruwa n'imigereka yayo ni yo agomba kujya yishurwa mbere yo kwishyura indi myenda yose Uwatse inguzanyo afite ubu cyangwa mu gihe kizaza, yaba iyatangiwe ingwate n'itarayitangiwe, ndetse n'igomba kwishyurwa mbere (harimo n'imyenda yishyurwa hari icyabaye kidasanzwe), uretse gusa mu gihe iyo myenda yaba igomba kwishyurwa mbere hashingiwe ku biteganywa n'amategeko aho kuba ibiteganywa n'amasezerano;

(ii) Uhawe inguzanyo ntashobora gufata cyanga kwemera ko hari undi mwenda ufatwa ushingiye ku ngwate (uretse gusa mu gihe biri mu nyungu za Banki) cyangwa ngo agire ibyo yizeza abantu atabanje kubiherwa uruhushya rwanditse na Banki, usibye gusa umwenda wari usanzwe uriho ku itariki iyi Baruwa yashyiriweho umukono kandi Banki ikaba yarabiherewe ibisobanuro birambuye mu nyandiko mbere y'iyo tariki, kandi amafaranga y'uwo mwenda akaba adashobora na rimwe kwiyongera.

(iii) Uhawe inguzanyo cyangwa uwo bafanyije muri aya masezerano ntagomba kugurisha, kwegurira cyangwa gutanga mu buryo ubwo ari bwo bwose, ubucuruzi bwe, imitungo itimukanwa cyangwa iyimukanwa cyangwa amafaranga yinjiza, yabitangira rimwe cyangwa mu byiciro (mu buryo bunyuranye n'ibisanzwe bikorowa mu bucuruzi) Ubukode bw'igihe gito n'ubw'igihe kirekire ku mutungo utimukanwa bigomba gushingira ku nyungu n'uburenganzira bwa Banki, kandi ubwo bukode bwombi ntibwemewe gukorwa ku cyemezo cy'umutungo;

(iv) Iyo Uhawe inguzanyo ari Isosiyete, ntashobora guhindura Imiterere y'imari shingiro atabanje kubiherwa uruhushya rwanditse na Banki kandi Uwatse inguzanyo azakora ku buryo abagize inama y'ubutegetsi badashobora kwimurira ahandi imigabane ye batabiherewe ubwo burenganzira bwanditse;

(v) Uhawe inguzanyo cyangwa uwo bafatanyije muri ari aya masezerano ntibashobora guhindura amategeko shingiro cyangwa inyandiko y'ubwumvikane bwo gushinga isosiyete (iyo Uwatse

inguzanyo ari isosiyete) cyangwa amategeko shingiro (iyo Uhawe inguzanyo ari koperative), cyangwa izindi nyandiko zose z'ishingwa ryayo atabanje kubiherwa na Banki uburenganzira bwanditse;

(vi) Uhawe inguzanyo ntashobora kwaka indi nguzanyo ahandi atabanje kubiherwa na Banki uburenganzira bwanditse;

(vii) Abo bafatanyije muri aya masezearano ntibashobora guhindura ikintu icyo aricyo cyose ku bikorwa byabo by'ubucuruzi, haba mu mikorere cyangwa mu miterere yabyo;

(viii) Akimara kubimenya, Uwatse inguzanyo agomba kumenyesha Banki ikirego cyose gikomeye kiri mu rukiko, mu bukemurampaka cyangwa mu nzego z'ubuyobozi cyangwa gishobora kuhajyanwa, akurikijwe amakuru afite, kirega abo bafatanyije muri aya masezerano;

(ix) Uhawe inguzanyo agomba iteka guhita abimenyesha Banki igihe cyose amenye ko habayeho kunanirwa kwishyura umwenda wayo mu gihe cyagenwe;

(x) Uhawe inguzanyo agomba, buri gihe kubahiriza no gukurikiza ibyo yiyemeje, ibyo yasezeranyije, amategeko n'amabwiriza bikubiye muri Ibaruwa ihesha inguzanyo, mu Bisabwa no mu nyandiko z'ingwate, cyangwa mu nyandiko yose y'ingwate Uwatse inguzanyo yahaye Banki, cyangwa mu ibaruwa yose cyangwa ubutumwa Uwatse inguzanyo yohererezanyije na Banki, kandi ntashobora guhindura cyangwa kwanga kubahiririza ingingo iyo ari yo yose izikubiyemo cyangwa ngo arenge imbibi z'ibyumvikanyweho atabanje kubiherwa uburenganzira na Banki;

(xi) Uhawe inguzanyo n'abandi bireba bagomba gukurikiza no kubahiriza ingingo zose z'amategeko ariho, kandi bagashaka, bagakurikiza kandi bakihutira kuvugurura no kubahiriza ibyo bemeye byose, ibyemezo, impushya, uburenganzira, ububasha, uburenganzira bwihariye, gusonerwa, uburenganzira bwo gucuruza ku izina ry'undi n'impushya zihariye (niba bikorwa) bisabwa n'amategeko cyangwa akurikizwa kugira ngo uwo bafatanyije mu muri aya masezerano ashobora gukora ibikorwa bye no gusohoza inshingano ze zishingiye mu Ibaruwa ihesha inguzanyo n'imigereka yayo cyangwa mu nyandiko z'ingwate (bitewe n'ibisabwa) cyangwa kugira ngo Ibaruwa ndetse n'inyandiko z'ingwate bikomeze kuba bihuje n'amategeko, bifite agaciro kandi bishobora kubahirizwa;

(xii) Uhawe inguzanyo n'abo bafatanyije muri aya masezerano bagomba, mu gihe cyose hakiri imitungo yatanzweho ingwate, kwishyurira ku gihe amafaranga yakoreshejwe na Banki ndetse n'Ushinzwe iyegeranya n'igabagabanya ry'umutungo washyizweho na Banki ajyanye n'ubukode bwose, buriho ubu n'ubuzaza, amahoro y'uturere cyangwa y'inzego z'ibanze, imisoro, ayishyuwe ku byakozwe, ay'igenzura, ayategetswe kwishyurwa n'andi yakoreshejwe mu buryo butandukanye (yaba ayategetswe n'amasezerano, amategeko shingiro cyangwa ukundi, yaba akomoka ku mu miterere y'imari shingiro cyangwa ayinjijwe cyangwa ashyizweho bushyashya) yishyuwe ubu cyangwa ikindi gihe ku mutungo wose cyangwa igice cyawo, cyangwa ayishyuwe na nyir'umutungo cyangwa undi wese uwurimo;

(xiii) Uhawe inguzanyo agomba gukora ibikorwa bye by'ubucuruzi mu buryo bukwiye, bugera ku ntego, bwa kinyamwuga kandi akagendera ku mikorere myiza y'icungamari rinoze, kandi kugira ngo bigerweho, agashyiraho abacungamari b'umwuga n'imikorere inoze y'icungamari;

(xiv) Uhawe inguzanyo agomba kumenyesha Banki ako kanya impinduka zose zabaye mu bagize inama y'ubutegetsi, abafatanyabikorwa cyangwa abahawe inshingano z'ubuyobozi cyangwa ikintu gikomeye kibaye gishobora kubangamira ubucuruzi bw'Uwatse inguzanyo, hakubiyemo ikibaye ku bagize inama y'ubutegetsi, mu miterere shingiro y'imigabane ya sosiyete, amakimbirane hagati y'inganda cyangwa mu bakozi, ihungabana ry'imikorere y'inganda cyangwa iry'ubukungu, gahunda zo gushora imari mu mishinga itandukanye, imikoreshereze y'amafaranga y'igishoro, ihinduka ry'intego zari zigamijwe, n'ibindi

(xv) Uhawe inguzanyo azaha Banki amakuru ajyanye n'imari n'ubucuruzi bw'Uwatse inguzanyo, mu bihe no mu buryo Banki izagenda ibisaba;

16. NTA BWIRIZA RYA AVANSI/ GUSUBIRAMO

Hatitawe ku ngingo iyo ari yo yose iteganywa muri iyi baruwa, Banki ishobora kuvugurura inguzanyo igihe cyose ibishakiye bidasabye kuba habayeho kunanirwa kwishyurira igihe.

Iyo iryo suzuma rirangiye, Banki ishobora gushyiraho amabwiriza n'ibisabwa kubahirizwa bitewe n'uko ibona bikwiye, harimo, ariko bitagarukira aha, kugabanya amafaranga y'ingazanyo fatizo cyangwa gusaba ko Uwatse inguzanyo ahita yishyura. Nta mpamvu n'imwe, yaba ishingiye ku mategeko cyangwa bitegetswe n'icyemezo cy'urukiko, yahatira Banki guha cyangwa gukomeza guha Uwatse inguzanyo amafaranga y'inguzanyo.

Dukurikije imikorere isanzwe ya Banki, Banki izasuzuma ibyo Uwatse inguzanyo asaba ishingiye ku makuru ahuje n'igihe ajyanye n'imari n'ibikorwa bye by'ubucuruzi, akenewe kugira ngo hakorerwe isuzuma. Aya makuru agomba guhabwa Banki bitarenze itariki 30 Nzeri buri mwaka cyangwa ikindi gihe Banki ishobora kuyasaba, ariko yabanje gutanga integuza. Mu gihe Banki itinze kubona ayo makuru, ifite uburenganzira bwo kuvugurura amasezerano y'inguzanyo ikongera igipimo cy'inyungu uko ibyumva, ikagabanya cyangwa ikavugurura inguzanyo kugeza igihe iboneye amakuru y'ingenzi yasabye kandi n'isuzuma ryakozwe.

17. KWIRENGERA IGIHOMBO

Uhawe inguzanyo agomba kwishyura Banki kandi ntagire icyo ayiryoza icyo ari cyo cyose, byaba ibihombo, indishyi n'amafaranga y'ibyakoreshejwe ayo ari yo yose, yaba mu bijyanye n'amategeko cyangwa ibindi (harimo, ariko bitagarukira gusa ku mafaranga Banki yatanze ku mwavoka no ku mukiriya wayo, harimo n'umusoro watanzwe kuri iyo serivisi) Banki ishobora kwishyura cyanga kwirengera bitewe n'ingaruka zo kutubahiriza ibivugwa mu Ibaruwa ihesha inguzanyo cyangwa mu nyandiko z'ingwate cyangwa kunanirwa kwishyura umwenda ku gihe cyagenwe. Amafaranga yemejwe na Banki ni ndakuka kandi Uwatse inguzanyo agomba kuyatanga, uretse gusa mu gihe habayeho ikosa rigaragara, kandi azongerwa ku mwenda wishingiwe n'iyi Baruwa hamwe n'inyandiko z'ingwate.

18. **GUHUZA IBYAKOZWE KURI KONTI N'UBURENGANZIRA BWO GUHANAGURA UMWENDA:**

Banki, yabanje kubimenyesha Uhawe inguzanyo, ishobora gukomatanya cyangwa guhuriza hamwe konti z' Uhawe inguzanyo zose cyangwa zimwe muri zo, hanyuma amafaranga ariho ikayakorsha yiyishyura cyangwa ikohereza ayo mafaranga kuri konti imwe cyangwa nyinshi, mu bwoko ishaka bw'amadevize, ku ishami ryayo ryose, mu gihugu icyo ari cyo cyose, kugira ngo yiyishyure imyenda yose Uhawe inguzanyo ayibereyemo, yaba iy'ubu cyangwa iyo mu gihe kizaza, ihari cyangwa ishobora kuzabaho, ibanza kwishyurwa mbere ndetse n'ikurikiraho, iyishingiwe n'ingwate, itishingiwe n'ingwate, ihuriweho cyangwa idahuriweho.

Imyenda isigaye itishyuwe nyuma yo guhuriza hamwe izo konti, na yo izabarwa mu nguzanyo yishingiwe n'Ibaruwa ndese n'inyandiko z'ingwate. Mu gihe iyo myenda yaba iri madevize y'ubwoko butandukanye, Banki ishobora guhindura ayo madevize ku gipimo cy'ivunjisha kigezweho ku isoko mu buryo isanzwe ikoramo ubucuruzi kugira ngo umwenda wose wishyurwe. Icyo gihe, icyemezo cyatanzwe na Banki kigaragaza amafaranga Uwatse inguzanyo agomba kwishyura hashingiwe kuri iyi baruwa, kizaba kibaye ndakuka, mu gihe nta kosa ryagaragaye, kandi Uwatse inguzanyo agomba kubyubahiriza mu buryo bwose.

19. **UBUNDI BURENGANZIRA BANKI IFITE**

Banki ishobora gutinda cyangwa igahitamo kudafata icyemezo mu gihe Uhawe inguzanyo cyangwa abo bafanyije muri aya masezerano batubahirije ingingo runaka mu zigize iyi Baruwa cyangwa inyandiko z'ingwate. Kuba Banki yagira cyangwa itagira icyo ikora, ntibigomba gufatwa nk'aho Banki ihaye umugisha ayo makosa kandi ntibizapfobya uburenganzira Banki ifite bwo gufata ibyemezo mu gihe izo ngingo z'amasezerano cyangwa izindi zirengagijwe. Banki ntishobora kuryozwa igihombo icyo aricyo cyose gikomoka mu gukoresha cyangwa kudakoresha ubwo burenganzira.

Banki ishobora kandi gufata bimwe mu byemezo bikurikira itabangamiye uburenganzira bwayo buvugwa mu Ibaruwa n'inyandiko z'ingwate:

(i) Kugena, guhindura cyangwa kongera umubare w'amafaranga y'inguzanyo cyangwa ubundi bwoko bw'umwenda wahawe Uhawe inguzanyo;

(ii) Guha Uhawe inguzanyo n'abo bafatanyije muri aya masezerano igihe ishaka, kuborohereza cyangwa gushakira hamwe ibisubizo;

(iii) Kuvugurura amasezerano y'umwenda ayo ari yo yose, cyangwa inyandiko z'imitungo yagwatirijwe;

(iv) Kuganira ku ngurane yatangwa ku nyandiko z'ingwate, kuvugurura cyangwa kureka kugurisha ingwate cyangwa gushyira mu bikorwa ibiteganywa mu nyandiko z'ingwate cyangwa uburenganzira Banki ishobora kugira ubu cyangwa mu bihe biri imbere; cyangwa

(v) Guhindura rimwe na rimwe amabwiriza agenga inguzanyo kugira ngo ahuzwe n'amategeko,

ibyemezo n'imyanzuro y'ingenzi y'inzego z'ubucamanza, ngenzuramikorere cyangwa iz'ubugenzuzi, byaba ibyakozwe mbere cyangwa nyuma y'itariki iyi baruwa ihesha inguzanyo yashyiriweho umukono.

20. KUBA BANKI IMWE YONYINE

Mu gihe cyose inguzanyo itararangiza kwishyurwa, Banki igomba gukomeza kuba ari yo banki yonyine Uwatse inguzanyo akoresha (uretse gusa igihe Banki yabigena ukundi). Amafaranga yose Uwatse inguzanyo yinjije mu bucuruzi bwe cyangwa mu bundi buryo bwose azayishyura inguzanyo ya Banki kuri konti yafunguje cyangwa azafunguza mu mazina ye, kandi azajya yishyura akoresheje sheki, inyandiko nsezeranyabwishyu cyangwa inyandiko ntegekanyabwishyu zanditse mu mazina ya Banki kandi amafaranga yose Banki yakoresheje mu kwita k'Uwatse inguzanyo, hamwe n'andi mafaranga agomba kwishyurwa n' Uhawe inguzanyo mu gihe cyagenwe hashingiwe ku bikubiye mu masezerano y'inguzanyo, azavanwa kuri konti z'Uwatse inguzanyo.

21. UBURENGANZIRA BWO GUKORA IGENZURA

Mu gihe bibaye ngombwa, Uwatse inguzanyo hamwe n'abo bafatanyije muri aya masezerano, bemerera Banki, abakozi bayo cyangwa abayihagarariye gukora igenzura no gutanga raporo ku mutungo wose, waba uri mu bubiko cyangwa indi mitungo yose yimukanwa igize ingwate, kandi rigakorwa incuro zagenwa na Banki, ripfa gusa kuba rikozwe mu masaha y'akazi kandi Uwatse inguzanyo hamwe n'abo bafatanyije muri aya masezerano bakabimenyeshwa nibura iminsi ibiri (2) mbere yaho (uretse mu gihe byihutirwa, aho bidakenera kubamenyesha) kandi amafaranga yose Banki izakoresha muri iryo genzura azafatwa nk'amafaranga Banki yakoresheje mu bijyanye n'ingwate kandi yose azishyurwa n'Uwatse inguzanyo mu gihe abisabwe kandi akongeraho n'inyungu, nk'uko bigaragara mu ngingo ya 6 yavuzwe haruguru.

23. GUTANGA UBURENGANZIRA BWO GUHAGARARIRWA

Uhawe inguzanyo ashyizeho Banki kugira ngo imuhagararire mu by'amategeko mu buryo budasubirwaho kandi mu izina no mu mwanya we, Banki izategura kandi ikore ibikorwa Uhawe inguzanyo yakabaye akora hashingiwe ku byasezeranyijwe n'ibyumvikanyweho muri iyi Baruwa n'imigereka yayo, kandi mu izina ry' Uhawe inguzanyo, Banki izakoresha ububasha bwose iheshwa n'iyi Baruwa cyangwa ihabwa n'amategeko.

24. KUVUNJA AMADEVIZE NO KWISHYURA

Byemejwe n'Uwatse inguzanyo na Banki ko:

i. Mu gihe Uhawe inguzanyo abisabye, Banki ishobora, mu bushishozi bwayo, kumuha amafaranga y'inguzanyo mu madevize ku gipimo cy'ivunja ry'ifaranga gikoreshwa muri Banki icyo gihe;

ii. Mu gukoresha umwenda mu madevize, Uhawe inguzanyo ahaye Banki uburenganzira bwo kuvunja mu mafaranga y'u Rwanda inguzanyo Uhawe umwenda yahawe mu madevize cyangwa igice cyawo, igihe cyose Banki yabishakira. Amafaranga yose yakwishyurwa Banki (yaba ashingiye ku rubanza rwaciwe, ku cyemezo cy'urukiko cyangwa mu bundi buryo) ntashobora kuvaniraho Uhawe

inguzanyo inshingano zo kwishyura umwenda hashingiwe ku buryo watanzwe, keretse gusa igihe Banki izaba imaze kwishyurwa amafaranga yose y'umwenda mu madevize uwo mwenda watanzwemo kandi umubare w'amafaranga yose yishyuwe navunjwa mu madevize ukaba muto kuri uwo umwenda watanzwe mu madevize (afite ubu cyangwa yazagira), icyo gihe Banki izaba ibonye indi mpamvu yo gukurikirana Uwatse inguzanyo kandi izaba ifite uburenganzira bwo kwishyuza Uwatse inguzanyo ayo mafaranga aburaho afatwa nk'umwenda wishyuzwa kimwe n'indi myenda igomba kwishyurwa

iii. Ingwate n'inyandiko z'ingwate zifitwe na Banki cyangwa Banki ishobora gufata mu gihe runaka zizishingira imyenda yose y'Uwatse inguzanyo (iyo afite ubu n'iyo yazagira) mu madevize ayo ari yo yose, uwo mwenda waba umwanditseho wenyine cyangwa hari undi bawufatanyije;

iv. Amafaranga yose Uhawe inguzanyo abereyemo Banki kandi ageze igihe cyo kwishyurwa, azishyurwa mu madevize umwenda fatizo watanzwemo, kandi n'inyungu zayo na zo zizishyurwa mu madevize umwenda fatizo watanzwemo, ma madevize yoroshye kuvunjamo;

v. Amafaranga yose yakiriwe n'ushinzwe iyegeranya n'igabagabanya ry'umutungo cyangwa abitswe na Banki ashobora buri gihe kuvunjishwa mu madevize bitewe n'ibyo Banki ibona bikenewe cyangwa yifuza kugira ngo hishyurwe imyenda yose Uwatse inguzanyo yafashe, iy'ubu n'iyo ashobora gufata, muri ayo madevize kandi iryo vunjisha rigakorwa ku gipimo Banki isanzwe ivunjiraho amafaranga mu madevize;

vi. Iyo Uhawe inguzanyo yananiwe kwishyura amafaranga yose ateganijwe muri iyi Baruwa igihe yabisabwe, Banki ishobora, mu bushishozi bwayo busesuye kandi idateguje Uwatse inguzanyo, kugura igihe ibishakiye amadevize menshi ashoboka Banki ibona ko akenewe cyangwa yifuza kugira ngo yishyure imyenda Uwatse inguzanyo yafashe muri ayo madevize agatanga n'ingwate, kandi Banki izagura ayo madevize mu buryo isanzwe iguramo andi madevize ikoresheje ayo isanganywe kandi Uwatse inguzanyo yiyemeje muri iyi Baruwa ko azishyura Banki amafaranga yose yakoreshejwe mu kugura ayo madevize;

vii. Amafaranga yose yakwishyurwa Banki (yaba ashingiye ku rubanza rwaciwe, ku cyemezo cy'urukiko cyangwa mu bundi buryo) ntashobora kuvaniraho Uhawe inguzanyo inshingano zo kwishyura umwenda hashingiwe ku buryo watanzwe, keretse gusa igihe Banki izaba imaze kwishyurwa amafaranga yose y'umwenda mu madevize uwo mwenda watanzwemo kandi umubare w'amafaranga yose yishyuwe navunjwa mu madevize ukaba muto kuri uwo umwenda watanzwe mu madevize (afite ubu cyangwa yazagira), icyo gihe Banki izaba ibonye indi mpamvu yo gukurikirana Uwatse inguzanyo kandi izaba ifite uburenganzira bwo kwishyuza Uhawe inguzanyo ayo mafaranga aburaho afatwa nk'umwenda wishyuzwa kimwe n'indi myenda igomba kwishyurwa;

viii. Banki ishobora, mu bushishozi bwayo busesuye kandi yabanje kumenyesha mu nyandiko Uhawe inguzanyo, guhindura ingwate yahawe mu yandi mafaranga atari amafaranga y'u Rwanda ("Amadevize") ikaba ingwate iri mu mafaranga y'u Rwanda. Banki niramuka ikoresheje ubwo burenganzira bwayo kuvunja ingwate yahawe, ayo madevize azavunjwa mu manyarwanda ku gipimo

Banki yihitiyemo ishingiye ku buryo isanzwe ikora ibikorwa by'ivunjisha amadevize mu manyarwanda kuri uwo munsi yayavunjiyeho. Mu gihe cy'ivunjisha, ibiteganya muri iyi nyandiko bizakurikizwa, hazirikanywe ibyahindutse, mu bijyanye n'uburyo Uwahawe inguzanyo azishyuzwa inyungu ku nguzanyo isigaye kwishyurwa n'uburyo azajya yishyura mu mafaranga y'u Rwanda, kandi Uwatse inguzanyo azishyuzwa inyungu zisabwa kandi azishyure, kandi

ix. Uhawe inguzanyo ntashobora kuryoza Banki cyangwa ushinzwe iyegeranya n'igabagabanya ry'umutungo, igihombo icyo ari cyo cyose gituruka ku ihindagurika ry'ibipimo by'ivunjisha ryabaye mbere cyangwa nyuma y'ibyo bikorwa by'ivunjisha.

25. GUHINDURA CYANGWA GUSIMBUZA INGUZANYO

Banki ishobora, igihe icyo ari cyo cyose, iyo bitabangamiye ingwate yatanzwe, gutanga indi myenda, cyangwa guhindura, kugurana cyangwa gusimbuza umwenda uwo ariwo wose watanzwe indi myenda ihawe Uhawe inguzanyo.

Banki ifite kandi uburenganzira bwo guhindura nomero ya konti igatanga inshya cyangwa kwimura no guhuriza hamwe konti zisanzwe muri Banki zikavamo konti imwe nshya nyuma y'uko guhindura, kugurana cyangwa gusimbuza umwenda, kandi ntibivutse Uwatse inguzanyo uburenganzira ahabwa muri iyi baruwa ihesha inguzanyo cyangwa inyandiko y'Ingwate iyo ariyo yose.

26. IGENAGACIRO

Uhawe inguzanyo yemeye gutanga raporo y'igenagaciro ry'imitungo yahaye Banki ho ingwate nibura incuro imwe mu myaka itatu (3), raporo igategurwa n'umwe mu bagenagaciro bemewe na Banki.
Banki ishobora nanone, iyo ibona ko bikwiye, gusaba ko imitungo yagwatirijwe, yose cyangwa imwe muri yo, izajya ikorerwa igenagaciro nyuma y'igihe runaka. Iyo bidakozwe, Banki irabikoresha maze igakura amafaranga y'ibyakoreshwe kuri konti y'Uwatse inguzanyo.

27. GUTANGAZA NO GUHANAHANA AMAKURU BWITE

i. **kwemera no gutanga uburenganzira kwa nyiri ubwite**

Muri NCBA, duha agaciro amakuru bwite n'imibereho yawe bwite bityo twiyemeje kugungabunga amakuru aduhaye. Iyi nyandiko isobanuro neza uburyo dukusanya, dukoresha, duhanahana, duhererekanya kandi turinda amakuru bwite mu gihe cyose uzaba ukoresha serivisi zacu. Ku bindi bisobanuro ku buryo dukoresha amakuru bwite yawe, uburenganzira bwawe nkuko biteganywa n'Itegeko ryerekeye kurinda amakuru bwite n'imibereho bwite by'umuntu, wabona inyandiko irambuye ku rubuga https://rw.ncbagroup.com/privacy-policy/; ndetse ikaba iboneka mu mashami yacu yose. Ibyigenzi bikubiye muri iyi nyandiko ni ibi kiburikira:

(a) **Gukusanya amakuru bwite:** Dukusanya kandi tugatunganya amakuru bwite waduhaye cyangwa dukuye ahandi hantu mu gihe urimo gufungura konti ndetse no mu gihe uzaba ukorana natwe. Aya

makuru ashobora kuba arebana n'ibikuranga, umwironoro wawe, umutungo wawe ndetse n'andi makuru yaba ari ngombwa.

(b) **Gukoresha cyangwa kwifashisha amakuru bwite yawe:** Amakuru bwite yawe ashobora gukoreshwa cyangwa kwifashishwa ku mpamvu zitandukanye mu gihe ubyemeye, cyangwa ku mpamvu ziteganywa cyangwa zemewe n'itegeko ryekekeye kurinda amakuru bwite n'andi mategeko. Muri rusange, amakuru yawe bwite azakoreshwa kandi yigashishwe mu gufungura konti no gucunga konti yawe, gutanga ubufasha bukenewe n'abakiliya, gushyiraho no gutanga servisi za banki, kubahiriza cyangwa gushyira mu bikorwa ibiteganywa n'itegeko cyangwa ibyategetswe n'inzego zibifitiye ububasha aha twavuga inzego z'ubutabera, abagenzuzi b'ibikorwa runaka, inzego za Leta, bahesha b'inkiko, abavoka cyangwa ibishingizi.

(c) **Guhanahana no gutangaza amakuru bwite**: Dushobora guhererekanya cyangwa gutangaza amakuru bwite yawe mu gihe banki iri mu bikorwa byayo, kuyahererekanya n'izindi nzego ziteganywa n'itegeko cyangwa undi muntu dufitanye amasezerano kandi afite inshingano zo kubungabunga ibanga ry'amakuru yawe bwite ndetse kandi hagashyirwaho ingamba zo kwirinda ko ayo makuru yagera cyangwa akabonwa n'utabyemerewe.

(d) **Guhererenya amakuru bwite hanze y'u Rwanda**: Dushobora kohereza cyangwa guhererekanya amakuru bwite yawe hanze y'u Rwanda hari amasezerano banki igomba kubahiriza, mu gukora ibikorwa byayo, cyangwa se igihe ari ngombwa kwifashisha abanda bantu mu kuduha serivisi kandi aba bantu bakaba bakorera cyangwa bafite ububiko bw' amakuru (amakuru bwite n'amakuru bwite y'ibanga) hanze y'u Rwanda nk'uko wemeye ko ayo makuru yahoherezwa cyangwa agahereherakanywa hanze y'igihugu. Twebwe cyangwa abandi bantu rwabihereye uburengazira tuzakora ibishoboka byose kugira ngo ihererekanya ry'amakuru bwite hanze y'igihugu rikorwe mu buryo bukurikije amategeko kandi abungabungwe harimo no kureba ko aho yoherejwe hari amategeko yangobwa arebana no kubungabunga amakuru bwite kandi tugirane amasezerano yo kurinda amakuru bwite yawe.

(e) **Umutekano w'amakuru**: Tuzakora ibishoboka byose dushyireho uburyo buboneye bwo kurinda amakuru bwite n'amakakuru bwite y'ibanga yawe . Twashyizego ingamba ku rwego rwa tekiniki no ku rwego rwa Banki ku kurinda amakuru bwite yawe ko yabonwa n'utabifitiye uburenganzira, gutakara cyangwa se gushyirwa ahagaragara.

(f) **Kubika amakuru:** Amakuru bwite n'amakuru bwite y'ibanga yawe azabikwa mu gihe cyose banki izaba iyakeneye, cyangwa igihe gitegekwa n'itegeko, cyangwa ku mpamvu zijyanye n'ibarura

ry'imisoro. Amakuru yawe kandi azakomeza kubikwa mu gihe cyose haba hari ikibazo cyashyikijwe inkiko zibifitiye ububasha.

(g) **Uburengazira bwawe:** Ufite uburenganzira bukurikira:

- Kumenyeshwa amakuru bwite yawe yakusanyijwe n'icyo tuzayakoresha;
- Kubona amakuru bwite abitswe na banki ndetse no gusaba ko yakosorwa;
- Gusaba ko amakuru bwite yawe abaitswe na banki yasibwa ariko haseguriwe servisi banki izakomeza kuguha;
- Gusaba ko amakuru bwite yawe yakohererezwa cyangwa ahanahanwa n'ikindi kigo habanje kwishyurwa ikiguzi cyaba gisabwa kutanga iyo serivisi;
- Kwanga ko amakuru bwite yawe atunganywa cyangwa akoreshwa keretse igihe itegeko ryaba ritwemerera gukomeza kuyatunganya cyangwa kuyakoresha cyangwa biteganywa ukundi;
- Kwanga ko igikorwa runaka gikoreshwa amakuru yawe bwite kabone nubwo uko kwanga kwaba kudagaharika itunganywa cyangwa ikoreshwa ryayo hagendewe ku kwemera kwakozwe mbere;
- Kutagengwa n'icyemezo cyangwa gushyirwa mu byiciro hashingiwe ku itunganywa ry'amakuru bwite ryikoresha;
- Gushyiraho umuzungura bibyuze mu irage ryakozwe ku buryo bukurikije amategeko;
- Guhagararirwa mu buryo bukirije amategeko;

Mu rwego rwo gushyira mu bikorwa ubu burenganzira bwavuzwe haruguru, wanyura mu nzira zivugwa hasi cyangwa ukagana amashami yacu ku bufasha bwose waba ukeneye.

(h) **Uburyo watubona:** Mu gihe waba ushaka kutubona kubirebana n'aya mabwiriza yo kurinda amakuru bwite, cyangwa mu guharanira uburenganzira ku makuru bwite yawe, wadusanga:

NCBA Bank Rwanda PLC
Kigali Heights, Igorofa rya 8, Ikibanza no. 772,
Agahanda ka KG 7 AVE, Umuganda.
Agasanduku k'iposita: 6774, Kigali, Rwanda
Telepfone: +250 788 149 500 / +250 788 149 555
imeli: contact@ncbagroup.com
Umukozi wacu ushinzwe kurinda amakuru bwite: DataProtectionRwanda@ncbagroup.com

(i) **Kwemera no gutanga uburenganzira bwo gutunganya no gukoresha amakuru bwite yanjye:**

Mu gusinya aya amasezeranyo, ndemeza/ turemeza ko twasomye neza kandi twasobanukiwe n'ibikubiye muri aya mabwiriza ya NCBA arebana no kurinda amakuru bwite n'imibereho bwite nashyikijwe kandi aboneka kurubuga https://rw.ncbagroup.com/privacy-policy/.

Nemeye ntagahato kandi mpaye uburenganzira busesuye NCBA Bank Rwanda PLC n'ibindi bigo bifitanye isano nayo cyangwa biyishamikiyeho bwo gukusanya, gukoresha no gutunganya amakuru bwite n'ay'ibanga yanjye/yacu nk'uko byasobanuwe muri aya mabwiriza cyangwa biteganywa n'inyandiko irebana no kurinda amakuru bwite n'imibereho bwite bya muntu.

ii. Bityo rero, uhawe inguzanyo yemeye bidasubirwaho kandi yemereye Banki n'abakozi bayo gutanga no kwerekana amakuru ye bwite, amakuru yose yerekeye konti ye n'uburyo akorana na Banki, ibyumvikanyweho mu masezerano y'inguzanyo ndetse n'ingwate yatanze, byose ikabyereka ibyiciro by'aba bantu bakurikira;

- Abakazi bagenzura amakuru ya Banki cyangwa batanga serivisi zayo zitandukanye, haba mu Rwanda ndetse no hanze yarwo, bashyiriweo gukora imirimo ya Banki;

- Amashami ya Banki, ibigo bifitanye isano na Banki ndetse n'amasosiyete akora na yo, haba mu Rwanda cyangwa hanze yarwo, abahe inshingano zo kuyihagararira n'abazungura bayo.

- Ibigo bishinzwe kugenzura imikorere y'inzego, ibigo bya Leta, polisi, inzego zishinzwe iyubahirizwa ry'amategeko n'inkiko, byaba ibikorera mu Rwanda no hanze yarwo;

- Andi ma banki cyangwa ibigo by'imari haba mu Rwanda no hanze yarwo, ibigo by’ubwishingizi ndetse n’ibigo by’ubwishingizi byishingira ibindi bigo by’ubwishingizi (mu Rwanda cyangwa hanze yarwo);

- Ibiro bishinzwe inguzanyo, ibigo bishinzwe gutanga amakuru ku myenda, hamwe n’ibigo byashyizweho kugira ngo bijye bikusanya kandi bitange amakuru ku myenda;

- Abo bireba bari muri aya masezserano n’abandi bantu bafite aho bahurira n’uburenganzira n’inshingano zikomoka ku mwenda wafashwe n’Uwatse inguzanyo, harimo n’abamwishingiye, abamutije cyangwa abamuhaye ingwate;

- Abo Banki ishobora guha inshingano zo kuyicungira umutungo ndetse n’abakozi bahagarariye Banki;

- Abakozi bashinzwe kwishyuza imyenda, abavoka, ibigo byatoranijwe mu gucunga imyenda ya Banki;

- Abakozi bemewe b’ Uhawe inguzanyo, uwegeranya umutungo uzungurwa cyangwa abamuhagarariye mu by’amategeko;

- Abashinzwe gucunga ubukode bw’ingwate zahawe Banki, abashinzwe kwishyuriza Banki imyenda cyangwa abashobora guhabwa inshingano zo kuyicungira umutungo cyangwa abazungura bayo; na

- Abantu cyangwa ibigo Banki isabwa n’amategeko guha amakuru;

iii. Uhawe inguzanyo yemeye mu buryo busesuye, kandi yemereye Banki n'abayobozi bayo, gushyira amakuru yihariye y' Uhawe inguzanyo muri sisitemu za mudasobwa y'abakiriya bayo ishobora kugerwaho n'andi masosiyete akorana na Banki kugira ngo asuzume ibijyanye n’inguzanyo, asesengure yifashishishije ibarurishamibare, no guzuma imyitwarire y’ Uhawe inguzanyo hagatangwa n’amanota, no kumenya ibicuruzwa na serivisi (harimo n’izitangwa n’abandi) bifitiye akamaro Uhawe inguzanyo; Uhawe inguzanyo yemereye kandi andi masosiyete afite ibyo akorana na Banki gukoresha amakuru ye yihariye, n’andi yose amwerekeyeho abitse muri sisitemu ya mudasobwa y’abakiriya bayo kugira ngo bamenyeshe Uwatse inguzanyo ibicuruzwa na serivisi bishobora kumushishikaza.

28. KONGERA IMISORO YAKWA

i. Uhawe inguzanyo agomba kwishyura amafaranga yose asabwa kwishyurwa nta na rimwe rivuyeho ku y’imisoro, amahoro, imifuragiro, andi mafaranga yose yakwa, yategetswe, akatwa, yishyuzwa cyangwa akurwa ku musaruro winjiye, ubu cyangwa mu gihe kiri imbere, ndetse n’andi yose yakwa afitanye isano na yo yategetswe na Repubulika y’u Rwanda, cyangwa urundi rwego wa politiki cyangwa ikigo cy’imisoro cyo muri icyo gihugu cyangwa muri ako karere, cyangwa cyo mu ifasi runaka Uhawe inguzanyo anyuzaho ubwishyu bw’imisoro (imisoro yose, amafaranga yose

akurwaho, ayategetswe, agabanywa n'akatwa ku yinjiyie yose, yose hamwe yitwa "Imisoro").

ii. Igihe cyose Uhawe inguzanyo amenye ko hari amafaranga agomba gukurwaho ku musoro asabwa kwishyura, agomba guhita ibimenyesha Banki (cyangwa ko hari impinduka yabaye ku gipimo cyangwa ku rugero fatizo giherwaho bakata umusoro) agomba kubimenyesha Banki;

iii. Mu gihe amategeko asaba ko hari imisoro igomba gukurwa ku mafaranga Uwatse inguzanyo asabwa kwishyura Banki, uwo umubare w'amafaranga yagenwe Uhawe inguzanyo agomba kwishyura uzongerwa ku buryo, nyuma yo gukuramo imisoro yose, amafaranga azasigara azaba angana n'ayo yari kwishyura iyo adategekwa kwishyura umusoro ku bwishyu. Imisoro ikatwa ku bwishyu igomba kwishyurwa n' Uhawe inguzanyo;

iv. Iyo Uhawe inguzanyo asabwa gukuramo umusoro, agomba kubikora atyo kandi akishyura imisoro yose yakuweho mu kigo cy'imisoro nkuko bisabwa n'amategeko abigenga;

v. Nyuma y'iminsi mirongo itatu (30) amaze kwishyura umusoro wakuwe ku mafaranga yishuwe inguzanyo ya banki ku kigo cy'imisoro kibishinzwe, Uhawe inguzanyo asabwa kugeza kuri banki inyemezabwishyu o yishyuriyeho, ibyemezo by'imisoro yakaswe, cyangwa izindi nyandiko izo arizo zose zemeza Banki ku buryo budashidikanywaho ko koko hari imisoro yakaswe kandi ko yishyuwe neza ku kigo kibishinzwe.

vi. Mu gihe Uhawe inguzanyo cyangwa Banki basabwa gutanga umusoro ku mafaranga Uhawe inguzanyo agomba kwishyura, amafaranga Uhawe inguzanyo agomba kwishyura azongerwa agere ku mubare ukwiriye kugira ngo amafaranga yishyuwe Banki abe angana neza n'ayo yagombaga kwishyurwa iyo uwo musoro utaza gukurwac (hakubiyemo n'ibihano cyangwa inyungu yaciwe bitewe no kunanirwa cyangwa gutinda kwishyura) ku mafaranga agomba kwishyurwa inguzanyo ishingiye kuri iyi Baruwa cyangwa ku nyandiko by'ingwate;

vii. Mu gihe itegeko risaba ko hatangwa umusoro ku bicuruzwa, kuri serivisi, ku byaguzwe, ku nyongeragaciro, cyangwa undi musoro wose umeze nka wo, ubu cyangwa nyuma, cyangwa ukakwa ku mafaranga ayo ariyo yose yishyurwa Banki, iyo misoro yose (usibye ibyaba bibujijwe n'amategeko) yishyurwa n'Uwatse inguzanyo kandi akishyura Banki igihe ibimusabye amafaranga ahwanye n'umusoro ku bicuruzwa na serivisi n'indi misoro, ayategetswe n'ayishyuzwa;

viii. Iyo Uhawe inguzanyo abisabwe, agomba kwishyura umusoro mu gihe cyagenwe, kandi ungana n'ayo amategeko awugenga ateganya.

ix. Uhawe inguzanyo agomba kurinda Banki uburyozwe bwose kandi azishyura Banki amafaranga yishyuye, ayishyujwe, ayishyuwe ibyangiritse, ndetse n'ibindi yakwishyuzwa bijyanye n'inshingano z'imisoro ivugwa muri iyi nyandiko.

29. AMAFARANGA YAKORESHEJWE

i. Hatitawe ko inguzanyo ishobora guhagarikwa cyangwa ikavanwaho burundu kubera impamvu iyo ari yo yose, Uhawe inguzanyo asabwa kwishyura Banki igihe cyose ibimusabye harimo n'indishyi zose Banki imwishyuza:

- Amafaranga yose yishyuwe n'ayakoreshejwe (harimo n'ayo guhagarika inguzanyo, ayatanzwe ku mpampuro na kashe, gucapa, ayakoreshejwe mu tuntu duto duto no mu bindi bitandukanye) Banki ishobora gusaba Uwatse inguzanyo kwishyura, ayakoresheje mu biganiro, gutegura no gusoza ibaruwa ihesha inguzanyo n'inyandiko z'ingwate, Uwatse inguzanyo yaba yarashyize umukono kuri izi nyandiko zavuzwe haruguru cyangwa atarabikoze;

- Amafaranga yose yatanzwe mu bijyanye no kubahiriza cyangwa kubungabunga uburenganzira ubwo ari bwo bwose bukubiye muri izi nyandiko z'ingwate, harimo no gukusanya cyangwa kwishyuza inguzanyo yatanzwe binyuze mu nzira iyo ari yo yose y'amategeko, cyangwa mu bundi buryo n'andi mafaranga yose yakoreshejwe mu bijyanye n'icyo gikorwa cyo kwishyuza inguzanyo;

- Andi mafaranga yandi yose yishyuwe abandi bantu, harimo ayishyuwe igenagaciro, imisanzu y'ubwishingizi, uwateje icyamunara, ayakoreshejwe mu kwishyuza imyenda n'andi mafaranga yishyuwe, ayakoreshejwe n'ayatanzwe na Banki m bijyanye n'inguzanyo n'inyandiko z'ingwate; na

- Andi yose yishyuwe, imisanzu y'ubwishingizi, ayakoreshejwe n'ayatanzwe na Banki mu bikorwa bitandukanye kugira ngo yishingire, irinde, ibungabunge (harimo gusana, kwita ku mutungo utimukanwa n'iyimukanwa yahawe Banki ho ingwate hashingiwe nyandiko z'ingwate) kandi yubahirize uburenganzira bwayo bushingiye mu ibaruwa ihesha inguzanyo no mu nyandiko z'ingwate;

ii. Banki ishobora kwishyura amafaranga yose yishyuwe ku byakozwe, ayakoreshejwe n'andi yose agomba kwishyurwa n'Uwatse inguzanyo nk'uko biteganywa mu ngingo ya (i) yavuzwe haruguru, kandi akishyurwa akuwe ku mwenda Uwatse inguzanyo yahawe mu cyiciro cya mbere cyangwa agakurwa kuri konti ye yafunguje muri Banki.

30. KUMENYESHA

i. Banki ishobora kumenyesha ibinyujije ku iposita, kuri fagisi, gutuma umuntu akajyana ubutumwa, cyangwa yifashishije ubundi buryo bushoboka kandi yemera. Imenyesha ryatanzwe na Banki, cyangwa mu izina ryayo (harimo n'iryakozwe na mudasobwa ridasaba gushyirwaho umukono) rizohererezwa Uwatse inguzanyo kuri aderesi, kuri nomero ya fagisi cyangwa aderesi ye ya imeri yanditse muri iyi Baruwa cyangwa aderesi ye ya nyuma izwi, nimero ya fagisi cyangwa aderesi ya imeri yatanzwe n' Uhawe inguzanyo;

ii. Uretse ibyavuzwe hejuru, nanone:

a) Kumenyesha Uwatse inguzanyo bishobora nanone gukorwa hifashishijwe uburyo bwo gushyira iryo menyesha muri raporo igaragaza uko konti y'Uwatse inguzanyo ihagaze, raporo yohererezwa Uhawe inguzanyo buri gihe, cyangwa ubundi buryo bwose Banki ishobora kubona ko bukwiye;

b) Mu gihe imenyesha ryatanzwe mu buryo bw'itangazo, Uhawe inguzanyo afatwa nk'aho yakiriye iryo menyesha umunsi iryo tangazo ryacishirijweho;

iii. Banki ishobora kandi kugendera no kubahiriza ubutuma bumenyesha cyangwa amabwiriza y' Uhawe inguzanyo, cyangwa uwo batafanyije muri aya masezerano, yaba atanzwe mu magambo cyangwa mu nyandiko, yaba anyujijwe kuri telefone, ku iposita, kuri fagisi, cyangwa ubundi buryo bwose bw'ikoranabuhanga, harimo no kuba Banki yabona imikono yabo ikayimenya igereranyijwe amazina n'imikono y'abo bantu byashyikirijwe Banki ikemeza ko ari umukono w'Uwatse inguzanyo cyangwa undi muntu wese wemerewe n' Uhawe inguzanyo gutanga ubwo butumwa bumenyesha. Banki ishobora kubikora ityo itabanje kubaririza umwirondoro w'umuntu watanze cyangwa uvuga ko yatanze ubwo butumwa bumenyesha cyangwa ngo igenzure ukuri kwabyo. Uhawe inguzanyo azirengera kandi ingaruka zaturuka kuri ubwo butumwa bumenyesha, harimo n'izo kuba ubwo butumwa bwatangwa n'abantu batabifitiye uburenganzira. Uwatse inguzanyo, azishyura Banki igihombo cyose, amafaranga yishyujwe, ayasabwe, ayakoreshejwe n'ayishyuwe ibyangijwe.

iv. Ubutumwa bw'imenyesha bufatwa nk'ubwashyikirijwe Uhawe inguzanyo:

a) Iyo bwoherejwe binyuze mu iposita hagashira iminsi itanu (5), nubwo ubwo butumwa bwagaruka butageze ku wo bwohererejwe cyangwa nta wagiye kubufata ku iposita;

b) Iyo bwoherejwe binyuze kuri fagisi cyangwa kuri aderesi imeri mu masaha y'akazi, uwo munsi bwoherejweho cyangwa ku munsi w'akazi ukurikiraho;

c) Igihe butwawe n'umuntu akabwigerezayo, uwo munsi bwatanzweho.

Mu kwerekana ko ubwo butumwa bwatanzwe koko, ni ukwerekana gusa ko bwajyanwe n'umuntu akabuhageza cyangwa ko iyo baruwa y'imenyesha yashyizweho yateweho kashe na aderesi nyanyo y'uwo yandikiwe kandi igashyikirizwa inzego z'iposita cyangwa mu gihe bwoherejwe kuri fagisi cyangwa mu bundi buryo nk'ubwo bw'itumanaho, bakerekana kopi y'urupapuro rw'ubutumwa bwoherejwe yacapwe bukimara koherezwa.

29. GUTANGA NO KWEGURIRA UBURENGANZIRA BIKOZWE NA BANKI:

(i) Ibaruwa hamwe n'inyandiko z'ingwate bigomba kubahirizwa n' Uhawe inguzanyo na Banki, abaragwa bayo, umutungo wayo, abayihagarariye bihariye, hamwe n'abazungura bayo n'abahawe inshingano zo gucunga umutungo wayo, hatitawe ku:

a) ikomatanya rya Banki n'indi sosiyete iyo ari yo yose, hatitawe ko Banki irimo yiyubaka bundi bushya, bigatuma yimurira ibikorwa byose cyangwa igice cyabyo ndetse n'imitungo yayo yimukanywa mu kindi kigo. Uburenganzira bwose Banki iheshwa n'aya masezerano bushobora kwegurirwa n'indi sosiyete ikabukoresha;

b) impinduka yose yaba itewe no guhuza ibigo, igihombo, urupfu, ubusazi, ishingwa ry'isosiyete, iseswa ryayo, kwiyubaka bushya n'iseswa cyangwa impinduka ibaye ku izina, mu miterere n'imikorere ya sosiyete

y’Uwatse inguzanyo cyangwa abo bafatanyije muri aya masezerano;

(ii) Uhawe inguzanyo ntashobora gutanga cyangwa ngo agire uwo yegurira uburenganzira cyangwa inshingano ze zikubiye muri iyi Baruwa no mu nyandiko z'ingwate, atabanje kubiherwa uruhushya na Banki.

31. AMATGEKO AKORESHWA N'UBUBASHA BW'INKIKO

i. Iyi baruwa ihesha inguzanyo igengwa n'amategeko y'u Rwanda. Banki ifite uburenganzira bwo gutanga ikirego mu rukiko irega Uwatse inguzanyo mu rukiko r mu Rwanda cyangwa ahandi Banki yabona bikwiye. Iyo hari ikirego cyateguwe kandi kigatangwa mu rukiko rwo mu Rwanda, Uhawe inguzanyo agomba kwemera ubutabera bw'inkiko z'u Rwanda;

ii. Mu gihe bitemewe ko Banki yongera igihe cyo kwishyura inguzanyo, Banki izaba ikuriweho inshingano zose zo gutanga inguzanyo. Uwatse inguzanyo agomba, mu minsi mirongo itatu (30) uhereye igihe yakiriye ubutumwa bubimumenyesha, kwishyura Banki inguzanyo yayo hamwe n'andi mafaranga y'inyongera Banki yakoresheje mu gutanga amafaranga y'inguzanyo ndetse n'ibihombo bikomoka kuri ubwo bwishyu.

Nemeye/ Twemeye amategeko n'ibisabwa byavuzwe haruruguru

Uwahawe inguzanyo

Amanzina:……..

Umukono:…….