AMASEZERANO Y'INGUZANYO KU BICURUZWA

ABAGIRANYE AMASEZERANO

Access Bank (Rwanda) Plc., Ikigo cy'Ubucuruzi gifite Uburyozwe Buhinnye n'imari shingiro ya 14,233,980,000 FRW, na Kode y'Ikigo: 100053886, Icyicaro Gikuru giherereye mu Nyubako ya KIC rwagati mu Mujyi wa Kigali, P.O Box 2059 Kigali, Rwanda, muri aya masezerano gihagarariwe na **…………………** ndetse na **……………….,** uko bakurikirana, Umuyobozi Mukuru n'Umujyanama Mukuru mu Mategeko ari na we Umunyabanga w'Ikigo, muri aya masezerano kiza kwitwa "**Banki**" ku ruhande rumwe;

Na

……………… Ltd ikigo cy'ubucuruzi gifite ubuzima gatozi gihabwa n'amategeko y'u Rwanda, gifite **Kode y'Ikigo………,** Nomero ya telefone: +250…………, muri aya masezerano gihagarariwe na **……………, Umuyobozi Mukuru,** muri aya masezerano kiza kwitwa "**Utanze Ingwate"** ku rundi ruhande.

AMAKURU N'INTEGO Y'AMASEZERANO;

BIMAZE KUBONWA KO, Utanze Ingwate yemeye, gushyira mu ngwate no gutanga icyizere, ku rwego ruza kuvugwa hanyuma muri aya masezerano, cyo kwishyura byuzuye kandi akubahiriza inshingano Utanze Ingwate agomba Banki nk'uko bivugwa mu Masezerano y'ingwate Nº …………........ /ABR/CC/23 akozwe ku Itariki Umunsi Ukwezi Umwaka.

BIMAZE KUBONWA KO, Utanze Ingwate muri aya masezerano agwatirije kandi atanga uburenganzira ku mutungo utimukanwa ndetse n'inyungu y'ingwate kuri Banki ku **Mitungo** yayo **y'ubucuruzi** (**itimukanwa n'iyaboneka nyuma**) mu kwizeza ko Utanze Ingwate azishyura inguzanyo afashe muri Banki.

NONE AHA, RERO, hashingiwe ku masezerano kandi kugira ngo Banki yemere gutanga inguzanyo hakurikijwe amasezerano y'inguzanyo, Banki n'Utanze Ingwate bemeranije ibi bikurikira;

1. INGWATE

Nk'ingwate rusange kandi ikomeza mu kwishyura umubare w'amafaranga y'inguzanyo, inyungu izayizakomokaho n'andi mafaranga yose yishyurwa muri iki gikorwa (yitirwa yose muri rusange "Umwenda"), Utanze Ingwate yemeye ko "Ingwate Isezeranywe" [muri aya masezerano ivugwa nk' "umutungo wimukanwa"] [muri aya masezerano iza kwitirwa hamwe muri rusange "Ingwate"] kandi yiyemeke kwandikisha iyi ngwate mu izina n'inyungu za Access

Bank mu Biro by'Umwanditsi Mukuru, Ikigo cy'Igihugu cy'Iterambere nk'uko biteganywa n'itegeko N° 34/2013 ryo ku wa 24/05/2013 ryerekeye ubugwate ku mutungo wimukanwa.

Iyi izafata ishusho y'uburenganzira ku ngwate rusange n'izizaboneka ku mitungo yose yimukanwa ifitwe ubu cyangwa izagirwa mu gihe kizaza. Kwandikisha iyi Ngwate ni ikintu cya ngombwa kigomba kubanziriza ubwishyu bwose buzakorwa na Banki. Iyandikisha ry'Ingwate rizagira agaciro kugeza inguzanyo yose yishyuwe.

2. IBYEREKEYE INGWATE

Ubugwate bukozwe ku mitungo yose (itimukanwa igaragara n'ishobora kuboneka nyuma) ya**……………..Ltd**. Ibisobanuro birambuye n'agaciro k'imitungo bigaragarazwa ku mugereka w'aya masezerano. Ingwate yose hamwe ibumbiye hamwe inguzanyo yose ya …………..**FRW (Amafaranga y'u Rwanda …………………………)** cyangwa ikindi cyahwana na yo mu mafaranga yose cyabarwamo yongeweho inyungu, ku gipimo fatizo kivugwa mu Masezerano y'Inguzanyo.

Umutungo wose wimukanwa Utanze Ingwate azabona nyuma yo gushyira umukono kuri aya Masezerano, mu buryo ubwo ari bwo bwose utari ku rutonde rw'ibigize umutungo watanzwe n'Utanze Ingwate, uzabarwa ku ngwate mu buryo bw'umutungo ubonetse nyuma kandi ntushobora kugabanywa ku mutungo washyizwe ku rutonde rw'imitungo igize Ingwate yahawe Banki kandi izandikishwa mu izina n'inyungu bya Banki mu Biro by'Umwanditsi Mukuru, bikorera mu Kigo cy'Igihugu cy'Iterambere.

3. AMASEZERANO Y'UTANZE INGWATE

3.1 Icyemezo cy'Umutungo Ugwatirijwe

Utanze Ingwate yemeje ko, mu buryo bwuzuye kandi butagirwaho impaka, ari we nyir'umutungo utanzweho ingwate kandi ko umutungo utanzweho ingwate nta bundi burenganzira ku mutungo watanzweho, nta zindi nshingano cyangwa ngo ube hari undi uwiyitirira mu buryo ubwo ari bwo bwose, uretse gusa uburenganzira ku mutungo bwandikishijwe hakurikijwe itegeko, kandi ko azabika kandi akarinda icyemezo "cy'Umutungo Ugwatirijwe" uwariwe wese cyangwa icyo aricyo cyose mu nyungu za Banki, abagenerwa n'abegurirwa umutungo.

Utanze Ingwate azasabwa n'aya Masezerano gutanga icyangombwa icyo ari cyose gihamya ko ari we nyir'imitungo iri mu Ngwate ndetse n'igihamya cy'iyandikisha ry'Ingwate mu gihe Banki, mu bitekerezo byayo, ibisabye.

3.2 Ubwishyu bw'inguzanyo n'inyungu

Utanze Ingwate azishyurira ku gihe cyangwa atume habaho kwishyurwa ku gihe amafaranga y'inguzanyo ndetse n'inyungu iyakomokaho hakurikijwe gahunda y'ubwishyu yemeranijweho kandi mu buryo bwagenwe mu masezerano y'Inguzanyo.

3.3 Ubwishyu bw'imisoro n'andi mafaranga
Utanze Ingwate azishyura cyangwa atume habaho kwishyurwa kw'imisoro yose n'ibindi bizakoreshwa mu ishyirwa mu bikorwa n'iyubahirizwa ry'ingwate mu buryo kandi mu gihe cyagenwe.

3.4 Andi mafaranga akoreshwa
Utanze Ingwate yiyemeje guhita amenyesha Banki ibyemezo byose byafashwe n'inkiko, ifatirabwishyu, ibirego cyangwa ibisabwa n'uwo ari we wese mu Bishyuza Utanze Ingwate cyangwa ibindi bintu byose byabaho bikaba bishobora kugira ingaruka ku Ngwate ya Banki ku mutungo bitarenze iminsi Ibiri (2) y'akazi nyuma y'uko Utanze Ingwate abimenye.

4. KUTUBAHIRIZA AMASEZERANO

Ubugwate bwose bugize aya masezerano buzishyuzwa igihe cyose habayeho ko ugurijwe, yica, ntiyubahirize cyangwa ananiwe gushyira mu bikorwa amasezerano ayo ari yo yose, ingingo cyangwa ikindi gisabwa muri aya masezerano cyangwa mu masezerano y'Inguzanyo uretse gusa igihe uko kutubahiriza byakosowe mu gihe cyemeranijweho.

5. IBIKORWA MU GIHE HABAYEHO KUTUBAHIRIZA AMASEZERANO

Mu gihe haramuka habayeho ko "umutungo ugwatirijwe" utakaza agaciro mu buryo Banki, mu mibare yayo, ibona ko Ingwate idahagije ngo ibe yakwizeza ko izabasha kwishyura amafaranga yose ayiberewemo, Banki ihawe uburenganzira n'ububasha bwo:

(a) Gusaba mu buryo bwihuse ko habaho iyongerwa ry'Ingwate Ugurijwe yandikisha ubundi bugwate ku mitungo ye iyo ari yo yose cyangwa

(b) Gusaba guhita yishyurwa amafaranga yose iberewemo arimo inguzanyo, inyungu, ibihano, ibihembo, ayatakajwe, n'andi mafaranga yose azakoreshwa na Banki mu kwishyuza no gushyira mu bikorwa aya Masezerano cyangwa mu igaruzwa ry'amafaranga yose ayiberewemo.

Utanze Ingwate ahaye Banki, mu buryo bw'iheshabubasha, ububasha busesuye bwo kugurisha "ingwate itanzwe n'ugurijwe" mu gihe ikintu icyo ari cyo cyose kiri mu gika kibanza cyaba cyaba kibayeho gisaba ko habaho kwishyuza bikozwe na Banki.

6. UBWISHINGIZI

Utanze Ingwate yiyemeje gushinganisha imitungo ye yose igwatirijwe akayifatira ubwishingizi bw'Inkongi, Imyuzure n'Imitingito n'ibindi byago nk'ibyo mu kigo cy'ubwishingizi cyemezwa na Banki kandi agatanga uburenganzira bwemeza Banki nk'Uwishyurwa Mbere mu gihe habayeho Igihombo. Utanze Ingwate azakora ku buryo amasezerano y'ubwishingizi yishingira imitungo yose ye iri ku rutonde kimwe n'imitungo yimukanwa azabona mu gihe kizaza. Utanze Ingwate azakora ku buryo ubwishyu bw'ubwishingizi bwishyurwa mu buryo buhoraho.

Utanze Ingwate azavugurura amasezerano y'ubwishingizi ukwezi kumwe mbere y'uko arangira agata agaciro, bitabaye ibyo, Banki ifite uburenganzira bwo kubikora mu mwanya w'Utanze Ingwate nyuma igukura amafaranga kuri konti y'Uwatanze Ingwate ku kigero cy'amafaranga yishyurwa n'ubwishingizi.

7. KUVANIRWAHO

Hirengagijwe ibiteganywa mu ngingo ya 5, Banki ifite uburenganzira ibihe byose, ariko bitabangamiye uburenganzira bwayo bwo gutabaza nyuma igihe habayeho kutubahiriza amasezerano, bwo kuvaniraho Ugurijwe ukutubahiriza amasezerano cyangwa kumwongerera igihe cyo gukosora uko kutubahiriza amasezerano cyangwa gukora bene ibyo bikorwa hakurikijwe uko Banki mu bushishozi bwayo yabibona ko ari ngombwa mu nyungu zayo cyanwa mu nyungu z'Ugurijwe.

8. KUMENYESHA

Mu iyubahirizwa n'ishyirwa mu bikorwa ry'aya Masezerano no gushyikirizanya impapuro zose, imikirize y'imanza n'izindi nyandiko zose z'ingenzi, Abagiranye Amaserano bahisemo ko aho bibarizwa haba;

- **ACCESS BANK (RWANDA) PLC**, ku Cyicaro Gikuru cyayo, mu gorofa rya 3 yo hejuru mu Nyubako ya KIC iherereye rwagati mu Mujyi wa Kigali, P.O BOX:Kigali-Rwanda;
- **………… LTD,** ifite **Kode y'Ikigo: ……..**, Nomero ya telefone: +250…..

9. IKEMURWA RY'AMAKIMBIRANE

Amakimbirane, kutumvikana kw'impaka zose byakomoka kuri aya Masezerano bizakemurwa mu bwumvikane, mbere na mbere. Mu gihe binaniranye ko izo mpaka zikemurwa mu bwumvikane, ikibazo gishobora gushyikirizwa inkiko zibifitiye ububasha zo mu Rwanda.

10. AMATEGEKO YUBAHIRIZWA

Impande zombi zemeranije ko aya Masezerano n'ishyirwa mu bikorwa ryayo bizagengwa kandi bikubahurizwa hakurikijwe amategeko ya Repubulika y'u Rwanda kandi ko Inkiko zo mu Rwanda zizaba zifite ububasha bwo gushyikirizwa no gutega amatwi amakimbirane n'impaka zavuka zerekeye aya masezerano.

11. KWEMEZA

Impande zombi zemeje ko zasuzumye aya masezerano; inyandiko ziyashyigikira n'ibimenyetso byasobanuwe kandi zikaba zisanze nta mpamvu yatuma zizera ko arimo amakosa, ayobya cyangwa arimo uburiganya. Abagiranye amasezerano kandi bemeje ko bafite uburenganzira n'ububasha bwuzuye bwo gushyira umukono kuri aya masezerano no kwemeza ko yujuje ibisabwa byose ngo ashyirweho umukono.

Utanze Ingwate azandika imbere y'umukono we amagambo agira ati "**BISOMWE KANDI BYEMEZWA**" mu nyandiko y'ikiganza cye bwite.

Bikorewe i Kigali, ku wa Umunsi Ukwezi Umwaka.

KU BWA: ACCESS BANK (RWANDA) PLC

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UMUJYANAMA MUKURU MU MATEGEKO &	**UMUYOBOZI MUKURU**
UMUNYAMABANGA W'IKIGO	

KU BWA: UTANZE INGWATE

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MUGISHA MOSES KAMENGE

UMUYOBOZI MUKURU