KUWA … ………………..……

AMASEZERANO Y'INGWATE NO KWISHYURA UMWENDA

BPR BANK RWANDA Plc
(Nka Banki)

Akozwe na

………………………..

&

……………………………..
(Nk'Abishingizi)

[…………………………………]
[Uwahawe Inguzanyo w'Ingenzi]

ISHAKIRO

Ingingo Inyito **Urupapuro**

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HAGATI ya:

……………………., ** umunyarwanda ufite Indangamuntu No. 11…………………….** (Muri aya masezerano witwa (**"Umwishingizi")**

……………………..., ** umunyarwanda ufite indangamuntu No. 11……………………** (Muri aya masezerano witwa **("Umwishingizi")**

BPR BANK RWANDA Plc., sosiyete yandikiwe muri Repubulika y'u Rwanda ikaba ifite icyicaro i Nyarugenge i Kigali,

(Yitwa Banki muri aya masezerano)

KUBERAKO:

A. **………….** (Uwahawe inguzanyo w'ingenzi) binyuze mu masezerano y'inguzanyo yashyizweho umukono kuwa **…………………………** …. yahawe inguzanyo mu buryo bukurikira:

1.1 Muri aya masezerano Banki ihaye umukiriya inguzanyo yo kugura inzu y'ubucuruzi ingana na …………. Frw **(miliyari imwe na miliyoni magana inani gusa);**

B. Nk'uburyo bwo kwizeza ko iyo nguzanyo izishyurwa, Umwishingizi yemeye kwishingira iyi nguzanyo kugeza ku mafaranga yose y'inguzanyo yahawe n'inyungu ziyakomokaho.

MURI URWO RWEGO, twemeranyijwe ibi bikurikira:

1. IBISOBANURO BY'AMAGAMBO N'UKO AGOMBA KUMVIKANA

1.1 Ibisobanuro by'amagambo

Muri aya masezerano, amagambo akurikira afite ibisobanuro bikurikira, keretse gusa mu gihe yaba asobanurwa ukundi bitewe n'aho ari gukoreshwa:

"Umunsi w'akazi" bisobanura undi munsi wose usibye uwo ku wa gatandatu, uwo ku cyumweru cyangwa undi munsi uwo ari wose w'ikiruhuko mu Rwanda.

"Ibikoresho by'ingwate" bisobanura inyandiko nyemeramwenda, inyandiko nyizezabwishyu, ibyemezo by'amafaranga abitswe kuri konti n'izindi nyandiko zumvikanwaho cyangwa zitumvikanwaho, ingwate, amafaranga y'ubwishyu ndetse n'ubundi bwishingizi butangwa ku gihombo cyo mu rwego rw'imari gishobora kuba n'izindi nyandiko izo ari zo zose cyangwa ibikoresho bifite cyangwa bigaragaza umwenda (wishingiwe cyangwa utishingiwe) ugomba kwishyurwa, gukuraho cyangwa kwirengera mu buryo buziguye cyangwa butaziguye umwenda w'uwahawe inguzanyo w'ingenzi cyangwa undi muntu uwo ari we wese harimo kandi n'Inyandiko z'Ingwate.

"Ibaruwa yemera inguzanyo" bisobanura inyandiko yiyongera ku masezerano y'inguzanyo no ku masezerano yo kugura inzu **yo kuwa ……………………** Banki yoherereza Uwahawe inguzanyo w'ingenzi; kopi yayo ikomekwa ku masezerano nk'Umugereka wa mbere;

“Itsinda” bisobanura Abishingizi n’ababahagarariye bo ubwabo n’abo bashobora guha imitungo yabo igihe icyo ari cyo cyose.

“Amasezerano y’ubwishingizi” aba akubiyemo buri ngingo yihariye cyangwa ukwayo cyangwa amasezerano akorwa n’umwishingizi aba ari muri aya masezerano y’Ubwishingizi.

“Umwenda wishingiwe” bisobanura amafaranga yose, imyenda yose ivugwa ko yishingiwe n’umwishingizi mu Ngingo ya 2.1.

“Kubura ububasha” Ku byerekeranye n’umuntu, bisobanura urupfu, igihombo, guta ubwenge, kunanirwa kwishyura imyenda, gukusanya no gusaranganya umutungo we, gusesa sosiyete imbere y’amategeko, kugurisha umutungo wa sosiyete no kuyikuraho burundu, gucunga sosiyete, gushyiraho undi ucunga sosiyete, kwihuza n’indi sosiyete, kongera kubaka sosiyete cyangwa ubundi buryo ubwo ari bwo bwose bwo kubura ububasha (iyo bireba ubufatanye, biba birimo ibyerekeranye no gusesa amasezerano y’ubufatanye cyangwa guhindura imiterere yabwo).

“Amafaranga y’u Rwanda” bisobanura ubwoko bw’ifaranga bwemewe n’amategeko muri iki gihe bukaba ari ifaranga ry’u Rwanda kandi mu rwego rw’ubwishyu bwose buba bugomba gukorwa hakurikijwe aya masezerano, mu mafaranga y’amanyarwanda bisobanura amafaranga asukuye ashobora guhita aboneka no kohererezanywa ari nta nkomyi.

“Uwahawe inguzanyo w’ingenzi” bisobanura **……………**, sosiyete ifite uburyozwe buhinnye yanditse ku ruhushya rwo gukora ubucuruzi No. **…………………..** ihagarariwe na **…………….**, Umuyobozi Mukuru ufite telephone y’akazi nomero **+25………………..**.

“Aho sosiyete ibarizwa” bisobanura aho iyo sosiyete yashingiwe cyangwa, iyo bitandukanye, aho ikorera ibikorwa byayo by’ibanze.

“Inyandiko z’ingwate” bisobanura inyandiko cyangwa ibikoresho byose bikora cyangwa bigaragaza amasezerano y’ingwate y’ubwoko ubwo ari bwo bwose akorwa hagati ya Banki n’Uwahawe inguzanyo w’ingenzi haba ari undi muntu nawe uyafitemo uruhare cyangwa ari ntawe cyangwa yaba ikozwe mbere cyangwa nyuma y’ayo masezerano y’inguzanyo harimo ariko nanone atari yo gusa ibaruwa yemera inguzanyo n’ingwate y’igihe kirekire.

“Inyungu zijyana n’ingwate” bisobanura ingwate iyo ari yo yose, amafaranga atangwa, itangwa ry’umutungo, ukwizeza, ifatirwa, uburenganzira bwo kuvana amafaranga kuri konti, gutangaho ingwate,amafaranga asabwa ku mutungo runaka, uburenganzira bwo kwishyurwa mbere cyangwa izindi nyungu ku ngwate (zaba izidahinduka cyangwa izihinduka) harimo ariko atari zo gusa, amasezerano yo **“ guhagarika ”** cyangwa **“gusubirana umutungo ari uko umwenda wamaze kwishyurwa ”** hamwe n’uburenganzira ubwo ari bwo bwose bwo kwishyurwa mbere, gufatira ibyangombwa, uburenganzira bwo kuzagura igicuruzwa runaka nyuma, gukodesha, kugurisha cyangwa kugurisha, amasezerano yo kugura, amasezerano yo gukodesha umutungo wagurishije n’uwawuguze, amasezerano y’ubwizerane, kumenyekanisha ubwizerane, ubwizerane bukomoka ku bubasha bw’itegeko, ubundi

buryo bwose cyangwa amasezerano ashobora kugira ingaruka zo mu rwego rw'ubucuruzi zimeze kimwe cyangwa zikomeye nko gushyiraho ingwate.

1.2 **Uko amagambo agomba kumvikana**

1.2.1 Muri aya masezerano:

(a) Urupapuro rw'ishakiro n'imitwe y'ingingo runaka byashyizwe muri aya masezerano hagamijwe kugirango ajye abasha gusomeka neza gusa kandi ntacyo ahindura ku myubakire y'Amasezerano y'Ingwate;

(b) Amagambo ari mu bucye aba akubiyemo n'ubwinshi kandi n'amagambo ari mu bwinshi na yo akaba akubiyemo ubucye; na

(c) Amagambo aranga igitsina kimwe aba aranga ikindi gitsina n'ibitsina byose.

1.2.2 Muri aya masezerano, uretse gusa mu gihe yaba yumvikana ukundi bitewe n'aho ari, amagambo akurikira azajya yumvikana mu buryo bukurikira:

(a) Abantu biba bishaka kuvuga abantu ubwabo, amasosiyete, ubufatanye, ibigo by'ubucuruzi, amasosiyete yishyize hamwe, amashyirahamwe, imiryango n'ubwizerane (buri gihe baba bafite cyangwa badafite ubuzima gatozi bwihariye);

(b) inyandiko, ibikoresho n'amasezerano (harimo, ariko nanone atari byo gusa, aya masezerano y'ingwate n'indi nyandiko iyo ari yo yose ivugwa muri aya Masezerano y'Ingwate) biba bishaka kuvuga izo nyandiko, ibyo bikoresho n'ayo masezerano nk'uko ashobora guhindurwa, kuvugururwa, kongerwamo izindi ngingo cyangwa udushya igihe icyo ari cyo cyose;

(c) Ijambo **"Umwishingizi"** rikubiyemo buri muntu ugengwa n'aya Masezerano y'ubwishingizi n'undi muntu uwo ari we wese ukora mu izina rye mu buryo bwemewe n'amategeko;

(d) Uruhande muri aya masezerano biba bikubiyemo abazarusimbura, abazahabwa umutungo wa rwo, abazoherewaho uwo mutungo, n'abazawuhabwa;

(e)

Ingingo n'Imigereka biba bishaka kuvuga ingingo z'aya masezerano yo kwishingira n'imigeraka y'aya masezerano yo kwishingira kandi kuvuga aya Masezerano yo kwishingira biba bikubiyemo n'Imigeraka yayo;

(f) Umwenda biba bikubiyemo umwenda uwo ari wo wose, wari ari umwenda uriho, ushobora kubaho, uriho muri iki gihe cyangwa ushobora kuzabaho mu bihe biri imbere;

(g) Ibika biba bishaka kuvuga ibika by'imigereka aho ingingo zibivugwamo ziba zigaragara;

(h)

Ingingo ziteganywa n'amategeko (iyo aho ayo magambo akoreshwa habyemera gutyo kandi uretse gusa iyo biteganywa ukundi) zisobanurwa nk'izo ngingo nk'uko zishobora kuvugururwa, guhurizwa hamwe, kwagurwa cyangwa kongera gukoreshwa igihe icyo ari cyo cyose n'amabwiriza, amabwiriza rusange, ibikoresho cyangwa andi mategeko ari munsi yayo ashyirwaho hakurikijwe itegeko bireba; na

(i) Isaha y'umunsi bishaka kuvuga isaha yo mu Rwanda

2. UBWISHINGIZI NO KWISHYURA UMWENDA

2.1 Bitewe n'uko Banki iri guha cyangwa ikomeza guha inguzanyo cyangwa avansi cyangwa iha umwenda cyangwa ubushobozi bwo mu rwego rw'amabanki cyangwa bwo kubasha kwishyurirwa n'undi muntu cyangwa iha Uwahawe inguzayo w'ingenzi igihe cyose ibona ko gikwiye, Umwishingizi yemeye mu buryo budasubirwaho kandi ari nta mananiza kwishyura Banki ibisabye amafaranga yose no kwishyura imyenda yose y'ubungubu cyangwa ya nyuma yaho Uwahawe inguzanyo w'ingenzi yahawe na Banki cyangwa ayigomba igihe igihe cyo kwishyura kizaba kigeze cyangwa kurangiza kwishyura byaba bikozwe mu buryo bwihutishijwe cyangwa mu bundi buryo, cyangwa ayo mafaranga, cyangwa iyo myenda yaba igaragara cyangwa iriho mu buryo bwumvikana, ari iy'iki gihe, iy'igihe kizaza cyangwa ishobora kubaho, yaba ihuriweho cyangwa ari iy'abantu benshi, yaba ishingiye ku nguzanyo nyirizina cyangwa ku ngwate, yaba mu ntangiriro yarayigombaga Banki cyangwa yaraguzwe cyangwa yarayibonye mu bundi buryo, yaba iri mu mafaranga y'u Rwanda cyangwa mu bundi bwoko bw'ifaranga, cyangwa yarayatwaye ayavanye kuri konti ya banki cyangwa mu bundi buryo ubwo ari bwo bwose. Iyo myenda, izaba igizwe, ariko atari byo gusa, n'ibi bikurikira:

(a)

imyenda yose ikomoka ku bikorwa byo kuvunja amafaranga y'amanyamahanga, kugurana ijanisha ry'inyungu n'andi masezerano akorwa hagamijwe kugabanya ihindagurika ry'inyungu cyangwa ry'ibiciro by'ivunjisha;

(b) imyenda yose ikomoka ku itangwa, ku kwakira, ku kwemera, ku kwemeza cyangwa ku igabanya rikorwa ku nyandiko zumvikanwaho cyangwa zitumvikanwaho, ku mabaruwa nyizezabwishyu (credit documentaire) cyangwa ku bundi bwoko bw'imyenda, inyandiko mpeshwamwenda, inyandiko zo kwishingira, inyandiko z'ubwishyu cyangwa izindi nyandiko z'ubwoko ubwo ari bwo bwose;

Inyungu (zaba iza nyuma cyangwa iza mbere y'urubanza) kugeza ku itariki ubwishyu bukoreweho ku ijanisha no mu buryo ziba zigomba kwishyurwa n'Uwahawe inguzanyo w'Ingenzi (cyangwa zagombaga kuba zarishyuwe iyo Uwahawe inguzanyo w'ingenzi ataza kubura ubushobozi) n'amafaranga yose y'umufuragiro, aya serivisi n'andi mafaranga yose asabwa, atangwa yose mu rwego rw'ubuyobozi n'ibindi biguzi, amafaranga yose atangwa n'akoreshwa mu kwishyura mu buryo bwuzuye hashingiwe ku buryo bwo kwishyura budasanzwe atangwa na Banki mu rwego rw'ayo mafaranga, imyenda cyangwa muri rusange ku birebana n'Uwahawe inguzanyo w'Ingenzi, Umwishingizi cyangwa ikindi gikoresho gikoreshwa nk'ingwate.

2.2 Umubare w'amafaranga yose yishyuzwa Umwishingizi mu rwego rw'aya masezerano yo kwishingira umwenda ntabwo ashobora kurenga amafaranga (niba hari ahari) avugwa mu Mugereka (kandi niba ari nta mafaranga yavuzwe ibiteganywa mu igika cya 2.2 ntabwo bikurikizwa). Yishyurwa hamwe n'andi mafaranga yose y'inyungu, ay'umufuragiro, aya serivisi n'andi yose asabwa kimwe n'ayakwa mu rwego rw'ubutegetsi kimwe n'ibindi biguzi n'amafaranga akoreshwa avugwa mu gika cya 2.1 ashobora kuba yariyongereyo cyangwa ashobora kuziyongera agomba kuzishyurwa Banki igihe icyo ari cyo cyose mbere cyangwa nyuma y'itatiki bisabiweho.

2.3 Nk'ingingo iri ukwayo kandi yihariye, Umwishingizi akuriyeho Banki kandi yemeye kuyishyura igihe yaramuka ibisabye ibihombo byose, ibizangirika, ibiguzi n'amafaranga yose izasohora cyangwa izishyuzwa bitewe cyangwa nk'ingaruka y'ibi bikurikira:

2.3.1

Kuba Banki yaratanze ubushobozi ubwo ari bwo bwose hakurikijwe inyandiko zirebana n'ingwate; cyangwa

2.3.2 Kuba Banki yarakoze amasezerano arebana n'inyandiko zirebana n'Ingwate; cyangwa

2.3.3 Kuba Uwahawe Inguzanyo w'Ingenzi atarabashije gukora cyangwa kuzuza inshingano zishingiwe; cyangwa

2.3.4

2.3.5

Kuba umwenda wishingiwe warataye agaciro cyangwa uri guta agaciro, ushobora guta agaciro cyangwa utabasha gushyirwa mu bikorwa cyangwa utabasha gukora neza ku birebana n'Uwahawe inguzanyo w'ingenzi ku mpamvu iyo ari yo yose , yaba izwi cyangwa itazwi na Banki cyangwa n'undi muntu uwo ari we wese; cyangwa

2.3.6

Kuba uwahawe Inguzanyo w'Ingenzi atabasha mu buryo bwuzuye kandi ako kanya kuzuza inshingano ze izo ari zo zose afite imbere ya Banki nk'uko ziteganywa n'iyo ari yo yose mu nyandiko zirebana no kwishyingira;

Ayo mafaranga y'umwenda ntabwo ashobora kurenga umubare w'amafaranga Banki iba igomba kwishyurwa n'Uwahawe inguzanyo w'ingenzi.

Umwishingizi azishyura Banki kandi akomeze kuyishyura (kugeza ku kigero cyose kitishyuwe hakurikijwe inyandiko zo kwishingira inguzanyo cyangwa nk'uko yishyurwa hakurikijwe aya masezerano yo kwishingira), ibimusabye, ibihombo ibyo ari byo byose, ibikorwa byo gukurikiranwa, amafaranga izishyuzwa, ibiguzi, amafaranga izasabwa, amafaranga izakoresha cyangwa imyenda izishyuzwa cyangwa amafaranga izokoresha mu gushyira mu bikorwa aya Masezerano yo kwishingira (harimo ibiguzi, amafaranga yasabwe cyangwa yakoreshejwe mu gushyira mu bikorwa iyo ari yo yose mu ngingo z'aya Masezerno yo kwishyingira cyangwa bitewe n'uko Umwishingizi yarenze kuri iyo ari yo yose mu nshingano ze imbere ya Banki nk'uko ziteganywa muri aya Masezerano yo kwishingira inguzanyo).

2.4 Inyandiko iyo ari yo yose igaragaza imikoreshereze ya konti yateguwe na Banki yerekeranye n'Uwahawe inguzanyo w'ingenzi yashyizweho umukono n'umukozi wa Banki yemeza ko ari iy'ukuri; igaragaza umubare w'amafaranga y'inguzanyo yishingiwe, mu gihe ari ntakosa riyigaragaramo, ifatwa nk'aho ireba Umwishingizi kandi ntishidikanywaho.

3. IMENYEKANISHA RY'IHAGARARA RY'AMASEZERANO YO KWISHINGIRA INGUZANYO

Umwishingizi ashobora, igihe icyo ari cyo cyose, kumenyesha Banki ko aya masezerano yo kwishingira inguzanyo azarangira ku itariki runaka **(" Itariki yo guhagarara** "); iyo tariki ikaba itagomba kuba munsi y'amezi atatu abarwa uhereye igihe Banki yakiriyeho iryo menyesha; bipfa gusa, haseguriwe ko iryo ryangira riba rireba umwe cyangwa benshi mu bantu bagize Umushingizi, aya masezerano y'ubwishingizi bw'inguzanyo azakomeza kuba ubwishingizi ku birebana n'abandi bantu abo ari bo bose bagize umwishingizi kandi iryo menyekanisha ntabwo rigabanya cyangwa ngo rigire ingaruka ku nshingano z'abo bantu kandi bipfa nanone kuba Umwishingizi uwo ari we wese utanze imenyekanisha hakurikijwe ibiteganywa muri iki gika agomba gukomeza kugengwa n'aya masezerano yo kwishingira inguzanyo:

3.1 ku byerekeranye n'umwenda uba usigaye Uwahawe inguzanyo w'ingenzi agomba kwishyura Banki ku itariki yo guhagarara hamwe n'inyungu zijyana n'uwo mwenda kugeza uzarangirira kwishyurwa hakurikijwe ijanisha ry'inyungu Banki yatse Uwahawe Inguzanyo w'ingenzi ; na

3.2 Ku byerekeranye n'amafaranga yose, inyungu, amafaranga ya serivisi, ay'umufuragiro, amafaranga asabwa, ibiguzi n'amafaranga akoreshwa Uwahawe inguzanyo w'ingenzi agomba cyangwa ashobora kugomba Banki hakurikijwe cyangwa mu rwego

rw'ubwumvikane runaka, igikorwa runaka cyangwa igikorwa cyo kwiyemeza cyakozwe cyangwa cyagizweho amasezerano byaba mbere y'itariki yo guhagarara cyangwa icyo gihe cyangwa nyuma yayo hakurikijwe amafaranga ayo ari yo yose yatanzwe mu buryo bugaragara cyangwa bwumvikana, yasabwe Banki cyangwa ikayitangira mu nyungu z'Umwishingizi w'Ibanze mbere y'Itariki yo Guhagarara; na

3.3 Ku byerekeranye n'amafaranga yose asabwa mu rwego rw'amategeko n'ibindi biguzi, amafaranga yakwa, n'amafaranga Banki ishobora gukoresha mu gutegura, kuzuza, gutera kashe no gushyira mu bikorwa aya masezerano yo kwishingira inguzanyo cyangwa mu kwishyuza amafaranga ayo ari yo yose Uwahawe inguzanyo w'Ingenzi cyangwa n'umwishingizi cyangwa mu kugerageza kubikora.

4. INYUNGU

Umwishingizi yemeye kwishyura inyungu zijyanye na buri mafaranga asabwa hakurikijwe aya masezerano yo kwishingira inguzanyo uhereye ku itariki ubwo busabe bukoreweho kugeza igihe yishyuriwe (kimwe na nyuma cyangwa mbere y'urubanza) ku ijanisha ry'inyungu zishobora kwishyurwa rimwe na rimwe n'Uwahawe Inguzanyo w'ingenzi cyangwa yagomgaba kuba yarishyuye iyo hatabaho kubura ubushobozi cyangwa hakurikijwe ubundi buryo cyangwa amasezerano yagirana n'abahaye inguzanyo uwahawe inguzanyo w'ingenzi mu minsi no mu buryo banki ishobora kugena rimwe na rimwe. Izo nyungu zirateranywa iyo zitishyuwe ako kanya hamwe n'amafaranga y'ukwezi aba asigaye hakurikijwe imigenzereze isanzwe ya Banki ariko bitabangamiye uburenganzira bwa Banki bwo kwishyuza izo nyungu iyo igihe cyo kuzishyura kigeze.

5. INGWATE IKOMEZA

5.1 Aya masezerano yo kwishingira inguzanyo akora ibi bikurikira:

5.1.1

Yishingira umubare w'amafaranga y'inguzanyo aba asigaye Uwahawe Inguzanyo w'Ingenzi aba agomba kwishyura Banki rimwe na rimwe kandi agakomeza kwishingira inguzanyo hatitawe ku buryo bukoreshwa mu kwishyura cyangwa ku kindi kibazo icyo ari cyo cyose,

5.1.2 kuba, hejuru yo kuba igikoresho cy'ingwate muri iki gihe no mu gihe kizaza, uburenganzira cyangwa igisubizo gifitwe cyangwa kiri muri Banki; kandi

5.1.3

Ntabwo mu buryo ubwo ari bwo bwose ashobora kubangamirwa cyangwa guhungabanywa n'uko hariho igikoresho cy'ingwate, uburenganzira cyangwa ibisubizo cyangwa ngo ate agaciro yose uko yakabaye cyangwa igice cyayo, cyangwa ngo ashobore kuba yata agaciro cyangwa ngo abe atabasha gushyirwa mu bikorwa ku mpamvu iyo ari yo yose cyangwa bitewe n'igikorwa gikozwe na Banki, kuguranwa, guhindurwa cyangwa kunanirwa gukora neza cyangwa kuyashyira mu bikorwa

cyangwa gutanga igihe cyo kwishyura cyangwa gutanga imbabazi cyangwa kwifatanya n'undi muntu uwo ari we wese bireba.

5.2 Iyo aya masezerano yo kwishingira inguzanyo ahagaze ku mpamvu iyo ari yo yose, Banki ishobora gukomeza konti iyo ari yo yose y'Uwahawe inguzanyo w'Ingenzi cyangwa gufungura konti imwe cyangwa nyinshi nshya kandi inshingano z'umwishingizi hakurikijwe aya Masezerano yo Kwishingira inguzanyo ntabwo zishobora kugabanywa mu buryo ubwo ari bwo bwose cyangwa ngo zigirweho ingaruka n'ibikorwa ibyo ari byo byose bikurikiraho cyangwa n'amafaranga yakirwa cyangwa ubwishyu bukorwa kuri bene iyo konti iyo ari yo yose.

6. INGINGO ZIJYANA NO KURENGERA

6.1 Inshingano z'Umwishingizi ntabwo zishobora guhungabanywa cyangwa ngo aya Masezerano yo kwishingira inguzanyo akurweho cyangwa agabanywe bitewe n'izi mpamvu zikurikira:

6.1.1

Kubura ubushobozi cyangwa kugira impinduka ku byerekeranye n'izina, uburyo bwo gukora cyangwa amategeko shingiro y'Uwahawe Inguzanyo w'Ingenzi cyangwa undi muntu uwo ari we wese bireba; cyangwa

6.1.2

Kuba banki itanze igihe, imbabazi cyangwa yemeye cyangwa yifatanyije, ivanyeho, irekuye cyangwa ihinduye umwenda w'uwahawe inguzanyo w'ingenzi cyangwa w'undi muntu uwo ri we wese bireba cyangwa ivuguruye, igennye, ihinduye cyangwa yongereye ubushobozi bwo kwishyurirwa n'undi muntu, inguzanyo cyangwa ikoze ikindi gikorwa cyangwa hakozwe andi masezerano na we mu buryo ubwo ari bwo bwose cyangwa yinjiye, yemeye cyangwa ihinduye ibyumvikanyweho, amasezerano cyangwa yumvikanye cyangwa itabashije kubaza cyangwa gushyira mu bikorwa ubwishyu bw'Uwasabye inguzanyo w'Ingenzi cyangwa bw'undi muntu bireba; cyangwa

6.1.3

Igikorwa icyo ari cyo cyose kirebana no gusesa, kuvugurura, guhindura, kugira nshya cyangwa kongera ingingo mu Nyandiko zirebana n'ingwate; cyangwa

6.1.4 Gukora cyangwa kudakora igikorwa icyo ari cyo cyose cyagombye kuba kitarakuyeho cyangwa ngo kigire ingaruka ku mwenda w'Umwishingizi iyo aza kuba ari uwahawe inguzanyo w'ingenzi aho kuba umwishingizi cyangwa gukora cyangwa kudakora ikindi kintu icyo ari cyo cyose iyo hatazakubaho iyi ngingo, cyari gusonera Umwishingizi; cyangwa

6.1.5 Kuba inshingano nyakuri cyangwa izagombye kuba inshingano z'Uwahawe Inguzanyo w'ingenzi cyangwa z'undi muntu ari nta gaciro zifite, zinyuranye n'amategeko, zidashobora gushyirwa mu bikorwa, zidasanzwe cyangwa zitarashyizwe mu bikorwa.

6.2 Inshingano n'imyenda ivugwa ko yishingiwe n'Umwishingizi muri aya Masezerano yo kwishingira Inguzanyo n'iy'Uwahawe Inguzanyo w'Ingenzi aho kuba ingwate gusa.

6.3 Ntabwo bizaba ngombwa ko Banki itanga ikibazo runaka cyangwa isaba Uwahawe Inguzanyo w'Ingenzi cyangwa ikoresha ikindi gikoresho cyose cy'ingwate cyangwa ubundi buryo bwo kwishyuza ifite ubungubu cyangwa izagira nyuma ya ho mbere yo gushyira mu bikorwa aya Masezerano yo kwishingira ingwate kandi nta gikorwa kizakorwa cyangwa kitazakorwa na Banki mu bijyanye n'igikoresho cy'ingwate icyo ari cyo cyose cyangwa ubundi buryo bwo kwishyuza kizakuraho, kizagabanya, kizahungabanya cyangwa kizabangamira inshingano z'Umwishingizi hakurikijwe aya Masezerano yo kwishingira inguzanyo kandi ntabwo bizaba ngombwa ko Banki ikoresha amafaranga ayo ari yo yose cyangwa undi mutungo yahawe cyangwa yishyuje hakoreshejwe cyangwa hagurishijwe igikoresho cy'ingwate icyo ari cyo cyose cyangwa ubundi buryo bwo kwishyuza mu kugabanya umwenda wishingiwe.

6.4 Umwishingizi yijeje ko atigeze afata cyangwa yakira kandi ko igihe cyose imyenda yose yishingiwe izaba itararangira kwishyurwa cyangwa ngo ikurweho yose uko yakabaye, atazafata cyangwa ngo yakire inyungu z'ingwate ziturutse k'Uwahawe Inguzanyo w'Ingenzi cyangwa ku wundi muntu uwo ari we wese mu rwego rw'inshingano ze nk'uko ziteganywa muri aya Masezerano yo Kwishingira Inguzanyo.

6.5 Igihe cyose imyenda yose yishingiwe izaba itararangira kwishyurwa, gukurwaho cyangwa gukemurwa yose uko yakabaye (kandi n'ubwo haba hishyuwe amafaranga agarukira umukiriya nk'umunyamigabane muri sosiyete igihe habayeho igikorwa cyo gukusanya umutungo wa yo no kuwusaranganya cyangwa habayeho igihombo cyangwa mu gihe habyeho ubundi bwumvikane ubwo ari bwose cyangwa amasezerano), umwishingizi yemeye ko, mu gihe Banki itabanje kubyemera mu nyandiko, atazakora ibi bikurikira:

6.5.1

Gukoresha uburenganzira bwe bwo gusimbuza, gusubizwa cyangwa kwishyurwa ku Uwahawe Inguzanyo w'Ingenzi;

6.5.2

Gusaba cyangwa kwakira ubwishyu bwose uko bwakabaye cyangwa igice cy'umwenda ubungubu cyangwa nyuma ya ho agomba kwishyurwa n'Uwahawe Inguzanyo w'Ingenzi cyangwa n'undi muntu wese bireba cyangwa gusaba cyangwa kwakira Igikoresho cy'Ingwate icyo ari cyo cyose muri urwo rwego cyangwa kukikuraho;

6.5.3

gufata ingamba iyo ari yo yose yo gushyira mu bikorwa uburenganzira ubwo ari bwo bwose ku birebana n'Uwahawe Inguzanyo w'Ingenzi cyangwa undi muntu uwo ari we wese bireba ku byerekeranye n'imyenda yishingiwe; cyangwa

6.5.4 Gusaba gusubizwa cyangwa guhindurirwa n'Uwahawe Inguzanyo w'Ingenzi cyangwa n'undi muntu bireba cyangwa gusaba cyangwa kuboneka mu ihiganwa na Banki mu gihombo cyangwa mu gikorwa cyo kwegeranya no gusaranganya umutungo w'Uwahawe Inguzanyo w'ingenzi cyangwa w'undi muntu wese bireba cyangwa kugira inyungu cyangwa kugabana ubwishyu ubwo ari bwo bwose cyangwa gufatanya n'Uwahawe Inguzanyo w'Ingenzi cyangwa n'undi muntu uwo ari we wese bireba cyangwa ikindi gikoresho cy'ingwate icyo ari cyo cyose gifitwe na banki ubungubu cyangwa Banki izagira nyuma ya ho kirebana n'umwenda wishingiwe cyangwa n'inshingano cyangwa imyenda y'undi muntu uwo ari wese bireba ariko ku buryo, bitegetswe na banki, yabasha kugaragaza ko ku mwenda wose uko wakabaye cyangwa ku gice cyawo mu kwegeranya no gusaranganya umutungo cyangwa mu kwemeza igihombo cy'uwahawe inguzanyo w'ingenzi, hakurikijwe ibigomba kubahirizwa ko inyungu z'icyo kimenyetso n'iz'amafaranga yose azaba yakiriye muri urwo rwego azabikwa mu bwizerane mu nyungu za Banki kandi akazakoreshwa mu kwishyura imyenda yishingiwe mu buryo Banki izasanga bukwiye.

6.6 Iyo, mu buryo butandukanye n'igika cya 6.4 cyangwa icya 6.5, Umwishingizi afashe cyangwa yakiriye inyungu zikomotse mu ngwate cyangwa yakiriye cyangwa yishyuje amafaranga ayo ari yo yose cyangwa undi mutungo, iyo ngwate, ayo mafaranga cyangwa uwo mutungo wundi ugomba kubikirwa Banki ugashyikirizwa Banki ibisabye.

6.7 Aya masezerano yo kwishyingira inguzanyo yiyongera kandi ntabwo abangamira cyangwa ngo abangamirwe cyangwa ngo avangwe n'urundi rubanza, ingwate, uburenganzira cyangwa igisubizo Banki iba yabonye cyangwa iba ifite igihe icyo ari cyo

cyose kugirango ibashe gukuraho cyangwa gushyira mu bikorwa imyenda cyangwa inshingano z'Uwahawe inguzanyo w'ingenzi na Banki.

7. UBUBASHA BWA BANKI

Amafaranga yose yakirwa mu rwego rw'aya Masezerano yo kwishingira inguzanyo (yaba mbere cyangwa nyuma y'uko Uwahawe Inguzanyo w'Ingenzi cyangwa Umwishingizi atakaza ubushobozi) ashobora gushyirwa kuri konti y'agateganyo (hagamijwe kubungabunga uburenganzira bwa Banki bwo kwerekana umwenda wose yishyuza Uwahawe Inguzanyo w'Ibanze cyangwa undi muntu uwo ari we wese bireba) cyangwa ashobora gukoreshwa mu rwego rwo kwishyura imyenda yishingiwe y'Uwahawe Inguzanyo w'Ingenzi nk'uko Banki ishobora rimwe na rimwe kubyemeza mu bushishozi bwa yo.

7.1 Igikorwa icyo ari cyo cyose cyo kureka, gukuraho cyangwa kwishyura umwenda gikorwa hagati y'Umwishingizi na Banki kigomba kujyana n'uko ari nta ngwate, ukwikuraho cyangwa kwishyura banki bikorwa n'Uwahawe Inguzanyo w'Ingenzi cyangwa n'undi muntu bireba bita agaciro, bishyirwa ku ruhande cyangwa bisabwa kongera kwishyurwa hakurikijwe amabwiriza cyangwa itegeko iryo ari ryo ryose rirebana n'igihombo, kwegeranya no gusaranganya umutungo, gushyira mu maboko y'undi muntu cyangwa kunanirwa kwishyura imyenda cyangwa ku yindi mpamvu iyo ari yo yose kandi iyo ibyo bidakozwe Banki iba ifite uburenganzira bwo gushyira mu bikorwa aya Masezerano yo Kwishingira Inguzanyo nyuma ya ho nk'aho uko kureka, uko gukuraho cyangwa uko kwishyura umwenda kutabayeho ndetse nk'aho ubwo bwishyu bwaba butarakozwe.

7.2 Banki ifite uburenganzira bwo kugumana aya Masezerano yo kwishingira ingwate nyuma na mbere yo kwishyurwa cyangwa yo gukuraho Imyenda yose Yishingiwe igihe cyose ishobora kugena.

8. AMAFARANGA AKORESHWA

Umwishingizi yemeye gusubiza Banki, ibisabye, amafaranga yose izajya ikoresha mu rwego rw'ubutabera kimwe n'andi mafaranga yose azajya azakoreshwa, amafaranga azajya asabwa kimwe n'andi yose azajya asohoka uko yakabaye ari ntayavuyemo banki izaba yakoresheje mu rwego rwo gushyira mu bikorwa aya masezerano y'ubwishingizi bw'Inguzanyo ku birebana n'Umwishingizi.

9. GUHUZA KONTI NO GUFATIRA UMUTUNGO

9.1 Umwishingizi yemeye ko Banki ishobora igihe icyo ari cyo cyose itabanje gutanga integuza, hatitawe ku buryo ubwo ari bwo bwose bukoreshwa bwo kwishyura cyangwa ikindi kibazo icyo ari cyo cyose, guhuriza hamwe konti zose cyangwa izo ari zo zose ziriho aho zaba ziherereye hose (harimo na konti zafunguwe mu izina rya Banki cyangwa ry'Umwishingizi afatanyije n'abandi), izo konti zaba konti zisanzwe zo kubitsa

no kubikuza, zaba izo kubitsa, izo kuguriza cyangwa iz'ubundi bwoko ubwo ari bwo bwose, zaba izitangirwa integuza cyangwa izindi cyangwa zaba zarafunguwe mu mafaranga y'u Rwanda cyangwa mu bundi bwoko bw'ifaranga, guhuriza hamwe cyangwa kohereza amafaranga yose ari kuri buri yose muri izo konti hagamijwe kwishyura umwenda wishingiwe. Muri urwo rwego, Banki ifite uburenganzira bwo kugura ikoresheje amafaranga ari kuri bene izo konti ubundi bwoko bw'amafaranga yaba akenewe muri icyo gikorwa.

9.2 Mu gihe cyose umwenda wishingiwe utarishyurwa, utarakurwaho cyangwa ngo urangire wose uko wakabaye, Banki ifite uburenganzira bwo gufatira imitungo yose itimukanwa n'indi mitungo y'Umwishingizi rimwe na rimwe iba ifite ikanagira uburenganzira ku ruhare cyangwa ku migabane muri sosiyete n'izindi nyandiko z'ingwate zishobora gucuruzwa rimwe na rimwe zanditswe mu izina rya Banki cyangwa mu izina ry'abayihagarariye yaba ibikijwe cyangwa itabikijwe ahantu hatekanye.

10. IBYO UMWISHINGIZI YIYEMEJE GUKORA

10.1 Umwishingizi yemereye Banki ko azabona kandi agakomeza kugira ibyemezo bitangwa na Leta byose n'ibindi byemezo bifite agaciro kandi ko azakora cyangwa agakoresha ibikorwa byose n'ibintu bya ngombwa cyangwa byifuzwa bijyanye n'aya Masezerano yo Kwishingira inguzanyo cyangwa mu rwego rwo kwishyura imyenda ijyanye na yo.

10.2 Umwishingizi yemereye Banki ko imyenda ye hakurikijwe aya Masezerano yo kwishingira inguzanyo izaba byibura igihe cyose iri ku ntera imwe n'indi myenda yose afite muri iki gihe n'indi izabaho mu gihe kizaza, imyenda iriho mu by'ukuri cyangwa ishobora kubaho igihe icyo ari cyo cyose (usibye imyenda ifatwa n'itegeko nk'ibanza kwishyurwa iyo habayeho igikorwa cyo gusesa sosiyete).

11. IBYEREKERANYE N'UBWISHYU, AMAFARANGA AKORESHWA N'IMISORO

11.1 Inshingano z'Umwishingizi ni ukwishyura Banki mu bwoko bw'ifaranga kandi no ku gihe n'ahantu imyenda yishingiwe iba igomba kwishyurirwa n'Uwahawe Inguzanyo w'Ingenzi, nk'uko biteganywa mu ngingo zigize aya masezerano ari nta kivuyeho , iyo myenda yaba ivugwa mu buryo busesuye cyangwa bwumvikana, ihuza Banki n'Uwahawe Inguzanyo w'Ingenzi hakurikijwe buri nshingano y'Uwahwe Inguzanyo w'ingenzi, hatitawe ku itegeko, amabwiriza cyangwa iteka, rikoreshwa ubungubu cyangwa rizakoreshwa nyuma, rigira ingaruka cyangwa rishobora kugira ingaruka mu buryo ubwo ari bwo bwose ku biteganywa cyangwa ku ngingo cyangwa ku burenganzira bwa Banki ku birebana n'Uwahawe Inguzanyo w'Ibanze. Ubwishyu bwose bukorwa n'Umwishingizi bugomba gukoreshwa mu kwishyura amafaranga asabwa n'inyungu zigomba kwishyurwa ndetse n'amafaranga ashobora kwiyongeraho nyuma hagamijwe kugabanya amafaranga nyakuri Uwahawe Inguzanyo w'Ibanze agomba kwishyura Banki.

11.2 Iyo amafaranga ayo ari yo yose yishyurwa n'Umwishingizi hakurikijwe aya masezerano yo kwishingira inguzanyo cyangwa itegeko runaka cyangwa imikirize

y'urubanza rwaciwe n'urukiko aba agomba kuvunjwa akava mu bwoko bw'ifaranga ("**ifaranga rya mbere")** ayo mafaranga aba agomba kwishyurwamo hakurikijwe aya masezerano yo kwishingira inguzanyo cyangwa iryo tegeko cyangwa imikirize y'urubanza rwaciwe akavunjwa mu rindi faranga ("**ifaranga rya kabiri")** ku mpamvu zo

(i) Gutegura cyangwa gutanga ikirego cyangwa ibimenyetso bishinja Umwishingizi,
(ii) Kubona itegeko cyangwa icyemezo cy'imikirize y'urubanza rwaciwe n'urukiko mu rwego rw'aya Masezerano yo Kwishingira Inguzanyo,
(iii) Gushyira mu bikorwa itegeko iryo ari ryo ryose cyangwa icyemezo cy'imikirize y'urubanza rwaciwe hakurikijwe aya Masezerano yo kwishingira inguzanyo, Umwishingizi yishyura Banki kandi akayikuriraho ibihombo byose ishobora kugira bitewe n'ikinyuranyo icyo ari cyo cyose kiboneka hagati ya

(a) Ijanisha ry'ivunjisha rikoreshwa muri urwo rwego mu kuvunja ayo mafaranga ava mu ifaranga rya mbere ajya mu ifaranga rya kabiri na

(b) Ijanisha cyangwa amajanisha y'ivunjisha mu bihe bisanzwe Banki ishobora kuguraho ifaranga rya mbere ikoresheje irya kabiri igihe yakiriye amafaranga y'ubwishyu yose cyangwa igice cya yo ku byerekeranye n'iryo tegeko, icyemezo cy'urukiko, ikirego cyangwa ikimenyetso.

Amafaranga yose yishyurwa n'Umwishingizi hakurikijwe ibiteganywa muri iki Gika cya 11.2 aba agomba kwishyurwa nk'umwenda wihariye kandi ntabwo agomba kugirwaho ingaruka n'imikirize y'urubanza iba iri kuboneka ku byerekeranye n'andi mafaranga ayo ari yo yose aba agomba kwishyurwa mu rwego rw'aya Masezerano yo kwishingira inguzanyo kandi ijambo "ijanisha ry'ivunjisha" rikubiyemo amafaranga ayo ari yo yose n'ibiguzi bigenda ku gikorwa cyo kuvunja aba agomba kwishyurwa mu rwego rw'ibikorwa bijyana no kugura ifaranga rya mbere ukoresheje irya kabiri.

11.3 Amafaranga yose yishyurwa n'Umwishingizi mu rwego rw'aya masezerano yo kwishingira inguzanyo yishyurwa yose uko yakabaye, ari ntayakuweho yo kwiyishyura, ari nta mananiza cyangwa andi mafaranga yishyuzwa Banki ayo ari yo yose kandi hakurikijwe uko biteganywa munsi, hatagiyemo cyangwa ngo habaririrwemo amafaranga akurwamo cyangwa afatirwa ayo ari yo yose. Iyo mu gihe icyo ari cyo cyose itegeko, amabwiriza cyangwa ibisabwa mu rwego rw'ubugenzuzi cyangwa ubuyobozi bwa leta, ikigo gishinzwe imicungire y'amafaranga cyangwa banki nkuru isabye Umwishingizi kugira amafaranga agabanya cyangwa afatira mu rwego rw'imisoro, amafaranga asabwa, amahoro, andi mafaranga asabwa kwishyurwa cyangwa andi mafaranga ayo ari yo yose acibwa ku mafaranga aba agomba kwishyurwa ayo ari yo yose hakurikijwe aya Masezerano yo kwishingira inguzanyo ari kuri konti ya Banki, amafaranga agomba kwishyurwa n'Umwishingizi mu rwego rw'ubwo bwishyu agomba kwiyongera uko bikwiye kugirango nyuma yo gukuraho cyangwa gufatira amafaranga aba agomba gukurwaho cyangwa gufatirwa, Banki ibashe kwakira ku itariki yo kwishyura (kandi ibashe gusigarana amafaranga atarimo imyenda iyo ari yo yose ku byerekeranye n'amafaranga akurwaho cyangwa afatirwa) amafaranga nyakuri angana n'ayo yagombye kwakira iyo bitaba ngombwa gukuraho

cyangwa gufatira ayo mafaranga kandi Umwishingizi yishyura Banki amafaranga y'ibihombo cyangwa andi yose isabwa bitewe n'uko aba atarabashije gukuraho cyangwa gufatira ayo mafaranga cyangwa bitewe n'amafaranga y'ubwishyu yiyongereyeho kubera kutishyurirwa ku gihe aba yaragamboga kwishyurirwa. Umwishingizi agomba guhita aha Banki inyemezabwishyu, ibyemezo cyangwa ibindi bimenyetso ibyo ari byo byose bigaragaza amafaranga yishyuwe (niba hari ahari) cyangwa agomba kwishyurwa mu rwego rw'ayo mafaranga aba agomba gukurwaho cyangwa gufatirwa nk'uko yavuzwe hejuru.

12 IBIMENYETSO BIGARAGAZA AMAFARANGA AGOMBA KWISHYURWA

Inyandiko iyo ari yo yose igaragaza imikoreshereze ya Konti y'Uwahawe Inguzanyo w'Ingenzi yashyizweho umukono n'Umukozi wa Banki ubifitiye ububasha agaragaza ko ari ukuri iba ari ikimenyetso kidashidikanywaho ku Mwishingizi ku byerekeranye n'umwenda Uwahawe Inguzanyo w'Ingenzi afitiye Banki. Inyandiko igaragaza imikoreshereze ya Konti ni ikimenyetso kidashidikanywaho mu gihe ari nta kosa riyigaragaramo.

13. IBYO UMWISHINGIZI ATANGAZA KANDI YIYEMEZA

13.1 Umwishingizi atangarije kandi yemereye Banki ibi bikurikira:

13.1.1

Ko yashinzwe mu buryo bwemewe n'amategeko kandi ko ariho hakurikijwe amategeko y'igihugu bireba kandi akaba yujuje ibisabwa akaba anafite ubushobozi bwo kugira umutungo we no gukora ibikorwa bye;

13.1.2 Afite ububasha bwo gukora aya Masezerano yo kwishingira Inguzanyo, ubwo gukoresha uburenganzira bwe no kuzuza inshingano ze zijyanye n'aya masezerano kandi ko yafashe ingamba zose za ngombwa zijyanye na sosiyete n'izindi ngamba zikwiye zijyanye no gutanga uburenganzira bwo gushyira umukono, gutanga, no gushyira mu bikorwa aya Masezerano yo kwishingira inguzanyo kimwe n'indi nyandiko iyo ari yo yose ivugwa muri aya masezerano;

13.1.3 Ibikorwa byose, ibisabwa byose, impushya n'ibindi bintu bisabwa gukorwa, kuzuzwa agomba gukora kugirango:

(a)

Abashe gukora amasezerano mu buryo bwemewe n'amategeko, gukoresha uburenganzira bwe ahabwa n'aya masezerano no gukora no

kubahiriza inshingano asabwa kubahiriza mu rwego rw'aya Masezerano y'Ubwishingizi;

(b)

Inshingano asabwa kubahiriza muri aya Masezerano yo kwishingira inguzanyo zibashe kujyana n'amategeko, kuba zikwiye kandi zibashe kuba zimureba; kandi

(c) Aya masezerano yo kwishingira inguzanyo abashe kwemerwa nk'ikimenyetso mu gihugu bireba, ko yakozwe kandi yakoreshejwe kandi akaba agifite agaciro kose;

13.1.4 Hakurikijwe amategeko y'igihugu bireba, si ngombwa ko aya masezerano yo kwishingira inguzanyo yoherezwa, yandikwa cyangwa ashyirwa mu gitabo cy'urukiko urwo ari rwo rwose cyangwa mu bundi buyobozi bw'igihugu bireba cyangwa ko umusoro wo gutera kashe iyo ari yo yose, uwo kwandika cyangwa undi musoro bimeze kimwe wishyurwa mu rwego rw'aya Masezerano yo Kwishingira Inguzanyo;

13.1.5 Inshingano Umwishingizi asabwa kubahiriza mu rwego rw'aya Masezerano yo kwishingira inguzanyo zikurikije amategeko kandi ziramureba mu buryo bwemewe hakurikijwe ibisabwa muri aya masezerano yo Kwishingira Inguzanyo;

13.1.6

Yaba we cyangwa yaba undi munyamuryango w'Itsinda rye ntawigeze afata ingamba zo mu rwego rwa sosiyete kandi nta cyemezo we ubwe cyangwa undi uwo ari we wese mu bagize itsinda yafatiwe cyangwa ngo atangirwe ikirego cyangwa akangishwe kuregwa hagamijwe kugirango hatangwe icyemezo cyo gusesa cyangwa kwegeranya no gusaranganya umutungo wa sosiyete cyangwa ngo yongere gutunganywa bundi bushya cyangwa kugirango hashyirweho ushinzwe gucunga umutungo w'abandi cyangwa gushyiraho umuntu uyiyobora by'agateganyo ushyizweho n'urukiko, ushinzwe gucunga umuntungo, ushinzwe kuragira uwo mutungo cyangwa undi muyobozi bameze kimwe ushinzwe gucunga amafaranga yinjira cyangwa umutungo we yaba igice cyawo cyangwa wose uko wakabaye ;

13.1.7

Ntabwo bisaba kwemera, uburenganzira cyangwa ububasha bw'undi muntu uwo ari we wese kugirango abashe gukora amasezerano cyangwa kuzuza

inshingano ze nk'uko ziteganywa muri aya Masezerano yo Kwishingira inguzanyo no kugirango yinjire mu ishyirwa mu bikorwa no gukora ibikorwa biteganyijwe. Aya Masezerano yo kwishingira Inguzanyo ntabwo:

(a)

Arenga cyangwa ngo yirengagize inshingano zijyana n'amasezerano ayo ari yo yose, ishingano asabwa na Leta cyangwa asabwa mu rwego rw'inyungu rusange zimureba;

(b) Ahabanye n'inyandiko z'ishingwa rya sosiyete; cyangwa

(c) Ntabwo aganisha ku ishyirwaho cyangwa ku itegegekwa (ry'ishyirwa mu bikorwa ry'inyungu zijyana n'ingwate haba ku birebana n'igice cy'ibikorwa cyangwa cy'umutungo we cyangwa kuri byose uko byakabaye;

13.1.8 Ntabwo bizaba ngombwa ko hagira amafaranga akurwa cyangwa afatirwa ku bwishyu ubwo ari bwo bwose azakora mu rwego rw'aya Masezerano yo kwishingira inguzanyo;

13.1.9 Nta gikorwa, igikorwa cy'ubuhuza cyangwa igikorwa cyo gukurikirana mu rwego rw'ubutegetsi, icyo gukurikirana mu rukiko cyangwa mu kigo runaka kiriho, gitegerejwe cyangwa gishobora kubaho, mu gihe haramuka hafashwe icyemezo kibangamiye sosiyete, cyagira ingaruka zitari nziza kuri we cyangwa ku wundi muntu uwo ari we wese uri mu bagize itsinda; kandi

13.1.10 Kuva hatangazwa imibare y'ibaruramari y'intangiriro, nta mpinduka ikomeye yabayeho muri sosiyete cyangwa mu bijyanye n'uko ihagaze mu rwego rw'imari cyangwa n'uko undi muntu uwo ari we wese mu bagize itsinda ahagaze muri urwo rwego.

13.2 Ibyo umwishingizi atangaza kandi yiyemeza mu Gika cya 13.1 bigomba gukomeza kubaho igihe cyose aya Masezerano yo kwishingira inguzanyo akiriho.

14. ITANGWA RY'UBURENGANZIRA

14.1 Banki ishobora, imaze kubimenyesha Umwishingizi, guha undi muntu inyungu cyangwa uburenganzira bushingiye kuri aya Masezerano yo kwishingira inguzanyo; bwaba bwose uko bwakabaye cyangwa igice cyabwo. Umwishingizi yemeye ko Banki ishobora gutangaza amakuru ayo ari yo yose arebana n'ibikorwa bye uhabwa ubwo burenganzira watoranyijwe apafa gusa, mu gihe bireba amakuru y'ibanga, uwo uhabwa uburenganzira wagenwe yemera nawe gukomeza kugira ayo makuru ibanga.

14.2 Umwishingizi ntabwo ashobora guha undi muntu uburenganzira bwe ubwo ari bwo bwose kandi ntabwo ashobora guhererekanya n'undi muntu inshingano ze nk'uko ziteganywa muri aya Masezerano yo Kwishingira Inguzanyo cyangwa gukora ibikorwa ibyo ari byo byose bishobora gutuma ubwo ari bwo bwose muri ubwo burenganzira bwe cyangwa inshingano ze bijya mu maboko y'undi muntu.

15. INGINGO ZINYURANYE

15.1 Iyo aya Masezerano yo kwishingira inguzanyo ashyizweho umukono n'abantu barenze umwe bafatwa nk'Umwishingizi cyangwa iyo ashyizweho umukono n'umuntu umwe ku giti cye no mu izina ry'abantu benshi (uwo muntu yaba ayashyizeho umukono mu izina ry'ubufatanye cyangwa mu bundi buryo), ijambo **"Umwishingizi"** riba rikubiyemo abo bantu bose n'inshingano z'umwishingizi nk'uko zisobanurwa muri aya Masezerano y'Ubwishingizi ziba zihuriweho n'abo bantu bose uko bakabaye kandi ubusabe bwose bwo kwishyuza bukozwe na Banki kuri umwe cyangwa benshi muri abo bantu nk'abantu bagirirana mu kwishyura buba bureba abo bantu bose uko bakabaye.

15.2 Buri muntu wese uzaba washyize umukono kuri aya Masezerano yo Kwishingira Inguzanyo nk'umwishingizi cyangwa uwo aya Masezerano yo kwishingira inguzanyo azaba yashyizweho umukono mu izina rye yemeye kuzagengwa na yo kabone n'iyo undi muntu uwo ari we wese ugomba kuyashyiraho umukono cyangwa ugomba kugengwa na yo atabikora cyangwa n'ubwo atagengwa na yo, kabone kandi n'iyo aya Masezerano yo kwishingira inguzanyo yafatwa cyangwa nk'aho yata agaciro cyangwa ntabe yabasha gushyirwa mu bikorwa ku wundi muntu uwo ari we wese ; impamvu yabyo yaba izwi cyangwa itazwi na Banki.

15.3 Kuba Banki idakoresheje cyangwa ikererewe gukoresha ububasha bwayo ubwo ari bwo bwose, uburenganzira bwayo cyangwa igisubizo ifite mu rwego rw'aya Masezerano yo kwishingira inguzanyo cyangwa mu rwego rw'amategeko ntabwo bivuga ko buba buvuyeho kandi ntabwo kuba ikoresheje cyangwa iretse gukoresha igice cy'ubwo bubasha, cy'ubwo burenganzira cyangwa cy'icyo gisubizo ntabwo bikuraho ko iba ishobora gukoresha nyuma ubundi bubasha ubwo ari bwo bwose, ubundi burenganzira cyangwa ikindi gisubizo.

15.4 Aya Masezerano yo kwishingira Inguzanyo akomeza kugenga Umwishingizi kabone n'iyo habaho impinduka izo ari zo zose mu mategeko shingiro agenga Banki cyangwa n'iyo yaseswa cyangwa igahuzwa n'izindi cyangwa n'iyo ibikorwa byayo byose cyangwa umutungo wa yo wafatwa n'undi muntu uwo ari we wese, cyangwa hakabaho ubundi buryo bwo kuyubaka cyangwa kuyitunganya mu bundi buryo bushya ubwo ari bwo bwose hagamijwe kugirango aya Masezerano akomeze kugira agaciro no gukora mu buryo ubwo ari bwo bwose mu nyungu z'uyihawe, uwo ihererejweho cyangwa undi wese uzayisimbura wavuzwe muri aya Masezerano yo kwishingira inguzanyo nk'uruhande , aho kuba mu mwanya wa Banki cyangwa hiyongereyeho Banki.

15.5 Buri ngingo yose y’aya Masezerano yo kwishingira inguzanyo irihariye kandi ifatwa ukwayo ugereranyije n’izindi. Muri urwo rwego, iyo imwe cyangwa nyinshi muri izo ngingo inyuranye n’amategeko, itaye agaciro cyangwa itabasha gukoreshwa, ibyo ntibikuraho ko izindi ngingo zisigaye ziba zifite agaciro, ziba zijyanye n’amategeko kandi ko ziba zishobora gushyirwa mu bikorwa. Nta n’icyo bizihungabanyaho.

16. IBYEREKERANYE NO GUHEREREKANYA UBUTUMWA

16.1 Buri ruhande rushobora kugeza ku rundi itangazo iryo ari ryo ryose, ubusabe, ikibazo cyangwa ubundi butumwa bujyanye n’aya Masezerano yo Kwishingira Inguzanyo rukoresheje ibaruwa, fagisi cyangwa ubundi buryo bw’ihanahanamakuru bimeze kimwe kuri aderesi ivugwa mu gika cya 16.3 munsi. Iryo hanahanamakuru rifatwa nk’aho ryakozwe iyo ryakozwe mu buryo bukurikira:

16.1.1 Iyo mu gihe cyo kubutanga bwatanzwe n’uwo bureba ku giti cye;

16.1.2 Iyo butanzwe hakoreshejwe ibaruwa, amasaha mirongo cyenda n’atandatu nyuma yo kohereza ibaruwa hakoreshejwe iposita; na

16.1.3 Iyo mu kohererezanya ubutuma hakoreshejwe fagisi cyangwa ubundi buryo bw’ihanahanamakuru bimeze kimwe mu masaha y’akazi y’uruhande rwohererezwa ubwo butumwa kuri uwo munsi bwoherejweho cyangwa ku munsi w’akazi ukurikiraho.

16.2 Mu rwego rwo kugaragaza ko iryo menyekanisha ryabayeho, bizaba bihagije kwerekana ko ubutumwa bwatanzwe n’umuntu ku giti cye cyangwa ko iyo baruwa yateweho kashe mu cyiciro cya mbere, ko yagenewe kandi yashyikirijwe ubuyobozi bw’iposita cyangwa mu gihe hakoreshejwe fagisi cyangwa ubundi buryo bw’ihanahanamakuru bimeze kimwe kwerekana ko hatanzwe urupapuro rwa kopi ako kanya nyuma yo kohereza ubwo butumwa.

16.3 Hagamijwe gushyira mu bikorwa Ingingo ya 15, aderesi ya buri ruhande ni iyi ikurikira:

Aderesi ya Banki inyuzwaho Ubutumwa bwo kumenyesha

Aderesi:	BPR Bank Rwanda Plc. Nyarugenge- Kigali
No za Telefone :	07881400141
Ubazwa amakuru :	Umuyobozi ushinzwe serivisi zijyanye n’amategeko

17. **ICYEMURWA RY'AMAKIMBIRANE**

17.1 Amakimbirane yose azavuka hagati y'impande zombi ashingiye kuri aya Masezerano azakemurwa binyuze mu bwumvikane hagati y'impande zombi. Mu gihe izo mpande zizaba zitabashije kumvikana, uruhande ruzaba rufite ikibazo ruzagishyikiriza Inkiko z'u Rwanda zibifitiye ububasha.

18**. AMATEGEKO AKURIKIZWA N'AHO AKORESHWA**

18.1 Aya Masezerano yo kwishingira inguzanyo agengwa kandi asobanurwa hakurikijwe amategeko.

18.2 Umwishingizi yiyemeje mu buryo budasubirwaho kuzitabaza inkiko izo ari zo zose z'u Rwanda ariko aya Masezerano yo kwishingira inguzanyo ashobora gushyirwa mu bikorwa mu karere ako ariko kose k'inkiko zo mu Rwanda zibifitiye ububasha.

KUBERA IYO MPAMVU, aya masezerano yo kwishingira inguzanyo yashyizweho umukono n'Umwishingizi atangwa nk'amasezerano ku itariki yanditse ku ntangiriro yayo.

<u>Ku ruhande rw'Abishingizi:</u>

YASHYIZWEHO UMUKONO, ATERWAHO KASHE KANDI ATANGWA NA

Amazina: ……………………………	**Amazina: ……………………………**
Umukono..........................	Umukono ....
Itariki:	Itariki: ....