**AMASEZERANO Y'INGWATE**

**Hagati ya**

**Access Bank (Rwanda) Plc.,** Ikigo cy'Ubucuruzi Gifite Uburyozwe Buhinnye n'imari shingiro ya 15,000,000,000 FRW, gifite Kode y'Ikigo: 100053886, Ibiro Bikuru bihereréye rwagati mu Mujyi wa Kigali mu Nyubako ya KIC mu Nzu ya 3, Agasanduku k'Amabaruwa 2059 Kigali, Rwanda, ihagarariwe na **………** na **………..** Umuyobozi Mukuru ndetse n'Umujyanama Mukuru mu Mategeko akaba n'Umunyamabanga w'Ikigo, cyitwa "**Banki**" muri aya masezerano ku ruhande rumwe

**Na**

**…………. Ltd,** ikigo cy'ubucuruzi gifite ubuzima gatozi gihabwa n'amategeko y'u Rwanda, gifite **Kode y'Ikigo: …………** gifite ibiro byanditswe biherereye mu …….. Murenge wa, Akarere ka Gasabo, Umujyi wa Kigali, Rwanda, Telefone N° +250……… Imeyili: ……… muri aya masezerano gihagarariwe na **………** Umuyobozi Mukuru, cyitwa muri aya masezerano **"Usaba Inguzanyo"** ku rundi ruhande.

**Na**

**……………Ltd,** ikigo cy'ubucuruzi cyemewe n'amategeko y'u Rwanda gifite **Kode y'Ikigo:………….**n'ibiro byanditswe biherereye mu Murenge wa………, Akarere ka Gasabo, Umujyi wa Kigali, Rwanda, Telefone Igendanwa N°: +250………….E-mail: ……..gihagarariwe na ………….Umuyobozi Mukuru, muri aya masezerano, yitwa "**Usaba Inguzanyo**" ku rundi ruhande.

**…………….,** ufite Indangamuntu N°.: **…………….** na Madamu…**…………** **,** ufite Indangamuntu N° **…………** Nyir'Umutungo Watanzweho Ingwate ufite **UPI N° …………..** muri aya masezerano witwa **"Nyir'Umutungo Watanzweho Ingwate"** ushobora na none bitewe n'impamvu kwemera ko abagenerwa umutungo n'abegurirwa umutungo) bazamo nk'abamuhagarariye ku ruhande rwa kabiri.

Hashingiwe ku Mikorere Igenderwaho n'Amabwiriza ya Banki Agenga Inguzanyo, impande zombi zemeranije (zisezeranye) ibi bikurikira;

## IGICE CYA I: INGUZANYO

### 1. INGANO N'IMPAMVU Y'INGUZANYO

Banki ihaye Usaba Inguzanyo Inguzanyo Yose Hamwe ingana na **…………** **(…………..amafaranga y'u Rwanda)**. Umwenda ushobora kuvugururwa ukaba ………..

Uburyo butandukanye bwo gukoresha iyi nguzanyo buzaba bugize amasezerano azakurikira aya hagati y'impande zombi, azaterwaho buri gihe kashe n'umukono wa noteri, azategurwa kandi ashyirwe mu bikorwa n'impande zombi mu nyandiko. Mu buryo bwose, hatitawe ku masezerano azakurikira, nibiba ngombwa Banki izafatira hamwe ibiteranyo by'amafaranga ayo ari yo yose izaba iberewemo n'Usaba Inguzanyo muri icyo gihe cyangwa azaba abereyemo Banki mu gihe kizaza Igaca Usaba Inguzanyo umubare w'amafaranga yavuzwe hejuru abereyemo Banki, bishobora kubamo kandi gukura amafaranga kuri konti y'Urimo umwenda hashingiwe ku ngano iyo ari yo yose mafaranga aberewemo Banki, ntibizasobanura ko ugusimbura uko ari ko kose inshingano ziriho. Uburenganzira n'ingwate byometswe kuri aya Masezerano nyayo bizaguma uko biri nta gihindutse.

Ibipimo by'inyungu byubahirizwa n'ibihembo ku nguzanyo iriho ubu bizashingira ku masezerano yihariye ari hagati y'impande zombi mu buryo bwo gutumanaho hakoreshejwe amabaruwa na imeyili cyangwa ubundi. Mu gihe hatabonetse isezerano hagati y'impande zombi ku gipimo cy'inyungu, ibipimo bigenderwaho bya Banki, nk'uko byatangajwe mabwiriza yayo agenga imikorere n'inguzanyo, bizubahirizwa uhereye igihe aya masezerano ashyiriweho umukono.

Nyir'umutungo Watanzweho Ingwate n'Usaba Inguzanyo batangaje ko bamenyeshejwe igipimo cy'inyungu cyubahirizwa, kandi ko, hashingiwe kuri aya masezerano, bacyemeye. Nyir'Umutungo Watanzweho Ingwate n'Usaba Inguzanyo bakuyeho intambamyi izo ari zo zose yagira, haba muri iki gihe cyangwa mu gihe kizaza, zikaza zihabanye n'igipimo cy'inyungu icibwa na Banki.

## 2. <u>IGIHE AMASEZERANO AMARA N'ISESWA RYAYO</u>

Igihe aya masezerano y'inguzanyo amara ni Amezi Mirongo Itatu n'Atandatu **(36)**. Ukubaho kw'igihe ntarengwa cy'impamvu iyi nguzanyo yabonewe mu buryo ubwo ari bwo bwose ntibizahagarika igihe Amasezerano y'inguzanyo amara, cyangwa ngo biyarangize, igihe cyose inguzanyo izaba itarishyurwa yuzuye yose.

Icyakora, Banki, izagira uburenganzira bwose bwo gusesa aya amasezerano nyuma y'igihe cy'iminsi 30 uhereye ku itariki yakiriyeho imenyesha rivuye k'Usaba Inguzanyo, ndetse no gusaba ko Usaba Inguzanyo ahita ayishyura umubare wose w'amafaranga iberewemo igihe yemeza (ibona) ko habayeho ibikurikira:

a. Ikintu mu buryo bw'umwihariko cyemerera Banki gusesa inguzanyo yongerewe igihe, igihe bibayeho ko ugurijwe ananiwe kwishyura inguzanyo abereyemo umuguriza nk'uko biteganywa mu isezerano ry'umwenda, nk'uko bigenwa mu masezerano ayo ari yo yose hagati y'impande zombi;

b. Mu gihe habayeho amakosa mu byemezo byafashwe na Nyir'Umutungo Watanzweho Ingwate n'Usaba Inguzanyo cyangwa kudashyira mu bikorwa inshingano z'Usaba Inguzanyo;

c. Mu gihe uburenganzira bwo kuba nyir'ibintu bwa Nyir'Umutungo watanzweho Ingwate ku mutungo uvugwa muri aya masezerano butari umurage cyangwa ubwa

leta, butuzuye kandi nta kirego icyo ari cyo cyose bwatangiwe cyangwa ibyago byo kuwukurwamo;

d. Mu gihe ingwate ihawe Banki ivugwa muri aya masezerano igibwaho impaka ikaba kandi itaremeranijwe nk'iri mu by'ingenzi byashyizweho n'uberewemo umwenda;

e. Mu gihe habayeho ifatira, kwimurwa, byaba bibaye ku gahato cyangwa mu nyungu rusange, itambama iryo ari ryo ryose ku guhererakanya uburenganzira bw'uba nyir'umutungo cyangwa ikindi gikorwa icyo ari cyo cyose cyo gushyira mu bikorwa ingwate ku mutungo;

f. Mu gihe habayeho kugurisha igice cyangwa umutungo wose, kugurisha uburyo bwo kugurisha umutungo, itakazagaciro ritewe n'Usaba Inguzanyo cyangwa iyangiza, ihindurwa ridafitiwe uruhushya ku mutungo watanzweho ingwate, bikozwe igice cyangwa ku mutungo wose, mu buryo bumwe na byo bitewe ku mutungo n'Usaba Inguzanyo;

g. Mu gihe habayeho impinduka izo ari zo zose ku miterere kamere cyangwa ku witwa nyir'umutungo watanzweho ingwate;

h. Mu gihe habayeho urupfu, igihombo, iyemezwa ry'igihombo cyangwa bigaragaraye ko nta bushobozi bwo kwishyura mu buryo bwose cyangwa igice ku ruhande rw'Usaba Inguzanyo, ubusabe bukozwe n'Usaba Inguzanyo na Nyir'Umutungo Watanzweho Ingwate cyangwa bw'abagenerwa umutungo cyangwa abawegurirwa busaba guhindura imiterere y'umwenda, cyangwa kuguma ku mwenda we, ifatira ry'umutungo atunze cyangwa se iyo izindi nyandiko ziriho umukono we butemewe;

i. Mu gihe habayeho ko Nyir'Umutungo watanzweho Ingwate cyangwa Usaba Inguzanyo ahuye n'ikibazo nshinjabyaha kiri mu rwego rushobora gutuma hashidikanywa cyangwa gishyira mu kaga imimerere ye cyangwa uko azwi mu by'imari, mu gihe avuye mu Rwanda, ku mpamvu iyo ari yo yose, mu gihe runaka bishobora kugira ingaruka ku bucuruzi bwe cyangwa niba Nyir'Umutungo Watanzweho Ingwate mu buryo bwuzuye atitaye cyangwa agata ubucuruzi bwe;

j. Mu gihe ingwate zatanzwe kugira ngo Usaba Inguzanyo yizeze Banki ko azubahiriza inshingano ze, aho Usaba Inguzanyo Inguzanyo cyangwa ubwishingire bwe, ku mpamvu iyo ari yo yose butakaye cyangwa cyangwa buri mu byago byo gutakara;

k. Mu gihe ibintu byasobanuwe mu ngingo ya b) kugeza ku ya j) bibaye ku Wishingiye cyangwa ku ngwate bw'Usab Inguzanyo.

Nta na rimwe Banki izigera itakaza uburenganzira bwo gusesa Amasezerano y'Inguzanyo no gusaba kwishyurwa byuzuye mu gihe izaba yakoze igenzura ry'imari ku Wasabye Inguzanyo kabone nubwo iri genzura ryagaragariza Banki impamvu z'isesa izabwira Usaba Inguzanyo na Nyir'Umutungo Watanzweho Ingwate. Banki ifite

uburenganzira, mu gihe bibaye ngombwa, bwo gukoresha amafaranga yabitswe kuri konti z'Usaba Inguzanyo mu kwishyura umubare uwo ari wo wose w'amafaranga Banki iberewemo.

Banki izagira uburenganzira bwo gusaba guhita yishyurwa, ku bw'impamvu iyo ari yo yose, umubare w'amafaranga iberewemo n'Usaba Inguzanyo uhereye igihe iyi Nyandiko ya Banki itangiwe. Ikoreshwa, kubaho n'umubare w'amafaranga ari mu Masezerano yahawe Usaba Inguzanyo bizamenyeshwa byuzuye impande zombi n'abandi bantu binyuze mu nyandiko ya banki yashyizweho umukono na banki.

Konti iriho amafaranga ari mu mwenda ku itariki Amasezerano y'inguzanyo) aseserezwaho igizwe n'inguzanyo y'ibanze, inyungu, ibihembo, n'amafaranga y'inyongera yakoreshejwe, bizishyurwa Banki itabanje gukemura ikibazo cy'amafaranga ayiberewemo hifashishijwe inyandiko nyayo yemewe cyangwa ngo ibanze igaragarize Usaba Inguzanyo Amasezerano y'inguzanyo uko yakabaye.

Kugeza igihe izishyurirwa mu buryo bwuzuye n'Usaba Inguzanyo, konti y'umwenda y'Amasezerano y'inguzanyo izabyara inyungu yo ku gipimo cyo hejuru gishoboka kizubahirizwa uhereye ku munsi aya Masezerano y'inguzanyo ashesherejwe, bitabanyuranije n'ibihano ku gipimo ntarengwa cyemewe na Banki Nkuru y'u Rwanda cyangwa urundi rwego rwose Ngengamikorere mu gihe habayeho gutinda kwishyura.

Ikimenyetso gihamya imibare y'amafaranga aberewemo Banki, harimo inguzanyo y'ibanze, inyungu, ibihembo n'amafaranga y'inyongera yakoreshejwe, uhereye igihe ukwishyura kwa mbere kubereyeho, kizafata ishusho y'inyandiko ya Banki yoroheje itanzwe n'umukozi wa Banki.

## IGICE CYA II: INGWATE

### 1. IBIRANGA UMUTUNGO WATANZWEHO INGWATE

Nk'ingwate n'Ubwishingire bwo kwishyura ibiteranyo byose by'amafaranga arimo, ariko ataragarukira gusa ku, umubare w'inguzanyo y'ibanze, inyungu, ibihembo, andi mafaranga n'izindi nyongera Usaba Inguzanyo abereyemo Banki bikurikira ikoreshwa ry'Amasezerano y'inguzanyo yongerewe igihe ku Wagurijwe nk'uko amategeko n'amabwiriza n'amabwiriza y'aya masezerano abivuga. Nyir'Umutungo Watanzweho Ingwate yemeje, mu buryo bwuzuye nta kwisubiraho, ko, mu mwanya w'Usaba Inguzanyo, azandikisha ingwate mu izina kandi mu nyungu za Banki ku butaka bwayo, nk'uko bwanditswe hasi harimo inyubako zose, ibikoresho bishinze ahantu, n'umutungo wometswe ku wundi byaba byubatswe muri iki gihe cyangwa mu gihe kizaza.

- **Ingwate Yemewe n'Amategeko yo mu Rwego rwa Mbere ku mutungo wo guturamo ifite UPI N°…………, iherereye mu Mujyi wa Kigali, Akarere ka Gasabo, Umurenge wa Remera, Akagari ka Nyabisindu ubaruwe kuri Bwana…….na Madamu………..**

Iyi ngwate, mu gihe nta ruhushya rwanditse kandi rufite agaciro ruvuye muri Banki, ntishobora guhererekanywa, byaba bikozwe itanzwe nk'impano cyangwa igurishijwe, kwiyitirirwa n'undi no gutangwaho ingwate cyangwa ngo ikodeshwe. Usab Inguzanyo na Nyir'Umutungo Watanzweho Ingwate ntibazigera bagira impinduka zikomeye bakora ku Ngwate batabanje kubihererwa uruhushya rwanditse na Banki.

## 2. IYANDIKISHA UMUTUNGO WATANZWEHO INGWATE

**Usaba Inguzanyo** na Nyir'Umutungo Watanzweho Ingwate mu buryo busesuye yemereye Banki kwandikisha Ingwate mu Biro by'Umwanditsi Mukuru-Ikigo cy'Igihugu cy'Iterambere mu izina rya Banki nk'Ingwate Yemewe n'Amategeko yo mu Rwego rwa Mbere ku mubare w'amafanga angana:

- **Umubare w'Ibanze w'Umwenda ni ………. FRW (…………. Amafaranga y'u Rwanda)**.

- **Amafaranga y'inyongera angana na ………… amafaranga y'u Rwanda (FRW ……….) ahwanye na ….% y'umubare fatizo) azakoreshwa mu kwishyura amafaranga atandukanye, ibihembo n'andi mafaranga yakoreshwa mu gihe ananiwe kwishyura;**

- **Igiteranyo cy'amafaranga yishingiwe ni ………….amafaranga y'u Rwanda (…………..);**

Ingwate izagira agaciro mu gihe cy'imyaka Cumi n'Itanu (15). Nyir'Umutungo Watanzweho Ingwate n'Usaba Inguzanyo bemeranije kuvugurura iyi Ngwate (amasezerano y'ingwate) mu gihe kingana n'indi myaka Itanu (5) mu Biro by'Umwanditsi Mukuru- Ikigo cy'Igihugu cy'Iterambere kandi ahaye Banki uburenganzira bwuzuye bwo kuvugurura Ingwate (**amasezerano y'ingwate**) mu mwanya we igihe Banki, mu buryo yabigena, yabona ibi biri ngombwa mu gihe inguzanyo itishyurwa byuzuye.

## 3. KWEMEZA

Nyir'Umutungo Watanzweho Ingwate yemeje ko ubu afatanije n'undi umutungo wavuzwe haruguru kandi ko nta kirego icyo ari cyo cyose cyangwa ibirego byose byawutanzweho, ko nta wundi uwufiteho uburenganzira kandi ko uyu mutungo nta zindi nshingano witiririrwa ku buryo byatuma ufatwaho indi ngwate mu buryo bwemewe n'amategeko yaza ifite agaciro kurusha ingwate yo muri iki gihe haba kuri Leta y'u Rwanda cyangwa abandi bantu abo ari bo bose. Nyir'Umutungo Watanzweho Ingwate kandi yemeje ko ingwate yandikwa mu mwanya w'umutungo iri mu Ngwate Yemewe n'Amategeko yo mu Rwego rwa Mbere mu izina n'inyungu za Banki.

## 4. UBURENGANZIRA BUHABWA UMUNTU KU MUTUNGO

Nyir'Umutungo Watanzweho Ingwate ntazigera na rimwe ahererekanya uburenganzira ku mutungo uri mu bigize ingwate ndetse nta na rimwe azigera atanga uburenganzira

ku mutungo cyangwa ngo awutangeho ingwate atabiherewe uruhushya rwanditse na Banki.

## 5. KUNANIRWA KUBAHIRIZA INSHINGANO

Mu gihe Usaba Inguzanyo ananiwe kubahiriza inshingano yiyemeje (amasezerano yasezeranye), Banki izagira uburenganzira bwo kwambura umutungo hakurikijwe Itegeko N° 13/2010 ryo ku wa 07/05/2010 rihindura kandi ryuzuza Itegeko No 10/2009 ryo ku wa 14/05/2009 ryerekeye ubugwate ku mutungo utimukanwa.

Nyir'Umutungo Watanzweho Ingwate ahaye Banki ububasha bwo gucunga, gukodesha, kugurisha cyangwa kwegukana ingwate mu gihe cyose Usaba Inguzanyo atabashije kwishyura nk'uko bivugwa mu ngingo ya 2 y'Itegeko No 13/2010 ryo ku wa 07/05/2010 rihindura kandi ryuzuza Itegeko No 10/2009 ryo ku wa 14/05/2009 ryerekeye ubugwate ku mutungo utimukanwa.

## 6. ANDI MAFARANGA

Amafaranga ayo ari yo yose yakwiyongeraho nk'ingaruka ziziguye cyangwa zitaziguye z'ibivugwa muri aya masezerano cyangwa ishyirwa mu bikorwa ryayo, harimo n'amafaranga ayo ari yo yose yakoreshwa mu gikorwa cyo kwishyuza ingwate, ni inshingano y'Usaba Inguzanyo wenyine.

## 7. IHEREREKANYA RY'UMUTUNGO WATANZWEHO INGWATE

Banki ishobora guhererekanya ingwate ibiherewe uburenganzira, bigakorwa ku itariki kandi bigashyirwaho umukono n'umuntu, ku muntu wagenwe. Ibivugwa muri iyi ngingo bizakorerwa hamwe no kwandikisha ingwate mu Biro by'Umwanditsi Mukuru.

## 8. 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.

## 9. 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.

## 10. ADERESI

Mu rwego rw'ishyirwa mu bikorwa ry'aya masezerano n'ikindi kintu icyo ari cyo cyose kijyanye na yo, Banki ihisemo Ibiro Bikuru byayo byo mu Nyubako ya KIC iri mu mujyi rwagati mu mujyi wa nk'urugo rwayo, **Agasanduku k'Amabaruwa N° 2059 Kigali.**

Usaba Inguzanyo na Nyir'Umutungo Watanzweho Ingwate n'undi wese uri bakwegurirwa ingwate, ingo zizaba ahantu basanzwe bakorera cyangwa ahakorerwa ubucuruzi bwabo bwa buri munsi Banki yaba ibamenyesheje mu buryo bwemewe inyandiko zose, imyanzuro yose y'imanza ndetse n'izindi nyandiko izo ari zo zose z'ingenzi. Icyakora Banki, yihariye uburenganzira bwo kumenyeshereza Nyir'Umutungo Watanzweho Ingwate aho atuye.

Bikorewe i Kigali, **Umunsi Ukwezi Umwaka,** kandi impande zose zibonye kopi yazo y'aya masezerano.

**KU BWA: ACCESS BANK (RWANDA) PLC**

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**UMUJYANAMA MU BY'AMATEGEKO &UMUNYANYAMABANGA W'IKIGO**

**UMUYOBOZI MUKURU**

**KU BWA: USABA INGUZANYO**

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**…………..**
**UMUYOBOZI MUKURU**

**KU BWA: NYIR'UMUTUNGO WATANZWEHO INGWATE**

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