AMASEZERANO Y'INGUZANYO Nº……………....... /ABR/CC/2023

Aya masezerano y'inguzanyo akozwe ku wa 00 00, 00

HAGATI YA

Access Bank (Rwanda) Plc., Ikigo cy'Imari gifite imari shingiro ingana na Miliyari 15,000,000,000 FRW Kode y'Ikigo ikaba: 100053886, Ibiro bikuru biherereye mu igorofa rya gatatu ry'inyubako ya KIC City Center, Agasanduku k'Iposita 2059 Kigali, Rwanda, ikaba ihagarariwe na **………** na **………..** mu buryo bukurikira Umuyobozi Mukuru n'Umujyanama Mukuru w'Ikigo n'Umwanditsi w'Ikigo, hano cyitwa "**Banki**" ku ruhande rumwe.

Na

…………. Ltd, ikigo cyashinzwe hakurikijwe amategeko y'u Rwanda**,** gifite **Kode y'Ikigo: …………** gifite icyicaro giherereye mu Murenge wa …….., Akarere ka Gasabo, Umujyi wa Kigali, Rwanda, Tel+250………E-mail: ……… gihagarariwe mu buryo bwemewe na **………** Umuyobozi Mukuru, hano witwa **"Usaba Inguzanyo"** ku rundi ruhande.

HEMERANYIJWE KU BURYO BUKURIKIRA:

1. UMUBARE N'IGIHE INGUZANYO IZAMARA

Banki ihaye Uwagujije Inguzanyo Rusange ingana na **RWF………(……. Amafaranga y'u Rwamda)**.

2. IMICUNGIRE Y'INGUZANYO

Inguzanyo izacungwa binyuze kuri konti isanzwe y'Usaba Inguzanyo No. ya Konti: **……………** yafunguwe muri Access Bank (Rwanda) Plc.

3. AMABWIRIZA AJYANYE N'IMARI

Ubwoko bw'Inguzanyo:	**Inguzanyo y'Igihe Kirekire (Nshya)**
Ingano y'Inguzanyo:	RWF ……..
Intego:	………..
Igihe inguzanyo isigaje:	amezi…….
Aho Ubwishyu Buzava	………..
Kugena Ibiciro:	**Inyungu ku nguzanyo** :…..% ku mwaka **Ikiguzi cyo Gucunga Inguzanyo:** …% ry'ingano y'inguzanyo + VAT **Ikiguzi cyo Gucunga Inguzanyo: ….** % by'ingano y'nguzanyo + VAT **Ikiguzi cya CRB:** Frw…. + VAT

4. AMAKURU AGOMBA GUTANGWA MU BIRO BISHINZWE INGUZANYO

Hashingiwe ku Itegeko Nº 73/2018 Rigenga Sisitemu yo Kumenyekanisha Inguzanyo, banki ifite inshingano yo gutanga amakuru meza n'amabi cyangwa se ibijyanye n'imikoranire yawe nayo. Mu gusinya aya Masezerano, Usaba Inguzanyo yemerera Banki nta mananiza gutanga ayo makuru ku mpamvu zemewe n'amategeko.

5. KWISHYURA MU BIVA MU BUSHABITSI MU BURYO BUDASUBIRWAHO

Uwasabye Inguzanyo yemera ko amafaranga ava mu bucuruzi bwe azajya ashyirwa kuri konti ye isanzwe iri muri Access Bank (Rwanda) Plc ari nayo izakoreshwa mu kwishyura inguzanyo buri kwezi. Ibi bizagengwa n'amategeko n'amabwiriza y' Amasezerano ku buryo bwo kwishyura mu biva mu bushabitsi hagati ya Banki n'Uwasabye Inguzanyo.

6. INGWATE

Iyi nguzanyo izishingirwa n'ibi bikurikira:

- Uwatanze Inguzanyo ni we ubanza kwishyurwa mu gihe hagurishijwe umutungo w'inzu yo guturamo yatanzweho ingwate ufite UPI:……….., uherereye mu Mujyi wa Kigali, Akarere ka Gasabo, Umurenge wa Remera, Akagali ka Nyabisindu wanditse mu izina rya Bwana. …………. na Madamu…………..
- Gahunda y'ubwishingizi ku mitungo yatanzweho ingwate ifite UPI ……….. na 1/02/13/01/1642 kandi hazirikanwa ko Access Bank Rwanda ari yo ibanza kwishyurwa mu gihe ingwate igurishijwe.
- Uburyo ntayegayezwa bwo kwishyura mu biva mu bushabitsi bw'umukiliya
- Inyandiko y'Amasezerano yo kwishyura umubare ungana na FRW …….
- Ingwate Bwite ya Bwana. ……. na Madamu. ……….

7. GUTANGWA KW'INGUZANYO/IMIKORESHEREZE

Iyi nguzanyo izatangwa kugira ngo ikoreshwe gusa hubahirijwe amabwiriza aba yagaragajwe.

8. ITALIKI AMAZEZERANO AZATANGIRA KUGIRA AGACIRO

Aya masezerano azatangira kubarwa nk'afite agaciro ugereye umunsi inguzanyo itangiweho hatitawe ku italiki yanditse mu ibaruwa yemerera cyangwa italiki y'ishyirwa mu bikorwa.

9. IBISABWA MBERE Y'ITANGWA RY'INGUZANYO

Iyi nguzanyo izatangira gukoreshwa nyuma yo kwakira ibyangombwa bikurikira mu buryo bwose bwubahirije ibisabwa na Banki:

- Ibaruwa yemewe yemerera inguzanyo yasinyweho n'abayobozi b'Ikigo babifitiye ububasha.
- Amazezerano y'Inguzanyo ariho umukono.
- Umutungo watanzweho inguzanyo ufite UPI:…………
- Icyemezo cy'Inama y'Ubutegetsi kiriho umukono wa Noteri cya………. Ltd n'Icyemezo cy'Abanyamigabane cyemeza amategeko n'amabwiriza by'inguzanyo ku ruhande rw'Ikigo.
- Uburyo ntayegayezwa bwo kwishyura mu biva mu bushabitsi bw'ikigo
- Inyandiko iriho umukono y'Amasezerano yo kwishyura FRW …….
- Kuba nta mwenda ufite muri CRB
- Gahunda y'ubwishingizi ku mitungo yatanzweho ingwate ifite UPI ………. hazirikanwa ko Access Bank Rwanda ari yo ibanza kwishyurwa mu gihe ingwate igurishijwe.
- Raporo igifite agaciro ku mitungo yatanzwe nk'ingwate.

10. ANDI MABWIRIZA

Banki ifite uburenganzira bwo guhagarika ibikorwa byo gutanga inguzanyo, gusesa cyangwa gusubika inguzanyo ku mpamvu y'uko habayeho kunanirwa kwishyura cyangwa amasezerano y'inguzanyo atubahirijwe, cyangwa bitewe na kimwe mu mpamvu zikurikira cyangwa impamvu zose zikurikira:

- Igihe Uwasabye inguzanyo yananiwe kuyikoresha icyo yatangiwe.
- Igihe Uwasabye inguzanyo anyereje amafaranga kuri konti yo muri Banki yishyura akayanyuza mu yindi Banki.
- Igihe Uwasabye Inguzanyo atakoze cyangwa yananiwe gukurikiza cyangwa kubahiriza inshingano zindi ku ruhande rwe nk'uko biri mu ibaruwa yemerera cyangwa akananirwa gukomeza gukurikiza uburyo bwo kwishyura bwemeranyijweho mu gihe cy'amezi abiri akurikiranye/ibihembwe cyangwa birenzeho.
- Igihe bigaragaye ko Usaba inguzanyo hari uburiganya yakoze mu itangwa ry'amakuru afite ku bijyanye n'ikigamijwe, imikoreshereze y'inguzanyo n'ingwate.
- Igihe agaciro k'ingwate kagabanutse bikabije ugereranyije n'ingano y'inguzanyo mu gihe runaka.
- Banki ishobora gushyiraho umugenagaciro w'umwuga agakora igenzura ngarukamwaka ry'ingwate iyo ari yo yose yatanzwe n'Usaba inguzanyo. Ikiguzi cy'iryo suzuma kivanwa kuri konti y'Uwasabye inguzanyo muri Banki. Aho bigaragaye ko habayeho igabanuka mu gaciro k'ingwate biganisha ku kuba itankwishyura inguzanyo, Banki ishobora gusaba Uwagujije gutanga ingwate y'inyongera ishobora kwishyura inguzanyo. Mu gihe Uwasabye inguzanyo ananiwe gutanga iyo ngwate y'inyongera nk'uko bisabwa na Banki ifite ububasha bwo guhita isabwa kwishyurwa inguzanyo iberewemo na mbere y'uko igihe cyagenwe cyo kwishyura kigera.
- Bank ifite uburenganzira igihe icyo ari cyo cyose bwo guhindura iyi nguzanyo mu buryo butuma uwayisabye akatwa ubwishyu mbere, kuyihinduramo inguzanyo y'igihe gito cyangwa iy'ubundi buryo bwakorohereza Utanga inguzanyo.

- Banki ishobora guhindura amwe mu mategeko n’amabwiriza y’itangwa ry’inguzanyo cyangwa yose uko yakabaye kugira ngo ijye mu mujyo ugezweho mu by’isoko ry’imari cyangwa mu by’amategeko y’imicungire y’ifaranga.
- Igihe igihe cyo kwishyura inyugu ku nguzanyo kigeze ntibikorwe, iyo nyungu ihita inongerwa ku giteranyo fatizo cy’amafaranga y’umwenda kandi bikazishyurwa ku mpuzandengo ivugwamo hano.
- Amafaranga aboneka hagendewe ku bushobozi bwa Banki bwo gutanga iyi inguzanyo hamwe n’amategeko yayo ku nguzanyo ntarengwa itanga ndetse n’andi mategeko nk’uko ashobora gushyirwaho n’urwego bireba.
- Banki ifite uburenganzira bwo kwaka uwasabye inguzanyo ibyangombwa by’inyongera harimo ariko bitagarukiye gusa ku binyanye n’inyandiko zigaragaza uko konti ihagaze n’ibindi.

11. IBIHE BYO KUNANIRWA KWISHYURA

Nubwo hari ibikubiye muri aya masezerano, inguzanyo cyangwa ibijyanye nayo n'andi mafaranga yemejwe muri aya masezerano ko agomba kwishyurwa yaba mu nyungu cyangwa mu bundi buryo, agomba guhita yishyurwa kandi akishyurwa ku busabe bwatanzwe ku birebana n'ayo masezerano mu gihe habayeho kimwe mu bintu bikurikira:

- Igihe Uwasabye inguzanyo ananiwe kwishyura amafaranga yose asabwa ku gihe.
- Igihe Uwasabye inguzanyo yarenze ku mabwiriza cyangwa akananirwa kubahiriza cyangwa gusohoza izindi nshingano ze zikubiye muri iyi baruwa yemerera itangwa ry'inguzanyo.
- Igihe hari icyemezo cyangwa ingwate byatanzwe n’Uwagujije muri aya Masezerano cyangwa mu itangazo iryo ari ryo ryose cyangwa icyangombwa cyangwa inyandiko, byatanzwe cyangwa bikagaragazwa hano ariko bikagaragara ko bitari ukuri mu buryo ubwo ari bwo bwose byakozwemo cyangwa byatanzwemo.
- Igihe Uwagujije ahagaritse cyangwa agasubika cyangwa se akagaragaza mu nyandiko ko atabashije kwishyura umwenda we ku gihe.
- Igihe Uwagujije asabye cyangwa agatangaza ko hari impamvu imubuza kwishyura umwenda ushingiye ku nguzanyo yahawe.
- Mu gihe havutse ikibazo kidasanzwe ku buryo gukomeza ibikorwa byo guhanahana amafaranga na Banki bidashobokera Uwagujije ngo yishyure imyenda ye.
- Igihe hari igihano icyo ari cyose cyangwa ifatirwa byakozwe ku mitungo y’Uwagujije ntibibashe kwishyurwa mu minsi irindwi.
- Igihe Banki isabwe n’amategeko ayo ari yo yose ya Banki Nkuru y’u Rwanda, cyangwa ubuyobozi busabye kwishyuza inguzanyo yose.
- Igihe mu bushishozi bwa Banki ibonye ko hari impinduka y’igihombo mu by’imari ku wasabye inguzanyo.

- Niba hari uruhushya rwa leta urwo ari rwo rwose rusabwa n'itegeko kugira ngo iyi baruwa yemerera ibe ihawe agaciro, ishobore gushyirwa mu bikorwa cyangwa ibe yemewe n'amategeko, cyangwa kugira ngo ibikubiyemo byubahirizwe, rwaba rwarahagaritswe cyangwa rutaratangira gukoreshwa mu buryo bwuzuye kubera impamvu iyo ari yo yose. Mu bihe nk'ibi kandi igihe icyo ari cyo cyose nyuma y'ibyo, iyo ibyo bintu bikomeje, Banki igomba kumenyesha Uwasabye inguzanyo mu buryo bw'inyandiko ko igice cy'inguzanyo kitarishyurwa gihise gisabwa kwishyurwa, kandi iyo nguzanyo igomba kwishyurwa hamwe n'inyungu ziyikubiyemo.

12. IBIHANO BYO KUNANIRWA KWISHYURA

Mu gihe Uwasabye inguzanyo ananiwe kubahiriza kimwe mu bisabwa n'aya masezerano mu gihe cyagenwe, ibihano byo kunanirwa kwishyura bikurikizwa mu buryo bukurikira:

- Gutinda gutanga ibyangombwa bisabwa kuri Banki: 5% y’inguzanyo wemerewe.
- Kunanirwa kwishyura ibyavuye mu bushabitsi/umushahara mu gihe cy’iminsi 30 usabye inguzanyo: 5% y’inguzanyo wemerewe;
- Kunanirwa kubahiriza irindi bwiriza ry’inguzanyo iryo ari ryo ryose: 5% y’inguzanyo wemerewe;
- Iyo Uwasabye inguzanyo ananiwe kwishyura ibyo bihano byavuzwe mu gihe cy’iminsi 45 bank ibishyizeho, banki ifata inguzanyo nk’iyananiwe kwishyurwa.

13. UBURENGANZIRA BWO KWIYISHYURA

Uwasabye inguzanyo yemera ko uretse gusaba ifatirwa ry’imitungo yose y’ufite umweda cyangwa uburenganzira nk’ubwo Banki ihabwa n’itegeko, Banki ishobora igihe icyo ari cyo cyose kandi itagombeye kubimenyesha Uwasabye inguzanyo guhuza konti zose cyangwa zimwe muri konti z’Uwasabye inguzanyo n’umwenda uwo ari wo wose abereyemo Banki ikawiyishyura cyangwa ikohereza amafaranga yose cyangwa amwe muri yo ari kuri konti y’Uwasabye inguzanyo mu kwiyishyura umwenda Uwasabye inguzanyo abereyemo Banki cyangwa ku yindi mpamvu iyo ari yo yose kabone n’ubwo uwo mutungo waba waba ari usanzwe, awuhuriyeho n’abandi, ingwate cyangwa ubundi bwoko.

14. IBY’AMATEGEKO N’ANDI MAFARANGA YAKORESHEJWE

Uwasabye inguzanyo agomba kwishyura Banki amafaranga yose yakoreshejwe ku mpamvu zumvikana, ibiguzi, n’ubwishyu bwatanzwe na Banki mu myiteguro, mu gushyira mu ngiro, kuyobora no kubahiriza amategeko n’amabwiriza y’iyi baruwa yemerera inguzanyo uwayisabye. Ubwo bwishyu n’ibiguzi mu gihe bitishyuwe n’Uwasabye inguzanyo byongerwa ku nguzanyo hamwe n’andi mafaranga asabwa mu mategeko n’amabwiriza y’iyi baruwa yemerera kandi ahaherekezwa n’ingungu nk’uko biteganywa.

15. UBURENGANZIRA BWO GUFATIRA IMITUNGO Y’UWAFASHE INGUZANYO

Uwasabye inguzanyo yemera ko uretse gusaba ifatirwa ry’imitungo yose ye n’ubundi burenganzira nk’ubwo Banki ihabwa n’itegeko, Banki ishobora igihe icyo ari cyo cyose kandi itagombeye kubimenyesha Uwasabye inguzanyo gushyiraho ingengabihe, gufatira cyangwa kugurisha umutungo uwo ari wo wose w’uwasabye inguzanyo waba uwo afite none cyangwa uwo azagira ahazaza hatitawe ku kuba waratanzwe nk’ingwate cyangwa bitaragenze bityo, kugira ngo bifashe mu kwishyura umwenda Uwasabye inguzanyo abereyemo Banki hatagombeye kubaho ko iryo fatirwa cyangwa igurishwa ritangirwa itegeko n’urukiko.

Mu gihe habayeho kunanirwa kwishyura, Banki ifite uburenganzira bwo gufatira (bitagombeye uburyo runaka) imitungo y’uwasabye inguzanyo yababa yarayitanze nk’ingwate cyangwa bitameze bityo. Banki ifite ububasha bwo guhitamo uburyo bwo gushyira mu bikorwa uburenganzira bwayo bwo gufatira imitungo.

16. IMISORO

Ubwishyu bwose bwaba ubw’ibanze, inyungu cyangwa se ubundi buzatangwa bitagombeye ko bukatwaho imisoro, umufuragiro, ibiguzi, ubwishyu, amande, ibihano cyangwa se ibindi bisabwa by’ubwoko ubwo ari bwo bwose. Iyo igihe icyo ari cyo cyose, itegeko cyangwa urwego rushinzwe imisoro rusabye Uwasabye inguzanyo uko gukurwaho cyangwa gukatwa ikiguzi nk’icyo icyo ari cyo cyose, amafaranga Uwasabye inguzanyo agomba gutanga ku kiguzi icyo ari cyo cyose arongerwa ku rugero rukenewe kugira ngo Banki, nyuma yo gukuramo cyangwa gukata ikiguzi icyo ari cyo cyose, ibone amafaranga angana n'ayo yari kubona iyo hataba gusabwa gukuramo cyangwa gukata ikiguzi icyo ari cyo cyose.

17. AMAKURU YATANZWE N’INGWATE

Uwasabye inguzanyo agaragaza akanizeza ko:

- Uwasabye inguzanyo afite uburenganzira bwo kwemera iyi serivisi kandi yafashe ingamba zose zikenewe zo kuyemera hakurikijwe amategeko n'amabwiriza akubiyemo hano.
- Uwasabye inguzanyo ntafite inshingano iyo ari yo yose ku byerekeranye n’amafaranga yagujijwe The Borrower is not in default or under any obligation in respect of any borrowed money that the acceptance of this facility will not be or result in a breach of or default under any provisions of any other agreement to which the Borrower is a party.
- Amasezerano yose n’ibyangombwa bisabwa bijyanye n’ishyirwa mu bikorwa, itangwa, imikorere, agaciro cyangwa iyubahirizwa ry’aya masezerano y’inguzanyo bigomba gutangwa n’Usaba inguzanyo kandi ibyangombwa by’umwimerere bigashyikirizwa Banki ndetse Amabwiriza akubiyemo hano cyangwa ibisabwa bijyanye nayo bigomba kubahirizwa cyangwa kuzuzwa n’umukiliya mu gihe gikwiriye.
- Byemeranyijweho ko inguzanyo ivugwamo hano yatanzwe, izavanwaho kandi uwayihawe agasabwa guhita yishyura amafaranga asabwa yose mu gihe

habayeho impamvu iyo ari yo yose cyangwa uruhererekane rw'ibintu runala (harimo ariko bitagarukiye gusa, ku mpinduka izo ari zo zose zitari nziza mu bushabitsi, imitungo cyangwa ibibazo by'Uwasabye inguzanyo bishingiye ku mikoro) bibayeho, maze mu bunararibonye bwa Banki ikabona ko byagira ingaruka ku bushobozi cyangwa ubushake bw'Uwasabye inguzanyo bwo kwishyura iyo nguzanyo.

- Nta kiregо cyemerewe gutangwa n'uwasabye inguzanyo mu buryo ubwo ari bwo bwose arega Banki atabanje kumenyesha Banki mbere y'iminsi mirongocyenda (90) ngo ayimenyeshe mu buryo bwanditse ko Uwasabye inguzanyo afite gahunda yo kurega Banki, kandi uko kubimenyesha bishyikirizwa Banki kuri aderesi y'aho Banki ikorera.

18. IMPINDUKA MU MASEZERANO

Iyo Banki yemeje ko ishyirwaho cyangwa ihinduka mu itegeko iryo ari ryo ryose ryubahirizwa cyangwa bikemezwa na leta cyangwa urwego ngenzuramikorere cyangwa urukiko rubifitiye ububasha rukagira ibyo rugaragaza ko bidakurikije itegeko cyangwa se bitemewe n'amategeko ku Uwasabye inguzanyo cyangwa Banki kugira ngo yishyurwe cyangwa ikomeze gukora inshingano zayo nk'uko biteganywa n'amabwiriza y'iyi Baruwa Yemerera, Banki igomba guhita imenyesha izo mpinduka Uwasabye inguzanyo kandi iby'iyo nguzanyo bigahita bivanwaho ariko Uwasabye inguzanyo agahita yishyura Banki byaba nyuma cyangwa mberey'italiki yari iteganyijwe nk'uko bishobora gusabwa na Banki kugira ngo hishyurwe umubare usabwa hamwe n'inyungu n'andi mafaranga yose agomba kwishyurwa Banki hakurikijwe aya masezerano.

19. REMEDIES AND WAIVERS

Kunanirwa cyangwa gutinda kwa Banki mu kwishyuza umwenda iberewemo uwo ari wo wose, ububasha cyangwa uburenganzira nka Banki ntizabiryozwa nk'ikosa cyangwa ngo biteshwe agaciro ndetse ntibizagira ingaruka cyangwa ngo biteshe agaciro umwenda uwo ari wo wose nk'uwo, ububasha cyangwa uburenganzira bigomba kwishyurwa.

20. UBURYO BWO GUKEMURA AMAKIMBIRANE

Mu gihe habayeho kutumvikana uko ari kose cyangwa amakimbirane gusobanura cyangwa gushyira mu bikorwa aya masezerano, kizakemurwa ku bwumvikane mbere na mbere. Igihe binaniranye ko bikemuka ku bwumvikane, ikibazo gishobora koherezwa mu nkiko za Repubulika y'u Rwanda zibifitiye ububasha.

20. ITEGEKO RIGENGA AYA MASEZERANO

Amategeko ya Repubulika y'u Rwanda aziyambazwa ku bibazo byose bijyanye n'aya Masezerano y'Inguzanyo harimo ariko bitagarukira gusa ku makuru, ku bisobanuro, n'ishyirwa mu bikorwa.

22. IGIHE CYO GUTEKEREZA KU MASEZERANO

Uwasabye Inguzanyo igihe abyifuje ahabwa iminsi 30 y'akazi yo gutekereza ku bikubiye muri aya Masezerano iyo abisabye mu buryo bw'inyandiko. Iki gihe cyo gutekereza ku masezerano gitangwa gusa mbere y'uko umuntu ashyikirizwa inguzanyo yasabye.

Bikorewe i Kigali, ku wa **00 00 00,** kandi impande zose ziremera ko zabonye kopi.

KU BWA: ACCESS BANK (RWANDA) PLC

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UMUJYANAMA MU BY'AMATEGEKO &UMUNYAMABANGA W'IKIGO

UMUYOBOZI MUKURU

KU BWA: UWAGUJIJE.

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……… LTD
UMUYOBOZI MUKURU