AMASEZERANO Y'INGUZANYO YISHINGIWE N'INGWATE Y'UMUTUNGO UTIMUKANWA CYANGWA WIMUKANWA

AYA MASEZERANO akozwe kuri uyu wa ....

BANK OF AFRICA RWANDA PLC, Banki ifite TIN No 100423455, Agasanduku k'iposita No 265 KIGALI, Telefone No +250787468010, ihagarariwe na Bwana ...., Umuyobozi Ushinzwe amategeko na .... Umuyobozi ushinzwe inguzanyo (muri aya masezerano bitwa **Uguriza**) ku ruhande rumwe

NA

....

A/C:

TEL:

Aho ibarizwa: Umurenge wa Kimironko
Umujyi wa Kigali

Twebwe, Bank of Africa Rwanda Plc, **Ifite Nimero iranga umucuruzi** 100423455**,** dushingiye ku busabe bwawe bwo kuwa **..............** tunejejwe no kukumenyesha ko twiteguye kuguha inguzanyo yo .... hubahirijwe amategeko n'amabwiriza akurikira:

Inshamake ku masezerano y'inguzanyo &ibiguzi bya serivisi,

Amazina y'usaba inguzanyo	
Umubare amafaranga y'inguzanyo	
Intego	
Igihe inguzanyo izamara	
Itariki azatngiriraho kwishyura	
Itariki ya nyuma yo kwishyura	
Amafaranga yishyurwa buri kwezi	
Umubare w'aafaranga yose y'inyungu	
Ijanisha ry'inyungu	
Kwiga dosiye	
Amafaranga yo gucunga ingwate	
Umufuragiro	
Umufuragiro w'ikigo gishinzwe gukurikirana inguzanyo	
Umufuragiro wo gucunga ingwate kuri buri ngwate	
Amande y'ubukererwe	
Ikiguzi yo kugira byo ahinduza mu nguzanyo ibyo ari byo byose	
Amande acibwa Umukiliya iyo yishyuye mbere y'igihe yangwa inguzanyo iguzwe n'indi banki.	
Amafaranga Umukiliya acibwa iyo aretse gufata inguzanyo	
Ubwoko bw'umutungo/ingwate	
Nimero ya UPI y'umutungo n'igihe umutungo uzamara	
Ubuso bw'umutungo n'aho uherereye	
Urwego ingwate irih0	
Agaciro k'ingwate	
Agaciro k'umutungo wishingiwe	
No n'umuzingo by'iyandikwa	

BITYO RERO, BANKI N'UHABWA INGUZANYO BEMERANIJE IBI BIKURIKIRA:

Ingingo ya 1: Intego
Inguzanyo igamije gukoreshwa mu bikorwa by'ubucuruzi.

Ingingo ya 2 : Agaciro k'inguzanyo
Banki yemeye guha uguza ...... **(..............)** izishyurwa mu gihe cy'amezi ....

Ingingo ya 3: Uburyo bwo kwishyura
Banki itanze inguzanyo ifite ingwate izishyurwa mu buryo bukurikira:

Umubare w'amafaranga:.......... Frw

a) Igihe inguzanyo izamara:
b) Uburyo yishyurwa:
c) Amafaranga yishyurwa ku kwezi: ....

Itariki nyakuri yo gutanga inguzanyo n'amafaranga azishyurwa bizaterwa n'igihe amasezerano y'inguzanyo azasinywa no kuzuza ibindi bisabwa.

Uguza yiyemeje gukurikiza amategeko n'amabwiriza akurikira:

a) Kwishyura inguzanyo ku gihe kuri konti nimero .... ifunguye muri Bank of Africa Plc mu mazina ya **.............;**
b) Ingwate yanditse u rwego rw'aategeko ku rwego rwa 1y'inu yo guturamo ifite **.............** iherereye mu karere ka ....
c) Ingwate yo ku rwego rwa 1 y'inyu yo guturamo ifite UPI: **................** iherereye mu karere ka
d) Umukiliya niwe uzishyura ikiguzi cyose gishobora kugaragara ko ari ngombwa mu kwishingira inguzanyo
e) Gufata ubwishingizi bw'ubuzima burimo ingingo zirengera inyungu za Banki;
f) Gufatira ubwishingizi bw'inkongi y'umuriro n'ubw'inkangu inyubako ziri mu kibanza nimero .....;
g) Gucisha amafaranga y'ubucuruzi muri Bank of Africa
h) Raporo za CRB zigaragaza ko nta nguzanyo zitishyurwa neza cyangwa ko nta sheki zitazigamiwe yatanze;
i) Icyemezo cyo kutabamo umwenda w'imisoro cya RRA mbere yo guhabwa inguzanyo;
j) Inyandiko yo kwishingira inguzanyo y'uguza n'uwo bashakanye iriho umukono wa noteri;
k) Gutanga mbere yo guhabwa inguzanyo icyemezo cyemera umukiliya gukorera mu butakabufite UPI......
l) Iyi nguzanyo ikubiyemo n'umwenda uguza atarishyura

Ingingo ya 4: Ingwate n'Ubwishingizi
Uhabwa inguzanyo yemeye gufata ubwishingizi bw'ingwate bukurikira nk'ikintu cya ngombwa kugira ngo ayihabwe:

1. Ingwate igomba kwandikishwa ku rwego rwa mbere ku kibanza no UPI: **1.........** iherereye mu karere ka ......

2. Ingwate yo ku rwego rwa 1 y'inyu yo guturamo ifite UPI: **......** iherereye mu karere ka ....
3. Gufata ubwishingizi bw'ubuzima n'ubw'inkongi y'umuriro ku mutungo uvuzwe haruguru bufite ingingo zirengera inyungu za Banki (ingingo ya 16 y'aya masezerano);

3. Gufata ubwishingizi bw'ubuzima bwa Bwana **..........** ingingo itanga inshingano zirengera inyungu za Banki (Ingingo ya 16 y'aya masezerano);

Ingingo ya 5: Ibirebana n'ingwate.
Umukiliya yemereye Banki kugumana ingwate yirisazwe igwatijwe_ikazarangira kuri **.............**

Ibiguzi byo kwandikisha ingwate n'ibindi bisabwa bigendanye no kuyandikisha, gukurikirana no kwishyuza iyo nguzanyo ahabwa na Banki byishyurwa n'usaba inguzanyo.

Ingingo ya 6: Ibyo gutanga ibyangombwa by'umutungo no kwegurira Banki igihe cyose inguzanyo yose itarishyurwa
Uhabwa inguzanyo n'abamwishingira bemeye guha Banki impapuro z'umwimerere z'ubutaka butanzweho ingwate buri mu kibanza cyavuzwe haruguru. Uhabwa inguzanyo n'abamwishingira bemeye kandi guha Banki inyandiko z'amasezerano y'ubukode bw'inzu bityo yemeye guha banki amafaranga ava mu bukode bw'iyo nzu.

Ingingo ya 7: Kwemeza ko umutungo udasangiwe
Abishingira uhabwa inguzanyo bemeje ko ari bo bonyine ba nyir'umutungo wavuzwe haruguru kandi ko bemeye kuwutangaho ingwate, bemeye ko nta rundi rwego bawugomba bigenwa n'amategeko rwaba kuri Leta y'u Rwanda cyangwa undi uwo ari we wese. Ingwate zahawe Banki ziri kumwe n'amazu ashobora gushyirwamo bishobora gukomatanyirizwa hamwe noneho uwasabye inguzanyo n'umwishingiye bakaba babihuriza hamwe n'inyubako yatanzweho ingwate bikabarwa nk'inyubako imwe. Nyir'umutungo ntiyemerewe guhuriza mu nyubako imwe nk'uko bivuzwe haruguru izindi nyubako mu gihe na zo ubwayo zatanzweho ingwate ahandi..

Ingingo ya 8: Ikigo gishinzwe gukurikirana iby'inguzanyo (CRB)
Usaba inguzanyo yemeye kandi yemerera Banki ko itanga amakuru ye bwite arebana n'inguzanyo ku kigo gikurikirana ibigendanye n'inguzanyo nk'uko biteganywa n'Itegeko No. 16/2010 of 07/05/2010 rigena uburyo bw'ihererekanyamakuru ku myenda mu Rwanda (CRB).

Ingingo ya 9: Ingingo yo kutagira uwo wegurira umutungo
Umutungo watanzweho ingwate ntushobora uretse mu gihe Banki ibitangiye uburenganzira mu nyandiko kugira undi uhabwa ku mpamvu iyo ariyo yose, gutangwaho ingwate, gukoreshwa mu buryo ubwo ari bwo bwose, cyangwa se gukodeshwa ku giciro kiri munsi y'ikiguzi gisanzwe.

Ingingo ya 10: Ibihano by'ubukererwe
Gukererwa kwishyura amafaranga ateganywa muri aya masezerano y'inguzanyo bihita bihanishwa gukatwa amafaranga y'inyungu z'ubukererwe angana na 2% ku kwezi, Banki iyakata itabitangiye integuza. Aya mafaranga akomeza kubarwa yongerwaho kugera yose yishyuwe. Bene izo nyungu zishyurwa igihe cyose bisabwe kandi uhabwa inguzanyo yemeye ko izo nyungu z'inyongera zigaragaza ugenekereje igihombo Banki ishobora guterwa no guha inguzanyo mukiliya utubahiriza amasezerano.Igihe ivuguruye inyungu zavuzwe haruguru, Banki imenyesha uhabwa inguzanyo mu gihe bizaba ngombwa ko binyuzwa mu binyamakuru cyangwa kubimanika nk'itangazo mu Banki ikoreramo.

Ingingo ya 11: Kunanirwa kwishyura

Igihe habaye ibikurikira bizaba bigaragaye ko uhawe inguzanyo atishyura bitume afatwa nk'uri mu bukererwe ku mafaranga yari asigaye kwishyurwa kuri iyi nguzanyo ndetse n'ibindi byose Banki yiyemeje gukora kuri nguzanyo bihagarikwe:

(i) Kudashobora kubahiriza cyangwa gushyira mu bikorwa icyo ari cyo cyose uwahawe inguzanyo ategetswe nk'ko biri muri aya masezerano na/cyangwa inyandiko z'ingwate.

(ii) Iyo hagize ikibazo Banki ibona ko gifite cyangwa gishobora kugira ingaruka ku bushobozi bw'uguza bwo gukora ibyo ategetswe biri muri iyi baruwa na/cyangwa inyandiko z'ingwate.

(iii) Uhabwa inguzanyo yemeye mu nyandiko ko adashoboye kwishyura cyangwa ashobora kutazabasha kwishyura inguzanyo kubera ko abinaniwe, cyangwa yahombye, cyngwa atanze inyandiko cyangwa agize icyo akora asaba gufashwa kuva mu gihombo, gufashwa hagendewe ku itegeko rigenga igihombo, kongera kwisuganya no kutabasha kwishyura;

(iv) Mu gihe uguza ari ikigo cy'ubucuruzi, niba haratangiye ibikorwa biganisha ku kurangiza ibikorwa bireba uwahawe inguzanyo, guseswa, cyangwa kwisuganya (bitari ibijyanye n'igihe kwishyura bishoboka cyangwa ku byumvikanyweho mbere mu nyandiko na Banki) cyangwa gushyiraho uwakira, umucungamutungo cyangwa undi wabiragijwe cyangwa undi nka we wahawe gucungu ibyo uwagurijwe yinjiza cyangwa imitungo ye;

(v) Iyo umwenda wose w'uwagurijwe utishyuwe ku gihe cyagenwe cyangwa ugahinduka mbere yo kurangira kwawo cyangwa ingwate iyo ari yo yose yatanzwe n'uwagurijwe itubahirije igihe bikwiye cyangwa ngo ikoreshwe;

(vi) Iyo habaye kwemera cyangwa gusonerwa na Leta cyangwa kugira ngo uwagurijwe asohoze inshingano ze muri aya masezerano kandi/cyangwa inyandiko z'ingwate zivanyweho cyangwa zihinduwe cyangwa zikaba zitacyemewe n'amategeko kubera impamvu iyo ari yo yose ku buryo uwagurijwe ataba acyizifashishije ngo yubahirize imwe muri izo nshingano iyo ari yo yose.

Ingingo ya 12: Ibikorwa mu gihe habaye kutishyura

Iyo kwishyura inyungu n'inguzanyo bidashobotse nk'uko byateganijwe kuri gahunda yo kwishyura, Banki ifite ububasha bwo gucunga, gukodesha, kugurisha, cyangwa gufata umutungo ucungwa hakurikijwe Itegeko No 10/2009 ryo kuwa 14/05/2009 ryerekeye ubugwate ku mutungo utimukanwa nk'uko ryavuguruwe n'itegeko No 13/2010 ryo ku wa 07/05/2010 kandi hakurikijwe itegeko No 34/2013 ryerekeye inyungu ku bugwate bw'umutungo wimukanwa. Kandi ukurikije amabwiriza y'umwanditsi mukuru No.001/2020/ORG yo kuwa 12/5/2020 yerekeye gucunga, gukodesha, kugurisha mu cyamunara, no kwegukana ingwate. Iyo hagurishijwe iyo mitungo, banki igomba gukurikiza inzira zavuzwe mu mategeko amaze kuvugwa yashyizweho n'inzego zibifitiye ububasha.

Ingingo ya 13: Kwandukuza ingwate

Nyuma yo kwishyura umwenda wose, Banki yemeye kwandukuza ibyibwirije cyangwa bisabwe n'uwahawe inguzanyo, ingwate igizwe n'ibyemeranyijweho hakorwa ibjyanye no kuyandukuza.

Ingingo ya 14: Andi mafaranga

Amafaranga yose uko yakabaye aturuka mu buryo buziguye cyangwa butaziguye ku gushyirwa mu bikorwa kw'aya masezerano n'ingaruka zayo, harimo n'amafaranga ajyanye n'isozwa ry'amasezerano, yishyurwa n'uwagurijwe. Amafaranga yose yakoreshejwe n'ubushinjacyaha, harimo igihembo cya Avoka n'abahesha b'inkiko, agomba kwishyurwa n'uwagurijwe.

Ingingo ya 15: Umutungo ugwaritijwe n'igihe cyo kongera gukora igenagaciro

Uhabwa inguzanyo cyangwa abamwishingira bazirikana kandi bakemera ko umutungo ugomba kongera gukorerwa igenagaciro buri myaka itatu (3) mu gihe cy'amasezerano y'inguzanyo yatanzwe. Uhabwa inguzanyo agomba kwishyura ikiguzi cyose n'amafaranga yose ajyanye no kongera gukora igenagaciro, harimo igihembo cy'umugenagaciro, amafaranga y'igenagaciro, n'andi mafaranga yose ajyanye na byo.
Mu gihe habaye kutishyura amafaranga yo kongera gukora igenagaciro mu gihe giteganijwe, uwahawe inguzanyo yemerera banki gukura kuri konti ye amafaranga ahwanye n'ikiguzi/amafaranga yo kongera gukora igenagaciro. Iyo uhabwa inguzanyo adafite amafaranga ahagije kugira ngo yishyure ikiguzi cy'igenagaciro, banki ifite uburenganzira bwo gukata amafaranga kuri konti y'Umukiliya yo kubitsa no kubikuza kandi bigahita bikorwa. Ntacyo banki ibazwa cyangwa iryozwa giturutse ku gushyira cyangwa kudashyira mu bikorwa ubu burenganzira.

Ingingo ya 16: Ubwishingizi

Umutungo wavuzwe haruguru uwagurijwe n'abishingiwe bemeye gukomeza kubungabunga ukaguma utunganye ugomba kuba ufite ubwishingizi ku byago by'umuriro, umutingito, inkuba ndetse n'ibiturika kandi hagamijwe agaciro kawo mu gihe ugomba gusubizwa uko wari uri, n'ubwishingizi bw'ubuzima ku nyungu za banki. Uguza n'abishingiwe bemeye kubungabunga no kuvugurura ubwishingizi no kwishyura amafaranga asanzwe n'andi mafaranga kandi bagatanga inyemezabuguzi muri Banki mu minsi mirongo itatu (30) mbere y'itariki ubwishingizi burangiriraho.Uwagurijwe yemeye kandi kumenyesha abishingizi, abinyujije muri Banki, ibyinjira biri mu nyungu za Banki, kandi bigatuma yohereza ibyavuye mu byaguzwe, kugeza ku kigero cy'amafaranga agomba kwishyurwa Banki. Mu gihe atishyuwe ikiguzi(premium) hakurikijwe ibyemeranyweho, uwagurijwe yemerera Banki gukura kuri konti ye amafaranga ahwanye n'ayumvikanyweho no kuyohereza mu kigo cy'ubwishingizi mu izina rye no ku bwe. Igihe uhabwa inguzanyo adafite amafaranga ahagije yo kwishyura ubwishingizi, banki ifite uburenganzira bwo gukura amafaranga abura kuri konti yo kubitsaho no kubikura y'Umukiliya kandi bigahita bikorwa. Ntacyo banki ibazwa cyangwa iryozwa giturutse ku gushyira cyangwa kudashyira mu bikorwa ubu burenganzira.

Ingingo ya 17: Inshingano

Igihe ashyize umukono kuri aya masezerano, uhabwa inguzanyo hamwe n'abamwingira ari bo bamubereye ingwate bose hamwe kandi na buri wese ku giti cye. Mu gihe batandukanye nyuma mu buryo ubwo ari bwo bwose, Banki ishobora gukurikirana buri wese muri bo kugira ngo yishyure amafaranga agomba kwishyurwa; gukurikirana bizaba bitavangura kandi bizakomeza kutagerwaho n'ingaruka zo gutandukana kwabo.

Ingingo ya 18: Gusabwa kwishyura mbere y'igihe cyari giteganyijwe nk'itegeko mu gihe habaye impinduka mu byerekeye ububasha

Uguza amenyesha Banki mu maguru mashya igihe yose habaye impinduka mu micungire cyangwa igihe bigaragara ko zishobora kubaho. Igihe bigenze bityo, Banki ishobora gusaba ko uhabwa inguzanyo ndetse n'abanyamigabane be bakuru babiganiraho na yo. Iyo kiganiro kigomba kuba cyabaye mu minsi itarenze 30 (mirongwitatu) ibarwa uhereye ku itariki Banki yabisabiyeho. Nyuma y'iyo nama igihe bigaragaye ko impinduka z'ububasha zishoboka zitanyuze Banki, ishobora kohereza uwahawe inguzanyo inyandiko ihagarika inguzanyo igahita inamusaba kwishyura inguzanyo n'inyungu yari agejejemo n'andi mafaranga

yose agomba kwishyura kugeza iyo gihe mu rwego rw'aya masezerano.
Mu rwego rw'ibivugwa muri iyi ngingo:

(a) Ububasha bivuga kuba ufite mu buryo buziguye cyangwa butaziguye umugabane urenga kimwe cya kabiri cy'umutungo wose w'uwahawe inguzanyo cyangwa cy'uburenganira bwo gutora mu nteko rusange.

(b) Habaho "impinduka mu bubasha" iyo :

(i) umuntu uwo ari we wese, cyangwa itsinda iryo ari ryo ryose babikoreye hawe, bagie ububasha ku wahawe inguzanyo; cyangwa
(ii) umunyamigabane/abanyamigabane bakuru bahagaritse kugira ububasha ku wahawe inguzanyo haba mu buryo buziguye cyangwa butaziguye

Ingingo ya 19: Gukoresha amafaranga y'uhabwa inguzanyo ari mu mafaranga atandukanye ku makonti atandukanye
Igihe itariki yo kwishyura igeze, Banki ifite uburenganzira bwo gukoresha amafaranga y'uhabwa inguzanyo mu mafaranga atandukanye ava kuri konti zitandukanye mu ibaruramari ryayo kugira ngo yiyishyure nta yandi mananiza. Hakurikizwa igiciro cy'ivunjisha kigezweho kuri iyo tariki.

Ingingo ya 20: Amategeko ariho no gukemura impaka:
Ibintu byose bidateganijwe n'aya masezerano ndetse n'amabwiriza agenga itangwa ry'inguzanyo, bigengwa n'amategeko akurikizwa mu Rwanda. Impande zombi zumvumvikanye gukemura mu bwumvikane impaka zose zavuka muri aya masezerano. Igihe zidakemutse, impande zombi zumvikana kunyura mu nzira iteganyijwe mu ngingo ya 13 y'aya masezerano mbere yo kugana inkiko zibifitiye ububasha zikorera mu Rwanda kugira ngo zirangize izo mpaka neza. Igihe impaka zavutse atari izijyanye no kwishyuza inguzanyo impande zombi zikaba zitabashije kumvikana, ikibazo gihita gishyikirizwa inkiko.

Ingingo ya 21: Uburenganzira bwo gusesa amasezerano no guhindura Banki

Igihe Banki itubahirije amasezerano uguza afite ubureganzira, abyibwirije gusesa aya masezerano cyangwa se akimurira inguzanyo ye mu kindi kigo cy'imali kandi ntiyishyuzwe amande, ikiguzi cyangwa ngo afatirwe ibindi bihano. Uguza ashobora guhita ashyira mu bikorwa ubwo burenganzira akimara kubona ko Banki itubahirije amasezerano Banki ikaba igomba kumworohereza muri uko kwimura inguzanyo ye. Icyakora, uguza yiyemeza kwishyura amadeni yose arimo yaba inguzanyo, inyungu n'ibihano mbere y'uko yimukira mu yindi Banki. Icyo gihe agomba kwishyura n'amande y'uko inguzanyo iguzwe n'indi Banki.

Ingingo ya 22: Imikono yemeza

Aya masezerano yemejwe na **Noteri wigenga** ayashyiraho umukono kandi ikiguzi kirebana na byo cyishyurwa n'uhabwa inguzanyo.

Ingingo ya 23: Iyubahirizwa ry'aya masezerano
Aya masezerano atangira kubahirizwa akimara gushyirwaho umukono.

UWISHINGIYE UMWENDA

Jyewe, **............** nk'uwishingiye uwenda w'utane ingwate ndeea ko twasomye kandi twasobanukiwe ndetse tukaba twanagishije inama mu bwisanzure kuri buri ngingo mu zigize aya masezerano kandi tukaba twanyuzwe n'ibikubiyemo, bityo nkaba nemeye nsobanukiwe ikorwa ry'aya masezerano asaba gutanga ingwate. Twemereye Banki gufatira no kuba yagurisha umutungo ugwatirijwe igihe cyose utanze abahirije ibikubiye muri iyi nyandiko y'inguzanyo.

Madamu/Bwana ....

AMAZINA N'UMUKONO BY' UMUKILIYA

1.Mr. ....
Amazina n'umukono by'ufashe inguzanyo

AMAZINA N'UMUKONO BY'UWO BASHAKANYE

2. Mrs.................
Amazina n'umukono by'uwo bashakanye

AHANDIKWA NA BANKI GUSA

ASHYIZWEHO UMUKONO NA KASHE MU IZINA RYA **BANK OF AFRICA – Rwanda PLC** n'abayihagarariye bemewe

....

Umuyobozi Nshingwabikorwa muri Serivisi z'ubwunganizi n'ubwanditsi muri Banki

2............................

Umuyobozi Ushinzwe inguzanyo

INYANDIKO YEMEJWE Y'AMASEZERANO No 1021 UMUZINGO WA XXI

Muri uyu mwaka w'ibihumbi bibiri na ...., ku wa ...., Twe ...., Noteri wa leta nemeje nashyikirijwe na Bank of Africa Rwanda plc amasezerano y'inguzanyo atanga ingwate yavuzwe haruguru ihagarariwe na :

1............................

Umuyobozi Nshingwabikorwa muri Serivisi z'ubwunganizi n'ubwanditsi muri Banki
Amazina & umukono

....
Amazina n'umukono by'ufashe inguzanyo

2. ....

Umuyobozi Ushinzwe inguzanyo
Amazina & umukono by'uwo bashakakanye

2. ....
Amazina & umukono by'uwo bashakakanye

BIKOREWE IMBERE YA

1. ....
Amazina & umukono

2. ....
Amazina & umukono

NOTERI WA LETA

....

AMAFARANGA YA SERIVISI

Amafaranga .... yishyuwe ku nyandiko y'ibanze y'amasezerano ibikwa na Noteri wa leta ifite No **.........** umuzingo wa **............** ishingiye ku nyemezabwishyu itanzwe na Bank of Africa

NOTERI WA LETA

....

Amafaranga .... yishyuwe ku nyandiko y'ibanze y'amasezerano ibikwa na Bank igatangwa hashingiwe ku nyemezabwishyu yayo.

NOTERI WA LETA

....

Bikorewe i Kigali kuwa ....