

AMABWIRIZA RUSANGE No 2100 /2018 - 00011[614] YO KU WA 12/12/2018 YA BANKI NKURU Y’U RWANDA AGENGA IBIGO BY’IMARI BIGURIZA , BITAKIRA AMAFARANGA YA RUBANDA

IRANGASHINGIRO

Ishingiye ku Itegeko no48/2017 ryo ku wa 23/09/2017 rigenga Banki Nkuru y’u Rwanda, cyane cyane mu ngingo zaryo iya 6, iya 8 n’iya 10;

Banki Nkuru y’u Rwanda, mu

ngingo zikurikira yitwa “Banki Nkuru” Itegetse:

UMUTWE WA I: INGINGO RUSANGE

Ingingo ya mbere: icyo aya mabwiriza agamije

Aya mabwiriza rusange agamije gushyiraho uburyo bwo kugenzura imikorere y’ibigo by’Imari biguriza ariko bitakira amafaranga ya rubanda.

Ingingo ya 2: Ibirebwa n’aya mabwiriza

Ibirebwa n’aya mabwiriza bigarukira ku byiciro by’ubuhuza mu rwego rw’imari

REGULATION No 2100 /2018 - 00011[614] OF 12/12/2018 OF THE NATIONAL BANK OF RWANDA GOVERNING NON DEPOSIT TAKING LENDING FINANCIAL INSTITUTIONS

PREAMBLE

Pursuant to the Law no48/2017 of 23/09/2017 governing the National Bank of Rwanda, especially its articles 6, 8 and 10;

The National Bank of Rwanda hereinafter referred to as the “Central Bank” decrees:

CHAPTER I: GENERAL PROVISIONS

Article One: Purpose of this Regulation

This Regulation aims at putting in place a proportionate regulatory regime for Non-Deposit Taking Lending Financial Institutions.

Article 2: Scope of this Regulation

The scope of this regulation is limited to segments of financial intermediation that are

REGLEMENT No 2100 /2018 - 00011[614] DU 12/12/2018 DU 12/12/2018 REGISSANT LES INSTITUTIONS FINANCIERES DE CREDITS NE RECEVANT PAS DES FONDS DU PUBLIC

PREAMBULE

Vu la loi n° 48/2017 du 23/09/2017 régissant la Banque Nationale du Rwanda, spécialement en ses articles 6, 8 et 10;

La Banque Nationale du Rwanda, ci-après dénommée la «Banque Centrale» édicte:

CHAPITRE I: DISPOSITIONS GENERALES

Article premier: Objet du présent règlement

Le présent règlement a pour objet de mettre en place un régime réglementaire proportionné des institutions financières de crédits mais qui ne reçoivent pas des fonds du public.

Article 2: Champ d’application

Le champ d’application du présent règlement se limite aux segments de l’intermédiation

bidateganyijwe mu yandi mategeko n'amabwiriza asanzweho. Aya mabwiriza ntareba abacuruzi bagurisha serivisi zabo ku bwishyu bahawe mbere.

not covered in other existing legal and regulatory frameworks. It does not cover sellers that sell their products on differed payment.

financière qui ne sont pas couverts dans d'autres cadres juridiques et réglementaires existants. Il ne couvre pas les vendeurs qui vendent leurs produits sur un paiement différé.

Ingingo ya 3: Ubusobanuro bw'amagambo

Article 3: Definitions

Article 3: Définitions

Muri aya amabwiriza rusange, amagambo akurikira asobanura

In this Regulation, the following terms means:

Dans le présent règlement, les termes ci-après ont les signifient :

1° **Ibigo by'Imari biguriza bitakira amafaranga ya rubanda (NDFIs):** ikigo cyose gifite ubuzima gatozi gikora ku buryo buhoraho kandi kibanda kuri serivisi z'imari zo mu bwoko bwa serivisi z'imari zo gutanga imyenda ariko zitakira amafaranga ya rubanda cyangwa serivisi z'imari zijyana na zo;

1° **Non-Deposit Taking Lending Financial Institutions (NDFIs):** any legal entity that regularly and principally performs financial services in the form of non-deposit taking lending financial services or related financial services;

1° **Institutions financières des credits qui ne reçoivent pas des fonds du public:** toute entité juridique qui exécute régulièrement et principalement des services financiers sous la forme de services financiers des crédits mais qui ne reçoivent pas des fonds du public ou de services financiers connexes;

2° **serivisi z'imari zitarimo kubika amafaranga ya rubanda:** serivisi z'inguzanyo gusa, serivisi zitera inkunga ubwishingizi bw'imitungo itimukanwa, ingwate ku nguzanyo, serivisi zo gutanga inkunga y'imari, serivisi zo gucuruza imyenda yishyurwa, serivisi zo kwishyuza n'izindi serivisi z'imari Banki Nkuru ishobora kugena ko zateza ingorane ukurikije uko urwego rw'imari ruhagaze;

2° **non-deposit taking financial services:** credit services only, mortgage finance services, credit guarantees, refinancing services, factoring services, debt collection services and other financial services that the Central Bank may qualify as posing systemic risk to the financial sector stability;

2° **services financiers excluant les dépôts du public:** services de crédit exclusivement, services de financement hypothécaire, garanties de crédit, services de refinancement, services d'affacturage, services de recouvrement et autres services financiers que la Banque Centrale peut qualifier de risques systémiques pour la stabilité du secteur financier;

- 3° **serivisi z'inguzanyo gusa:** ubucuruzi bwo gutanga inguzanyo zaba izishingiwe cyangwa izitishingiwe;
- 4° **ikigo cy'ubucuruzi gitanga inkunga y'amafaranga:** ikigo cy'ubucuruzi kigamije kubonera umuti ikibazo cy'ibura ry'amafaranga mu mabanki, ibigo by'imari iciriritse, n'ibigo by'imari bitari amabanki gitanga inguzanyo zitewe inkunga hagamijwe kongera inguzanyo bitanga cyangwa ubushobozi bwabyo mu bucuruzi;
- 5° **ubucuruzi bw'imyenda yishyurwa:** umuhuza mu rwego rw'imari ugura imyenda mu kigo. Ahanini umucuruzi wo kwishyura imyenda ni we nkomoko y'amafaranga wemera kwishyura ikigo agaciro k'impamyabuguzi, havanywemo igabanywa ry'umwenda kugira ngo haboneke igihembo n'andi mafaranga yishyurwa.
- 6° **ingwate ku nguzanyo:** ni ingwate akenshi iteganya ubwishyu bwihariye ku'berewemo umwenda iyo ugomba kumwishyura ananiwe kwishyura umwenda amubereyemo;
- 7° **ikigo gitanga inguzanyo cyangwa inkunga y'amafaranga:** bisobanura ikigo gikora nk'umucungamari ku rundi ruhande udafite aho abogamiye
- 3° **credit services only:** a business of granting loans either secured or unsecured;
- 4° **refinancing business:** business aimed at addressing the liquidity shortage in banks, in microfinance institutions and in non-bank financial institutions by providing subsidized loans to increase their lending or business capacity;
- 5° **factoring:** a financial intermediary that purchases receivables from an institution. A factor is essentially a funding source that agrees to pay the institution the value of the invoice less a discount for commission and fees.
- 6° **credit guarantees:** is a guarantee that often provides for a specific remedy to creditor if his debtor does not return his debt;
- 7° **loan or financing agency business:** means an institution that acts as a neutral third party administrator between the borrower and its lenders,
- 3° **services de crédit uniquement:** entreprise commerciale consistant à accorder des prêts soit garantis ou non garantis;
- 4° **entreprise commerciale de refinancement:** activité commerciale visant à remédier à la pénurie de liquidités dans les banques, les institutions de microfinance et les institutions financières non bancaires en accordant des prêts subventionnés pour accroître leurs prêts ou leurs capacités commerciales;
- 5° **affacturage:** un intermédiaire financier qui achète des créances auprès d'une institution. Un marchand-commissionnaire est essentiellement une source de financement qui accepte de payer à l'institution la valeur de la facture, moins un rabais pour les commissions et les frais.
- 6° **garanties de crédit:** est une garantie qui prévoit souvent un remboursement spécifique au créancier si son débiteur ne lui paie pas sa dette;
- 7° **entreprise de prêt ou de financement:** une institution qui agit en tant qu'administrateur tiers neutre entre l'emprunteur et ses prêteurs,

- uhuza uwagurijwe n'abamuguriye, wishingira ayo masezerano mu ipfundikirwa ryayo cyangwa nyuma yaho, nk'umuhuza w'uzungura ;
- 8° **ikigo gitanga amafaranga y'ingwate ku mutungo utimukanwa:** gutanga inguzanyo y'amafaranga yo kugura inyubako zo gucumbikamo cyangwa z'ubucuruzi atangirwa ingwate y'umutungo utimukanwa ku mitungo yatewe iyo nkunga;
- 9° **serivisi zo kwishyura imyenda:** igikorwa cy'ubucuruzi bwo kwegeranya no kwishyura imyenda mu izina ry'utanga serivisi z'imari
- 10° **umunyamigabane ukomeye:** umugabane muri NDFI, uhagarariye ku buryo buziguye cyangwa butaziguye, nibura atanu ku ijana (5%) by'imari shingiro bwite cyangwa uburenganzira bwo gutora, cyangwa utuma nyirawo agira ijamba rikomeye mu ifatwa ry'ibyemezo byerekeye imicungire y'iyo NDFI;
- 11° **ubuyobozi:** abakozi bo mu buyobozi bari ku rwego rwo hejuru /abakozi bakuru ba NDFI. Abayobozi ni:
- a. Umuyobozi Mukuru (CEO)/(MD);
- supporting a deal either at closing or later, as a successor intermediary ;
- 8° **mortgage finance institution:** lending funds for acquisition of residential and commercial property which are principally secured by mortgages on the financed properties ;
- 9° **debt collection services:** business of collecting and recovering loans on behalf of a financial service provider;
- 10° **significant shareholder:** a shareholding in a NDFI that, directly or indirectly, alone or in conjunction with others, represents at least five percent (5%) of the capital or voting rights, or that makes it possible to exercise a significant influence over decisions related to the management of that NDFI;
- 11° **senior management:** the management personnel which are the high-level/key executive managers of the NDFI. These are:
- a. the Chief Executive Officer (CEO)/Managing Director (MD);
- appuyant une transaction à sa clôture ou ultérieurement, en tant qu'intermédiaire du successeur;
- 8° **institution de crédit hypothécaire:** fonds de prêt pour l'acquisition de biens immobiliers résidentiels et commerciaux principalement garantis par des hypothèques sur les immeubles financés;
- 9° **services de recouvrement de dettes :** activité commerciale de collecte et de recouvrement de prêts pour le compte d'un prestataire de services financiers;
- 10° **actionnaire important:** une participation dans une NDFI qui, directement ou indirectement, seule ou conjointement avec d'autres, représente au moins cinq pour cent (5%) du capital ou des droits de vote, ou qui permet d'exercer une influence notable sur les décisions liées à la gestion de cette NDFI;
- 11° **direction:** le personnel de la direction, qui est composé de fonctionnaires de haut niveau / de cadres de la NDFI. Ceux-ci sont:
- a. Le Directeur Général (DG)/);

- b. Abayobozi bo ku rwego rwo hejuru batanga raporo ku Nama y'Ubutegetsi cyangwa Komite z'Inama y'Ubutegetsi;
- c. Abakozi bo ku rwego rwo hejuru batanga raporo ku Muyobozi Mukuru (CEO)/ (MD).

12° **isuzumiro:** icyumba gifunze, kiri ku muyoboro wa mudasobwa, aho abantu bakirimo bashobora gusuzumira igicuruzwa cyabo, serivisi cyangwa umuti w'ikibazo haseguriwe iyubahirizwa ry'ibisabwa muri aya mabwiriza;

Ingingo ya 4: Kwita by'umwihariko kuri NDFI zikora mu rwego rwa serivisi z'ubukode-gurisha

Ibigo (NDFIs) bikorera mu rwego rwa serivisi z'ikodesha gurisha bigomba kubahiriza itegeko rigenga ibikorwa by'ikodeshagurisha mu Rwanda n'amabwiriza arishyira mu bikorwa.

UMUTWE WA II: KWEMERERWA

Ingingo ya 5: icyemezo cyo gukora serivisi z'imari zo kutakira amafaranga ya rubanda

Umuntu wese wifuza gutanga serivisi z'imari zitarimo kubika amafaranga ya rubanda abihereye icyemezo na Banki Nkuru.

- b. senior executives reporting to the Board or to the Board Committees; and
- c. senior executives managers reporting to the Chief Executive Officer (CEO)/Managing Director (MD);

12° **sandbox:** a live, contained environment in which participants may test their product, service or solution subject to the requirements under this Regulation;

Article 4: Special treatment for NDFIs operating in leasing sector

The NDFIs carrying out finance lease services shall comply with the law governing finance lease operations in Rwanda and it is implementing Regulations.

CHAPTER II: LICENSING

Article 5: Licence to carry out non-deposit taking financial services

Any person intending to carry out non-deposit taking financial services shall the license from the Central Bank.

- b. les cadres supérieurs rapportant au Conseil d'administration ou des Comités du Conseil d'Administration; et
- c. des Cadres Supérieurs rapportant au Directeur Général (DG).

12° **sandbox:** environnement en direct et confiné dans lequel les participants peuvent tester leur produit, service ou solution sous réserve des exigences du présent règlement;

Article 4: Traitement spécial pour les NDFI opérant dans le secteur du credit-bail

Les NDFIs octroyant les services de credit – bail doivent respecter la loi régissant les opérations du credit - bail au Rwanda et ses règlements d'application.

CHAPITRE II: AGREMENT

Article 5: Agrément pour exercer les services financiers ne recevant pas de dépôts

Toute personne desirant exercer les services financiers excluant les dépôts du public sans agrément délivré par la Banque Centrale.

Ingingo ya 6: Gusaba kwemererwa

Buri dosiye yose isaba icyemezo igomba gushyikirizwa mu nyandiko Banki Nkuru hakurikijwe Umugereka wa 1 w'aya mabwiriza rusange kandi igomba kuba iherekejwe n'ibi bikurikira:

- 1° kopi y'umwimerere y'inyandiko shingiro n'iy'amategako shingiro hamwe na kopi y'icyemezo cy'ishingwa ry'isosiyete y'ubucuruzi cyangwa cy'iyandikisha;
- 2° amafaranga ya dosiye adasubizwa angana n'ibihumbi mirongo itanu by'amafaranga y'u Rwanda (FRW 50.000);
- 3° inyandiko yuzujwe neza nk'uko biteganywa ku mugereka wa 2 w'aya mabwiriza;
- 4° inyandiko bwite yuzujwe neza nk'uko biteganywa ku mugereka wa 3 w'aya mabwiriza;
- 5° raporo y'ibishobora gukorwa hakubiyemo na gahunda y'ibizakorwa n'imari iteganyijwe mu myaka itatu (3) ya mbere n'inzego yifuza kuzibandaho, ku basaba bashya;

Article 6: Application for license

Every application file for a license shall be made in writing to the Central in a prescribed form as found on Appendix 1 of this Regulation and shall be accompanied by:

- 1° a certified copy of its memorandum and articles of association together with a certified copy of its certificate of incorporation or registration as the case may be;
- 2° a non-refundable application fee of fifty thousand Rwandan francs (FRW 50,000);
- 3° a dully filled information sheet as provided for in Appendix 2 of this Regulation;
- 4° a dully filled personal declaration form as provided for in Appendix 3 of this Regulation;
- 5° a feasibility report including a business plan and financial projections for the first three (3) years and intended areas of specialisation, for new applicants;

Article 6: Demande d'agrément

Toute demande d'agrément doit être adressée par écrit à la Banque Centrale conformément à l'Annexe 1 du présent règlement et doit être accompagnée de:

- 1° une copie certifiée conforme à son acte constitutif et de ses statuts, ainsi qu'une copie certifiée conforme à son certificat de constitution ou d'enregistrement, selon le cas;
- 2° frais de dossier non remboursables de cinquante mille francs rwandais (50 000 FRW);
- 3° un formulaire dûment rempli comme prévu à l'annexe 2 du présent règlement;
- 4° un formulaire dûment rempli comme prévu à l'annexe 3 du présent règlement;
- 5° un rapport de faisabilité comprenant un plan d'affaires et des projections financières pour les trois premières (3) années et les domaines de specialisation prevus pour les nouveaux demandeurs;

Official Gazette n° 51 of 17/12/2018

6° inyandiko yemeza ko amafaranga ashorwa adaturuka mu bikorwa binyuranije n'amategeko nk'uko biteganywa ku mugereka wa 4 w'aya mabwiriza ;

6° statement that the invested funds are not coming from illegal activities as per appendix 4 of this Regulation;

6° déclaration indiquant que les fonds investis ne proviennent pas d'activités illégales comme prévus à l'annexe 4 du présent règlement ;

7° andi makuru Banki Nkuru asanga ari ngombwa mu gusuzuma ugusaba.

7° any other information that the Central Bank deems necessary to assess the applicant.

7° toute autre information que la Banque Centrale peut exiger pour une évaluation appropriée de sa demande.

Ingingo ya 7: Gusuzuma dosiye isaba kwemererwa

Article 7: Assessment of license application

Article 7: Evaluation de la demande d'agrément

Mu gusuzuma dosiye isaba kwemererwa, Banki Nkuru igomba kwita ku bisabwa byose bifatanyeho isano na:

In assessing the application file for license , the Central Bank shall take into account all the requirements relating to:

Lors de l'évaluation de la demande, la Banque Centrale tient compte de toutes les exigences relatives au:

1° imiterere n'ubushobozi by'abanyamigabane n'abayobozi bakuru bigomba kuba bikurikije ibipimo ngenderwaho bisobanurwa na Banki Nkuru;

1° character and fitness of the applicant's shareholders and management who shall conform to the standards defined by the Central Bank;

1° caractère et compétence des actionnaires et de la direction du demandeur à se conformer aux normes définies par la Banque Centrale;

2° kuba ibigize imari y'usaba bihagije mu bijyanye n'imiterere n'ingano y'igikorwa cy'umushinga w'ubucuruzi.

2° adequacy of the applicant's capital structure in relation to the nature and scale of the proposed business.

2° l'adéquation de la structure du capital du demandeur par rapport à la nature et à la taille de l'entreprise proposée.

Ingingo ya 8: Itangwa ry'icyemezo n'amafaranga

Article 8: License issuance and fees

Article 8: Agrément et frais

Iyo ibisabwa biteganyijwe mu ngingo ya karindwi (7) y'aya mabwiriza byujijwe, Banki Nkuru ishobora guha uwasabye icyemezo

Upon fulfilment of the requirements provided for in Article seven (7) of this Regulation, the Central Bank may grant a perpetual license to

Lorsque les exigences prévues à l'article sept (7) du présent règlement sont remplies, la Banque Centrale peut accorder un agrément

gihoraho, keretse iyo giteshejwe agaciro hakurikijwe aya mabwiriza.

the applicant, unless revoked in accordance with this Regulation.

perpétuel au demandeur, à moins qu'il soit révoqué conformément au présent règlement.

Icyemezo ntigishobora guhererekanywa, kwegurirwa undi cyangwa kugirwaho uburenganzira mu buryo ubwo aribwo bwose.

The license shall not be transferable, assignable or encumbered in any way.

L'agrément ne peut être transféré, cédé ou grevée de quelque manière que ce soit.

Ikigo (NDFI) kigomba kwishyura amafaranga y'icyemezo angana n'ibihumbi ijana y'u Rwanda (FRW 100.000) kicyimara kumenyeshwa ko kigiye huhabwa icyemezo na Banki Nkuru.

A NDFI shall pay to the Central Bank the license fee of one hundred thousand Rwandan Francs (FRW 100,000) immediately after the notice of issue of the license by the Central Bank.

Une NDFI doit payer cent mille francs rwandais (100.000 FRW) à la Banque Centrale pour les frais d'agrément tout de suite après la notification de l'octroi de l'agrément par la Banque Centrale.

Nyuma yo kwishyura amafaranga y'icyemezo nk'uko bivugwa mu gika kibanziriza cya gatatu (3), Ikigo (NDFI) kigomba kwishyura Banki Nkuru amafaranga y'ubugenzuzi angana n'ibihumbi magana atanu by'amafaranga y'u Rwanda (FRW 500.000) agomba kwishyurwa ku munsu wa 31 w'ukwezi kwa mbere kwa buri mwaka cyangwa mbere yaho kugeza igihe icyemezo kivaniweho. Kutishyura amafaranga y'ubugenzuzi bishobira kugutama urushya rwamburwa.

After the initial license fee is paid as specified in the Paragraph three (3), NDFI shall pay an annual supervision fee of five hundred thousand Rwandan francs (FRW 500, 000) to Regulator on or before the 31st day of January each year until the license is revoked. The non payment of supervision fee shall lead to the revocation of the license.

Après le paiement initial des frais d'agrément comme le précise l'alinéa trois (3) du présent article, une NDFI doit verser les frais de supervision d'agrément de cent mille francs rwandais (FRW 500.000) à la Banque Centrale au plus tard le 31 janvier de chaque année jusqu'à ce que l'agrément soit révoqué. Le non-paiement de frais de supervision entraîne la révocation de l'agrément.

Ingingo ya 9: Umwanzuro wo kongera gusuzuma icyemezo cyangwa kwanga gutanga icyemezo

Article 9: Decision to reconsider a license or refuse to grant a license

Article 9: Décision de réexaminer une demande d'agrément ou de refuser d'accorder un agrément

Iyo Banki Nkuru yanze gutanga icyemezo, ibimenyesha mu nyandiko uwasabye kandi ishobora gutanga impamvu yashingiyeho ifata icyo icyemezo.

Where the Central Bank refuses to grant a license, it shall notify the applicant in writing and may give reasons for its decision.

Lorsque la Banque Centrale refuse d'accorder un agrément, elle en avise le demandeur par écrit et peut motiver sa décision.

Uwasabye, bitewe n'icyavuye mu gusaba, ashobora gusaba Banki Nkuru mu nyandiko gusuzuma icyemezo yafashe. Inyandiko yose isaba gusuzuma icyemezo cyafashwe igomba kwita ku mpamvu zatanze na Banki Nkuru mu cyemezo yafashe ku ikubitiro.

The applicant, as the case may be, may apply to the Central Bank in writing seeking a review of the decision. Any application for review must address the reasons given by the Central Bank in its initial decision.

Le demandeur, selon le cas, peut demander par écrit à la Banque Centrale de réviser la décision. Toute demande de révision doit répondre aux raisons invoquées par la Banque Centrale dans sa décision initiale.

Banki Nkuru ishobora gushimangira cyangwa ikongera gusuzuma icyemezo yafashe ku ikubitiro.

The Central Bank may uphold or reconsider its initial decision.

La Banque Centrale peut confirmer ou reconsidérer sa décision initiale.

Ingingo ya 10: Ivanwaho ry'icyemezo

Article 10: Revocation of a license

Article 10: Révocation d'un agrément

Banki Nkuru ishobora kuvanaho icyemezo yatanze mu bihe bikurikira iyo:

The Central Bank may revoke a license in the following cases:

La Banque Centrale peut révoquer un agrément dans les cas suivants:

- 1° ikigo (NDFI) cyananiwe kuzuza cyangwa kubahiriza ibisabwa bivugwa mu ngingo ya 4, ya 5 n'ya 7 z'aya mabwiriza;
- 2° habayeho gutanga ibisobanuro/amakuru by'ikinyoma mbere cyangwa nyuma yo gusuzuma dosiye isaba uruhushya;
- 3° Ikigo (NDFI) gikoze inshingano/ibikorwa bitari mu byo cyaherewe uruhushya;
- 4° Ikigo (NDFI) gikoze igikorwa icyo aricyo cyose kirimo iyezandonke, ibikorwa byo gutera inkunga iterabwoba cyangwa ikindi cyaha icyo

- 1° where the NDFI has failed to fulfil or comply with the terms and conditions stipulated in Articles 4, 5 and 7 of this Regulation;
- 2° submission of false information/data during and/or after the processing of the application for a license;
- 3° engaging in functions/activities outside the scope of its license;
- 4° engaging in any activity involving money laundering, financing terrorism or any other economic and/or financial crime;

- 1° lorsque la NDFI n'a pas rempli ou respecté les termes et conditions stipulés aux articles 4, 5 et 7 du présent règlement;
- 2° soumission de fausses informations/données pendant et / ou après le traitement de la demande d'agrément;
- 3° s'engager dans des fonctions / activités en dehors de la portée de son agrément;
- 4° s'engager dans toute activité impliquant le blanchiment d'argent, le financement d'activités terroristes ou tout autre crime économique et/ou financier;

aricyo cyose kimunga ubukundu na/cyangwa cyo mu rwego rw'imari;

5° Ikigo (NDFI) kitubahiriza amabwiriza ayo ariyo yose, icyemezo cyangwa imirongo ngenderwaho byatanzwe na Banki Nkuru;

6° iyo ikigo (NDFI) kitakibashije kwishyura;

7° ibindi bikorwa ibyo aribyo byose Banki Nkuru ibona ko binyuranyije cyangwa birenga bikomeye ku itegeko cyangwa amabwiriza.

Ingingo ya 11: Ibisabwa ku mari shingiro

Usaba gushyiraho ikigo (NDFI) agomba kuba afite imari shingiro yishyuwe ingana na Miriyoni mirongo itanu z'amafaranga y'u Rwanda (FRW 50.000.000) .

Imari shingiro ya NDFI ishobora kuba ikubiyemo imigabane yishyuwe yose, igice cy'amafaranga y'ingoboka, inyungu zitagabanyika n'indi mitungo.

Banki Nkuru ishobora gusaba ko ikigo (NDFI) kiba gifite umubare urenze uw'imari shingiro utagibwa muni yishyuwe yose, bitewe n'ingano, ubwoko n'imiterere ihambaye y'igikorwa cy'ubucuruzi kizakorwa.

5° failure to comply with, any regulations, any directives, decision or guidelines issued by the Central Bank;

6° where the NDFI becomes insolvent;

7° any other act(s) which in the discretion of the Central Bank constitute(s) a violation or serious infringement of the law or regulation.

Article 11: Capital requirements

An applicant for a NDFI shall have a minimum paid-up capital of fifty thousand million Rwandan francs (FRW 50,000,000).

The NDFI capital may include paid-up shares, part of technical provisions, undivided profits and other incomes.

The Central Bank may require a NDFI to have more than the minimum paid up capital, depending on the size, nature and the complexity of the business performed.

5° non-respect de tout règlement, de toute directive, décision ou lignes directive émis par la Banque Centrale;

6° lorsque la NDFI devient insolvable;

7° tout autre acte qui, dans la discretion de la Banque Centrale, constitue une violation ou une transgression grave de la loi ou de la réglementation.

Article 11: Exigences au Capital

Le demandeur d'une NDFI doit avoir un capital libéré minimum de Cinquante millions de francs rwandais (50.000.000 FRW).

Le capital d'une NDFI peut comprendre des actions libérées, une partie de provisions techniques, des bénéfices indivisibles et d'autres revenus.

La Banque Centrale peut exiger qu'une NDFI dispose de plus que le capital libéré minimal, en fonction de la nature, taille et de la complexité de l'activité exercée.

Ikigo (NDFI) ntikigomba kongera cyangwa kugabanya imari shingiro yishyuye kitagomba kujya muni kitabanye kubyemererwa na Banki Nkuru.

The NDFI shall not cause an addition to or reduction of its minimum paid up capital without obtaining prior consent of the Central Bank.

La NDFI ne doit pas ajouter ou réduire son capital libéré minimal sans avoir obtenu le consentement préalable de la Banque Centrale.

Ingingo ya 12: Amashami mashya ya NDFI

Article 12: NDFI new branches

Article 12: Nouvelles branches de NDFI

Mu gihe ikigo (NDFI) cyifuza gufungura ishami, inyangirakira zikurikira zigomba gushyikirizwa Banki Nkuru mu rwego rw'amakuru:

In the event a NDFI intends to open a branch, the following documents shall be submitted to the Central Bank for information:

Dans le cas où une NDFI désire ouvrir une branche, les documents suivants sont soumis à la Banque Centrale pour information:

1° icyemezo cy'urwego rw'ubuyobozi bw'ikigo (NDFI) cyo gufungura ishami;

1° NDFI senior management body's decision to open a branch;

1° décision de la direction de la NDFI d'ouvrir une branche ;

2° Inyangirakira azagenga iryo shami n'isesengura ry'uburyo ibikorwa bizakorwa n'urwunguko;

2° branch charter that include the business analysis and the profitability assessment ;

2° charte de la branche incluant l'analyse et la rentabilité

Ingingo ya 13: Igitabo cyandikwamo impushya

Article 13: Licenses registry

Article 13: Registre des agréments

Banki Nkuru itegura igitabo kimwe rukumbi kigenewe ibigo bya NDFI kirimo amakuru akurikira:

The Central Bank shall develop a unique registry of NDFIs with the following information:

La Banque Centrale tient un registre unique des NDFI muni des informations suivantes:

1° amazina na aderesi bya NDFI;
2° numero z'iyandikishye n'amatariki ibyemezo byatangirwe/byavanyweho cyangwa byatashyirijwe agaciro;
3° amakuru yerekeye abategutsi;

1° names and addresses of NDFI;
2° registration numbers and dates of issue and annulled/revoked licenses;
3° information on administrators;

1° noms et adresses d'une NDFI;
2° numeros d'enregistrement et dates d'agrément délivré et annulé;
3° informations sur les administrateurs;

4°	umubare w'abakozi;	4°	a number of employees;	4°	nombre d'employés;
5°	imari shingiro;	5°	capital;	5°	capital;
6°	serivisi z'imari zitangirwa mu Rwanda;	6°	financial services offered in Rwanda;	6°	services financiers offerts au Rwanda;
7°	amashami n'ibiro bihagarariye NDFI mu Rwanda.	7°	branches and representative offices in Rwanda.	7°	branches et bureaux de représentation au Rwanda.

UMUTWE WA III: IBISABWA BYEREKEYE IBIKORWA BYA NDFI

CHAPTER III: NDFI'S ACTIVITIES REQUIREMENTS

CHAPITRE III: EXIGENCES RELATIVES AUX ACTIVITES DE NDFI

Ingingo ya 14: Ibikorwa bya NDFI

Article 14: Activities of a NDFI

Article 14: Activités d'une NDFI

Ikigo (NDFI) gishobora guhabwa icyememo cyo gutangiza imwe, igice cyangwa serivisi z'imari zitarimo kubika amafaranga ya rubanda kiramutse kibisabye. Muri icyo gihe, Banki Nkuru ishobora gusaba ikigo (NDFI) kongera imari shingiro yacyo yishyuwe bitewe n'ingano, ubwoko n'imiterere y'igikorwa cy'ubucuruzi.

A NDFI may obtain a license to undertake one, partial or all non-deposit taking financial services if applied for. In this case, the Central Bank may require a NDFI to increase the paid up capital depending on the size, nature and complexity of the business.

Une NDFI peut obtenir un agrément pour entreprendre un, une partie ou la totalité les services financiers excluant les dépôts du public, si elle en demande. Dans ce cas, la Banque Centrale peut demander à une NDFI d'augmenter le capital libéré en fonction de la taille, de la nature et de la complexité de l'activité commerciale.

Ingingo ya 15: Inkomoko y'amafaranga agenerwa ibikorwa bya NDFI

Article 15: Funding sources of NDFI's activities

Article 15: Sources de financement des activités de NDFI

Ibikorwa bya NDFI bishobora guterwa inkunga y'amafaranga akomoka aha hakurikira:

NDFI's activities may be funded through the following sources:

Les activités de NDFI peuvent être financées par les sources suivantes:

1°	amafaranga y'abanyamigabane;	1°	shareholders' funds;	1°	fonds des actionnaires;
2°	inguzanyo;	2°	loans;	2°	prêts;
3°	impano n'inkunga;	3°	donations and grants;	3°	dons et subventions;

Ikigo (NDFI) kigenzura ko amafaranga adakomoka mu bikorwa binyuranyije n'amategeko.

The NDFI shall ensure that the source of funds does not come from illegal sources.

La NDFI veille à ce que le financement ne provienne pas de sources illégales.

Ingingo ya 16: Amategeko y'inguzanyo

Article 16: Loan agreement

Article 16: Accord de prêt

Mu byerekeye inguzanyo, ikigo (NDFI) cyizeza imikorere inyuze mu mucyo kandi kikamenyesha mu buryo burambuye abagujijwe agaciro k'inguzanyo zabo n'ikiguzi kijyana na zo, hakurikijwe 'itegeko n'amabwiriza birengera abagura serivisi z'imari'.

In lending process, the NDFI shall ensure transparency and inform borrowers thoroughly on the value of their borrowing and associated costs, in accordance with the 'Financial Consumer Protection Law and regulations'.

Dans le cadre du processus de prêt, la NDFI garantit la transparence et informe en détail les emprunteurs de la valeur de leurs emprunts et des coûts associés, conformément à la « loi et aux règlements sur la protection des consommateurs des services financiers ».

By'umwihariko, amasezerano y'inguzanyo hagati ya NDFI n'uwagurijwe aba akubiyemo nibura ibi bikurikira:

In particular, loan agreement between the NDFI and the borrower shall contain at least the following:

En particulier, l'accord de prêt entre la NDFI et l'emprunteur contient au moins les éléments suivants:

- 1° amazina na aderesi y'abagurijwe;
- 2° icyo inguzanyo igamije;
- 3° umubare w'inguzanyo;
- 4° igihe inguzanyo izishyurirwa;
- 5° uburyo bwo kwishyura;
- 6° ingwate (niba inguzanyo ifite ingwate) ;
- 7° kwishyura inyungu, harimo ibipimo by'inyungu ya buri mwaka (ibipimo by'inyungu

- 1° names and legal addresses of parties;
- 2° purpose of the loan;
- 3° loan amount;
- 4° maturity of the loan;
- 5° repayment type;
- 6° collateral (if the loan is secured);
- 7° interest payments, including annual interest rates (annual interest rates shall be

- 1° noms et adresses légales des parties;
- 2° objet du prêt;
- 3° montant du prêt;
- 4° échéance du prêt;
- 5° type de remboursement;
- 6° garantie (si le prêt est garanti);
- 7° les paiements d'intérêts, y compris les taux d'intérêt annuels (les taux d'intérêt

za buri mwaka bigaragazwa hatitawe ku gihe inguzanyo izishyurirwa);

indicated irrespective of the loan maturity);

annuels sont indiqués indépendamment de l'échéance du prêt);

8° iyo inyishyu ngarukamwaka y'umwenda (inguzanyo y'iremezo n'inyungu), impuzandengo y'igipimo nyakuri cy'inyungu yishyurwa mu gihe inguzanyo izamara;

8° in the event of annuity repayment of the debt (principal and interest), average payable real interest rate for the duration of loan;

8° en cas de remboursement de la rente de la dette (capital et intérêts), taux d'intérêt réel moyen payable pour la durée du prêt;

9° inshingano z'abagurijwe n'abaguriye.

9° obligations of parties.

9° obligations des parties.

Amasezerano ayo ari yo yose ateguka umukiriya kwishyura inyungu zitagaragajwe mu masezerano atuma umukiriya atishyuzwa inyungu izo ari zo zose zishamikiye kuri ayo masezerano.

Any agreement that requires the client to pay the interest not revealed in the loan agreement shall relieve the client of his/her obligations to pay any interests related to that agreement.

Tout contrat qui oblige le client à payer les intérêts qui ne figurent pas dans le contrat de prêt le dégage de son obligation de payer les intérêts liés à ce contrat.

Amasezerano y'inguzanyo agomba gutegurwa mu nyandiko muri kopi nibura ebyiri (2), kopi imwe igashyikirizwa ugurijwe, izindi kopi zigashyirwa muri dosiye y'inguzanyo ya NDFI.

The loan agreement shall be developed in writing in at least 2 copies, one copy is presented to the borrower, and other copies are incorporated in an NDFI's credit file.

L'accord de prêt doit être élaboré par écrit en au moins 2 exemplaires, un exemplaire est présenté à l'emprunteur, d'autres copies sont incorporées dans le dossier de crédit de la NDFI.

Amasezerano y'inguzanyo akoranywe n'itsinda rihuriweho n'abagurizwa agomba kuba akubiyemo amakuru yerekeye abagize iryo tsinda bese (amazina, aderesi, n'ibindi) hakanategurwa kopi ukwayo kuri buri wese ugize itsinda kandi buri wese mubagize itsinda agahabwa kopi y'ayo masezerano.

The loan agreement entered into with a joint group of borrowers shall contain information on all group members (names, legal addresses etc.) and a separate copy shall be developed per member and each member shall receive a copy.

L'accord de prêt conclu avec un groupe conjoint d'emprunteurs doit contenir des informations sur tous les membres du groupe (noms, adresses légales, etc.) et une copie séparée doit être élaborée par membre et chaque membre doit en recevoir une copie.

Iyo ibisabwa bivugwa mu gika cya mbere cy'iyi ngingo bidashyizwe mu masezerano y'inguzanyo maze kubera iyo mpamvu uwagurijwe akagira igihombo cyangwa ibindi byangirika, uwagurijwe ashobora gusaba NDFI indishyi/kwishyurwa ayo mafaranga yakoresheje hakurikijwe ingingo zimurengera zateganyijwe n'itegeko.

Hasweguriwe ibivugwa muri iyi ngingo, serivisi z'ikoranabuhanga ntabwo zibujijwe.

Ingingo ya 17: Raporo zerekeye ibaruramari n'amafaranga bya NDFI

Ikigo (NDFI) gikora ibaruramari kandi kigategura inyandiko z'ibaruramari hakurikijwe amategeko n'imikorere bigenga amasosiyete y'ubucuruzi n'ibikurikizwa muri raporo y'imari n'ibaruramari. Abagurijwe, hamwe n'abandi banyamigabane, bafite uburenganzira bwo kumenya inyandiko z'ibaruramari za NDFI ziheruka gukorerwa igenzura.

Ingingo ya 18: Ibisabwa mu gukorera mu mucyo ibikorwa bya NDFI

Ikigo (NDFI) n'amashami yacyo bigomba kumanika ahantu hagaragara mu nyubako bikoreramo ibisabwa mu gutanga inguzanyo n'izindi serivisi zitangwa, no kugaragaza icyemezo byahawe, no kwemerera uruhande urwo ari rwo rwose rubifitemo inyungu kubimenyera.

In the event the terms and conditions indicated in Paragraph One of this article are not incorporated in the loan agreement and the borrower incurs some losses/damages as a result, he/she may claim compensation/reimbursement of those costs from NDFI in accordance with the safeguards laid down by the law.

Notwithstanding the provisions of this article, the electronic services are not prohibited.

Article 17: NDFI accounting and financial reporting

An NDFI shall maintain accounting and develop financial statements in accordance with the company law and financial reporting and accounting practices. Borrowers, as well as other shareholders enjoy the right to acquaint themselves with NDFI's latest audited financial statements.

Article 18: Transparency requirements on NDFI's activities

NDFI and their branches shall post terms and conditions for lending and other services provided, as well as demonstrate their license in a conspicuous location in their administrative building and allow any interested party to be acquainted with them.

Dans le cas où les termes et conditions indiqués à l'alinéa premier du présent article ne sont pas incorporés dans l'accord de prêt et que, par conséquent, l'emprunteur subit des pertes / des dommages, il peut réclamer une indemnisation / un remboursement de ces frais conformément aux garanties prévues par la loi.

Nonobstant les dispositions du présent article, les services électroniques ne sont pas interdits.

Article 17: Rapports comptable et financier d'une NDFI

Une NDFI tient une comptabilité et élabore des états financiers conformément à la loi régissant les sociétés commerciales et aux pratiques en matière de rapport financier et comptable. Les emprunteurs, ainsi que les autres parties prenantes, ont le droit de se familiariser avec les derniers états financiers audités de NDFI.

Article 18: Exigences de transparence sur les activités d'une NDFI

Une NDFI et ses branches doivent afficher les conditions générales de prêt et autres services fournis, ainsi que afficher leur agrément dans un endroit visible de leur immeuble administratif et permettre à toute partie intéressée de les connaître.

Ingingo ya 19: Amakuru n'isuzumwa ry'ushobora kugurizwa

Mbere yo kwemerera inguzanyo cyangwa guha inguzanyo ugurizwa, NDFI igomba gukora isesengura rihagije ryerekeye uko ugurizwa ahagaze mu rwego rw'imari kugira ngo yizere ko hakurikijwe impamvu zose zumvikana, ugurizwa afite ubushobozi bwo kuzishyura inguzanyo cyangwa umwenda.

Ikigo (NDFI) ntikigomba guha inguzanyo cyangwa umwenda umuntu usanganywe inguzanyo itishyurwa neza mu kindi kigo cy'imari.

Ku bw'aya mabwiriza rusange, umwenda utishyurwa ni umwenda w'ibanze cyangwa inyungu igomba kwishyurwa maze ikaba itarishyurwe mu gihe cy'iminsi nibura mirongo icyenda.

Ingingo ya 20: Igurishwa cyangwa Ikomatanywa

Ikigo (NDFI) gishyikiriza Banki Nkuru ubwumvikane cyangwa amasezerano ayo ariyo yose giteganywa gukora hagamijwe igurishwa cyangwa kwivanaho binyuze mu ikomatanywa cyangwa kwivanaho bimwe mu bikorwa byayo.

Article 19: Potential borrower's information and assessment

Prior to making a loan or granting any credit to a borrower, the NDFI shall make sufficient enquiries of the financial position of the borrower to satisfy itself that under all reasonable circumstances, the borrower is able to repay the loan or the credit.

The NDFI shall not grant loans or a credit to a person with a non-performing loan in another financial institution.

For the purpose of this regulation, a non-performing loan is a loan with the principal or interest is due and unpaid for at least ninety days.

Article 20: Sale or amalgamation

A NDFI shall submit to the Central Bank for approval any arrangement or agreement which it proposes to enter for the sale or disposal by amalgamation or otherwise of its business.

Article 19: Informations et évaluation de l'emprunteur potentiel

Avant de consentir un prêt ou d'accorder un crédit à un emprunteur, la NDFI doit procéder à des enquêtes suffisantes sur la situation financière de l'emprunteur pour s'assurer que, dans des circonstances raisonnables, l'emprunteur est en mesure de rembourser le prêt ou le crédit.

La NDFI ne doit accorder aucun prêt ni aucune facilité à une personne ayant contracté un prêt improductif dans une autre institution financière.

Aux fins du présent règlement, un prêt non performant est un prêt dont le principal ou les intérêts sont dus et non payés pendant au moins quatre-vingt-dix jours.

Article 20: Vente ou fusion

Une NDFI soumet à l'approbation de la Banque Centrale tout arrangement ou accord qu'elle envisage de conclure pour la vente ou la cession par fusion ou autrement de ses activités.

Ingingo ya 21: Iseswa

Ikigo (NDFI) nta gikorwa gishobora gutangiza kiganisha ku iseswa ryacyo ku bushake kitabyemerewe mu nyandiko na Banki Nkuru.

Ubushobozi ikigo gifite bwo kwishyura abo kibereyemo imyenda bese bidatinze ni kimwe mu bigomba kwitabwaho na Banki Nkuru mu kwemera ko giseswa ku bushake.

Ububasha bwo gusesa ku bushake bufitwe n'abanyamigabane kandi babukoresha mu nama ngarukamwaka cyangwa mu nteko rusange idasanzwe.

Ikigo (NDFI) kigomba kwinjira mu buryo bw'iseswa ritegetswe iyo icyemezo cyacyo cyavanyweho cyangwa kitakibasha kwishyura.

UMUTWE WA IV: IMITERERE Y'IMIGABANE N'UBUYOBOZI

Ingingo ya 22: Isuzumwa ry'ubushobozi n'ubudakemwa mu mico no mu myifatire ku banyamigabane, abagize inama y'ubutegetsu n'abayobozi bo ku rwego rwo hejuru

Nta muntu ugomba kuba umunyamigabane ukomeye, uri mu nama y'ubutegetsu cyangwa umuyobozi wo ku rwego rwo hejuru wa NDFI keretse uwo muntu bigaragaye ko ari indakemwa, afite ubushobozi buhagije kandi yemejwe na Banki Nkuru.

Article 21: Liquidation

A NDFI shall not commence any action that leads to its voluntary liquidation without the written approval of the Central Bank to do so.

The ability of the institution to pay all its creditors without any delay shall constitute part of the consideration to be taken into account by the Central Bank in granting an approval for voluntary liquidation.

The authority for voluntary liquidation shall be vested in the shareholders and exercised at annual or extraordinary general meeting.

A NDFI shall enter into forced liquidation when its licence is revoked or it becomes insolvent.

CHAPTER IV: SHAREHOLDING AND GOVERNANCE

Article 22: Competence and Integrity test to shareholders, directors and senior managers

A person shall not be a significant shareholder, a director or a senior manager of a NDFI unless such a person is fit and proper and approved by the Central Bank.

Article 21: Liquidation

Une NDFI ne peut entreprendre aucune action menant à sa liquidation volontaire sans l'accord écrit de la Banque Centrale.

La capacité de l'institution à payer tous ses créanciers sans délai constitue une partie que la Banque Centrale prend en considération pour accorder une approbation à la liquidation volontaire.

Le pouvoir de liquidation volontaire est conféré aux actionnaires et exercé lors de l'assemblée générale annuelle ou extraordinaire.

Une NDFI doit entrer en liquidation obligatoire lorsque son agrément est révoqué ou lorsqu'elle devient insolvable.

CHAPITRE IV: ACTIONNARIAT ET GOUVERNANCE

Article 22: Test de compétence et d'intégrité aux actionnaires et aux cadres dirigeants

Null ne peut être un actionnaire important, un administrateur ou un cadre dirigeant d'une NDFI, à moins que cette personne ne soit compétent et intègre et approuvée par la Banque Centrale.

Buri kigo (NDFI) kigomba kugira Inama y'Ubutegetsi ishinze imikorere myiza kandi iboneye y'Ikigo (NDFI) kandi ni yo ibazwa n'abanyamigabane na Banki Nkuru ibyerekeye ibyemezo yafashe n'ibikorwa yakoze.

Inama y'Ubutegetsi igirwa n'umubare nibura w'abantu batatu (3). Nibura babiri mu bagize Inama y'Ubutegetsi bagomba kuba bafite uburambe mu bikorwa by'ingenzi bya NDFI hiyongereyeho kandi nibura umwe mu bagize iyo nama y'ubutegetsi agomba kuba uwigenga.

Kugira ngo umuntu yemererwe kujya mu bagize Inama y'Ubutegetsi ya NDFI, umuntu agomba kuba adasanzwe ari umukozi wa banki cyangwa ari mu Nama y'Ubutegetsi ya banki iyo ariyo yose cyangwa ikigo cy'imari, keretse NDFI ari ishami rya banki cyangwa ikindi kigo cy'imari.

Ingingo ya 23: Ubuyobozi

Ikigo (NDFI) kigomba kugenzura ko abakozi bacyo bo ku rwego rwo hejuru bafite impamyabumenyi n'uburambe bikenewe kugira ngo bacunge ibikorwa bya NDFI.

Each NDFI shall have a Board of Directors responsible for the sound and proper functioning of the NDFI and is accountable for its actions and activities to the shareholders and the Central Bank.

The minimum number of Directors on the Board shall be three (3). At least two of the directors shall have experience in the core business of NDFI and at least one must be an independent Director.

To qualify for the position of a director in a NDFI, the person(s) must not be a current employee(s) or a Director(s) of any bank or financial institution, except when the NDFI is a subsidiary of a bank or other financial institution.

Article 23: Management

A NDFI shall ensure that its senior managers have relevant qualifications and experience to manage the business of NDFI.

Chaque NDFI doit disposer d'un Conseil d'administration responsable du bon fonctionnement de la NDFI et est responsable de ses actions et activités auprès des actionnaires et de la Banque Centrale.

Le nombre minimal d'administrateurs au Conseil est de trois (3). Au moins deux des administrateurs doivent avoir une expérience dans les activités principales de NDFI et au moins un administrateur doit être indépendant.

Pour se qualifier pour le poste d'administrateur dans une NDFI, les personnes ne doivent pas être des employés actuels ou des administrateurs d'une banque ou d'une institution financière, à l'exception de la NDFI qui est une filiale d'une banque ou d'une autre institution financière.

Article 23: Direction

Une NDFI doit s'assurer que ses cadres dirigeants possèdent les qualifications et l'expérience nécessaires pour diriger les activités de NDFI.

UMUTWE WA V: IBISABWA KU ISUZUMIRO

CHAPTER V: REQUIREMENTS

SANDBOX

CHAPITRE V: EXIGENCES RELATIVES AU SANDBOX

Ingingo ya 24: Serivisi zihanga udushya

Iyo ikigo cyifuza gushyira ku isoko serivisi zihanga udushya mu rwego rwa serivisi zo guhanga udushya zikorera igenzuramikorere, ariko zikaba zidahuje neza n'imwe muri serivisi zisanzwe zikorera igenzuramikorere, cyangwa izo serivisi bigaragara ko ari imberabyombi, ikigo gishobora gusaba Banki Nkuru ko izo serivisi zibanza gukorera isuzuma.

Article 24: Innovative product or service

In the event that an entity intends to provide an innovative product or service within the innovative services hereby regulated, but this does not clearly correspond to one of the services or products currently regulated, or represents a hybrid product, the entity may apply for a sandbox to the Central Bank.

Article 24: Produit ou service innovant

Dans le cas où une entité a l'intention de fournir un produit ou un service innovant dans le cadre des services innovants réglementés, mais que ce service/produit ne correspond pas clairement à l'un des services ou produits actuellement réglementés ou représente un produit hybride, l'entité peut demander un sandbox à la Banque Centrale.

Ingingo ya 25 : Ibishingirwaho mu kwemererwa

Ikigo gisaba Banki Nkuru kwemererwa kugira uruhare mu isuzuma rya serivisi zacyo nshya kigiye gukoresha kigomba kugaragaza ibi ibikurikira:

Article 25 : Eligibility criteria

An applicant seeking the Central Bank's approval to participate in a sandbox must demonstrate the following:

Article 25: Critères d'éligibilité

Un demandeur qui sollicite l'approbation de la Banque Centrale pour participer à un sandbox doit démontrer ce qui suit:

1° ko izo serivisi cyangwa igisubizo zizana koko bihanga udushya kandi bikaba bigaragara neza ko bifite ubushobozi bwo:

(a) gukemura ibibazo bikomeye cyangwa kuzanira inyungu abazikoresha cyangwa urwego rw'imari;

(b) kunoza uburyo bwo kugera ku mikorere myiza, yizewe umutekano

1° the product, service or solution is genuinely innovative with clear potential to:

a) address a significant problem or issue, or bring benefits to consumers or the financial industry;

b) improve accessibility, efficiency, security and quality in the provision of innovative services;

1° le produit, le service ou la solution est réellement innovant avec un potentiel évident pour:

a) résoudre un problème ou une question important ou apporter des avantages aux consommateurs ou au secteur financier;

b) améliorer l'accessibilité, l'efficacité, la sécurité et la qualité dans la fourniture de services innovants;

kandi ifite ireme mu itangwa rya serivisi zo guhanga udushya;

(c) kongera imikorere myiza kandi iboneye yo gucunga ingorane;

(d) kuziba ibyuhoro cyangwa kuzana ubushobozi bushya mu kubona amafaranga cyangwa gushora imari mu gihugu;

2° ikigo gisaba cyakoze isuzuma rihagije kandi rikwiriye ryo kugaragaza akamaro n'imikorere y'ubwo buryo, iyo serivisi cyangwa igisubizo kandi yagaragaje ingorane zijyanye na byo;

3° ikigo gisaba gifite ibikoresho bya ngombwa byo gushyigikira iryo gerageza. Muri byo harimo ibikoresho bisabwa n'ubuzobere bwo koroshya no kugenzura ingaruka zishobora kuvuka ndetse n'ibihombo byaturuka mu gutanga izo serivisi cyangwa igisubizo kugira ngo zifashishwe;

4° ikigo gisaba gifite gahunda y'ibikorwa nyayo yo gusakaza izoo serivisi cyangwa igisubizo mu rwego rw'ubucuruzi mu gihugu nyuma yo kurangiza icyiciro cyo kubigerageza;

c) enhance the efficiency and effectiveness of management of risks;

d) address gaps in or open up new opportunities for financing or investments in the country;

2° the applicant has conducted an adequate and appropriate assessment to demonstrate the usefulness and functionality of the product, service or solution and identified the associated risks;

3° the applicant has the necessary resources to support testing. This includes the required resources and expertise to mitigate and control potential risks and losses arising from offering of the product, service or solution;

4° the applicant has a realistic business plan to deploy the product, service or solution on a commercial scale in the country after exit from the pilot phase; and

c) améliorer l'efficacité et l'efficacité de la gestion des risques;

d) combler les lacunes ou ouvrir de nouvelles possibilités de financement ou d'investissements dans le pays;

2° le demandeur a effectué une évaluation adéquate et appropriée pour démontrer l'utilité et la fonctionnalité du produit, du service ou de la solution et a identifié les risques s'y rapportant;

3° le demandeur dispose des ressources nécessaires pour supporter les tests. Cela comprend les ressources et l'expertise requises pour atténuer et contrôler les risques et les pertes potentiels découlant de l'offre du produit, du service ou de la solution;

4° le demandeur a un plan d'affaires réaliste pour déployer le produit, le service ou la solution à l'échelle commerciale dans le pays après la sortie de la phase pilote; et

5° ikigo gisaba kiyobowe kandi gicungwa n'abantu bafitiwe icyizere kandi b'inyangamugayo.

5° the applicant is led and managed by persons with credibility and integrity.

5° le demandeur est dirigé et géré par des personnes crédibles et intègres.

Ingingo ya 26: Uburyo bukurikizwa mu gusaba

Article 26: Application process

Article 26: Processus de demande

Ikigo gisaba kigomba gushyikiriza Banki Nkuru inyandiko zose za ngombwa zisobanura umushinga. Ikigo gisaba kigomba nanone gushyiramo ibigamijwe by'ingenzi iryo gerageza ryifuzwa kugerwaho n'ibipimo genderwaho bikwiriye byo gusuzuma ibizagerwaho.

The applicant must submit to the Central Bank all relevant documents to describe the project. The applicant must also include the key outcomes that the testing is intended to achieve and the appropriate indicators to measure such outcomes.

Le demandeur doit soumettre à la Banque Centrale tous les documents appropriés pour décrire le projet. Le demandeur doit également inclure les principaux résultats attendus du test et les indicateurs appropriés pour mesurer ces résultats.

Banki Nkuru imenyeshya ikigo cyasabye ko cyemerewe kugira uruhare muri gahunda y'igerageza ry'ibanze mu gihe kitarenze iminsi cumi n'itanu (15) y'akazi imaze kwakira dosiye isaba yuzuye. Nyuma yaho, Banki Nkuru isaba abitabira igerageza kugira uruhare mu bikorwa bikurikira:

The Central Bank shall inform an applicant of its eligibility to participate in the pilot programme within fifteen (15) working days of receiving a complete application. Thereafter, the Central Bank shall engage the participants on the following:

La Banque Centrale informe le demandeur de son admissibilité à participer au programme pilote dans les quinze (15) jours ouvrables suivant la réception d'une demande complète. Par la suite, la Banque Centrale engage les participants sur les points suivants:

1° imiterere y'igerageza nk'ibyo igerageza rireba n'igihe rimara, uburyo busabwa mu koroherezwa mu igerageza rikorwa n'inshuro zo gutanga raporo;

1° testing parameters such as the scope and duration of the test, regulatory flexibilities requested and frequency of reporting;

1° les paramètres d'essai tels que la portée et la durée du test, les flexibilités de régulation requises et la fréquence des rapports;

2° ingamba zihariye zo kumenya ko igerageza ryagenze neza cyangwa nabi igihe cy'igerageza kirangiye;

2° specific measures to determine the success or failure of the test at the end of the testing period;

2° des mesures spécifiques pour déterminer le succès ou l'échec du test à la fin de la période d'essai;

Official Gazette n° 51 of 17/12/2018

3° ingamba yo gusohoka muri ubwo buryo mu gihe igerageza ritagenze neza cyangwa ryahagaritswe;

4° gahunda y'inziyacyuho yo gukwirakwiza ubwo buryo, serivisi cyangwa igisubizo mu rwego rw'ubucuruzi igihe igerageza ryageze neza.

3° an exit strategy should the test fail or be discontinued;

4° a transition plan for the deployment of the product, service or solution on a commercial scale upon successful testing.

3° une stratégie de sortie si le test échoue ou est interrompu;

4° un plan de transition pour le déploiement du produit, du service ou de la solution à une échelle commerciale lors de tests réussis.

Ingingo ya 27: Raporo zishyikirizwa Banki Nkuru

Ikigo cyagize uruhare mu igerageza kigomba gushyikiriza Banki Nkuru raporo z'agateganyo ku ntambwe igerageza rimaze gutera.

Raporo ivugwa mu kiga kubanziriza iki igomba kuba ikubiyemo amakuru ku bikurikira:

1° ibipimo by'ingenzi by'imikorere, ibikorwa by'ingenzi byabayeho n'amakuru yerekeye ibarurishamibare;

2° ibibazo by'ingenzi byavutse nk'uko byagaragariye mu buriganya cyangwa raporo ku nzitizi mu mikorere zabayeho;

3° ingamba cyangwa ibyemezo byafashwe mu rwego rwo gukemura ibibazo by'ingenzi byabonetse.

Article 27: Reports to the Central Bank

The participant must submit interim reports to the Central Bank on the progress of the test.

The report mentioned in the preceding paragraph shall include information on the following:

1° key performance indicators, key milestones and statistical information;

2° key issues arising as observed from fraud or operational incident reports;

3° actions or steps taken to address the key issues.

Article 27: Rapports soumis à la Banque Centrale

Le participant doit soumettre des rapports intermédiaires à la Banque Centrale sur l'état d'avancement du test.

Le rapport mentionné à l'alinéa précédent doit comprendre des informations sur les points suivants:

1° les indicateurs clés de performance, principaux événements marquants et les informations statistiques;

2° les questions clés découlant de la fraude ou des rapports d'incidents opérationnels;

3° les actions ou mesures prises pour résoudre les problèmes clés.

Inshuro n'ibisobanuro birambuye byihariye bigomba gushyirwa muri raporo z'agateganyo bigomba kumvikanwaho hagati ya Banki Nkuru n'ikigo cyitabiriye igerageza, hitabwa ku gihe, imiterere ihambaye, ubwoko, ndetse n'ingano y'ibyteza ingorane zaterwa n'igerageza.

Ibigo byagize uruhare mu igerageza bigomba gutanga raporo ya nyuma ikubiyemo amakuru akurikira ku mushinga uhuza ibikorwa by'iryo gerageza mu gihe kitarenze iminsi 30 uhareye gihe igerageza ryarangiriye:

1° iby'ingenzi byavuye mu igerageza, ibipimo by'ingenzi by'imikorere bishingiye ku byemezo byumvikanyweho kugira ngo igerageza rigere ku ntego cyangwa rinanirane n'ibyavuye muri iryo gerageza;

2° inyandiko mvugo yuzuye ya raporo ku ngorane zose zagaragaye mu igerageza n'uburyo ibibazo by'abakiriya byakemuwe;

3° mu gihe igerageza ritageze ku ntego, kugaragaza amasomo yungukiwe muri iryo gerageza.

The frequency and specific details to be included in interim reports shall be agreed upon between the Central Bank and the participant, taking into account the duration, nature, complexity, scale of risks associated with the test.

The participants must submit a final report containing the following information to project piloting within 30 calendar days from the expiry of the testing period:

1° key outcomes, key performance indicators against agreed measures for the success or failure of the test and findings of the test;

2° a full account of all incident reports and resolution of customer complaints;

3° in the case of a failed test, lessons learnt from the test.

La fréquence et les détails spécifiques à inclure dans les rapports intérimaires doivent être convenus entre la Banque Centrale et le participant, en tenant compte de la durée, de la complexité, de la nature, de l'échelle des risques associés au test.

Les participants doivent soumettre un rapport final contenant les informations suivantes au pilotage du projet dans les 30 jours calendaires à compter de l'expiration de la période d'essai:

1° les principaux résultats, les indicateurs clés de performance par rapport aux mesures convenues pour le succès ou l'échec du test et les résultats du test;

2° un compte rendu complet de tous les rapports d'incident et de la résolution des plaintes des clients;

3° en cas de test non réussi, les leçons tirées du test.

Ingingo ya 28: Ikoreshwa ry'uburyo bwose mu igerageza

Igihe igerageza ryo ku ikubitiro rimara ntikigomba kurenza amezi 6 uherye itariki isuzuma ryatangiriye.

Kugira ngo igerageza ryongererwe igihe, ibigo bigira uruhare mu igerageza bishyikiriza ubusabe Banki Nkuru mu nyandiko mu gihe kitarenze iminsi mirongo itatu (30) ibanziriza igihe igerageza rizarangirira.

Inyandiko isaba igomba kugaragaza igihe cy'inyongera gisabwa no gusobanura neza impamvu hasabwa kongerwa igihe cy'igerageza.

Mu rwego rwo kugabanya ibishobora kurogoya serivisi ku isoko, muri rusange Banki Nkuru ntiyemera isabwa ry'iyongerwa ry'igihe rikozwe nyuma y'igihe igerageza rigomba kumara keretse iyo hari igisubizo cyatanze umusaruro ushimishije muri rusange kandi bikaba bishobora kugaragara ko igerageza ryongerewe igihe rikenewe mu rwego rwo gukemura ibibazo byihariye cyangwa ingorane zagaragajwe mu igerageza ribanza.

Iyo igerageza rishojwe, Banki Nkuru ifata icyemezo cyo gushyira cyangwa kudashyira serivisi cyangwa igisubizo bishya ku isoko ku buryo bwagutse.

Article 28: Exhaustion of testing

The initial testing period shall not exceed 6 months from the start date of the sandbox.

To extend the testing period, a written application must be submitted by the participants to the Central Bank not later than thirty (30) calendar days before the expiry of the testing period.

The application shall state the additional time required and clearly explain reasons for requiring the extension.

To minimise market distortion, the Central Bank shall not generally approve a protracted extension of the testing period unless the solution has tested positively in general and it can be demonstrated that the extended testing is necessary to respond to specific issues or risks identified during initial testing.

Upon the completion of the testing, the Central Bank decides whether to allow the product, service or solution to be introduced in the market on a wider scale.

Article 28: Epuisement des tests

La période d'essai initiale ne doit pas dépasser 6 mois à compter de la date de début de la sandbox.

Pour prolonger la période d'essai, une demande écrite doit être soumise par les participants à la Banque Centrale au plus tard trente (30) jours calendaires avant l'expiration de la période d'essai.

La demande doit indiquer le temps supplémentaire requis et expliquer clairement les raisons pour lesquelles la prolongation est requise.

Pour minimiser les distorsions du marché, la Banque Centrale n'approuve pas généralement une prolongation prolongée de la période d'essai à moins que la solution ait été testée positivement de manière générale et qu'il peut être démontré que les tests prolongés soient nécessaires pour répondre à des problèmes spécifiques ou à des risques identifiés lors des tests initiaux.

A l'issue des tests, la Banque Centrale décide d'autoriser ou pas la mise sur le marché du produit, du service ou de la solution sur une échelle plus élargie.

Iyo bibiherewe uruhushya, ibigo byagize uruhare mu igerageza byifuzwa gukora ibikorwa by'ubucuruza bikorerwa igenzuramikorere, bikorerwa isuzumwa hitawe ku byakurikijwe kugira ngo byemererwe gukora.

Banki Nkuru ishobora kubuza ikwirakwizwa rya serivisi cyangwa igisubizo ku isoko nyuma y'isozwa ry'igerageza kubera impamvu zikurikira:

- 1° iyo igerageza ritageze ku ntego hashingiwe ku ngamba z'igerageza zumvikanyweho;
- 2° serivisi cyangwa igisubizo byagize ingaruka mbi, kuri rubanda cyangwa ku miterere igomba kuba ihamye idahindagurika y'urwego rw'imari, zitari zigambiriwe.

Ingingo ya 29: Ivanwaho ry'iyemererwa

Banki Nkuru ishobora kuvaniraho ikigo kwemererwa kugira uruhare mu isuzuma rya serivisi zacyo igihe icyo ari cyo cyose mbere y'uko igihe cy'igerageza kirangira iyo ikigo cyifuzwa kurigiramo uruhare:

- 1° gitanze amakuru y'ikinyoma, ayobya cyangwa atari ukuri, cyangwa cyahishe cyangwa cyananiwe guhishura impamvu zifatika mu nyandiko ibisaba;

Where allowed, participating entities intending to carry out regulated businesses are assessed based on applicable licensing criteria, as the case may be.

The Central Bank may also prohibit distribution of the product, service or solution in the market upon the completion of the testing due to the following reasons:

- 1° in the event of an unsuccessful testing based on agreed test measures;
- 2° the product, service or solution has unintended negative consequences to the public and/or financial stability.

Article 29: Revocation of the approval

The Central Bank may revoke an approval to participate in the sandbox at any time before the end of the testing period if the participant:

- 1° submits false, misleading or inaccurate information, or has concealed or failed to disclose material facts in the application;

Lorsque cela est autorisé, les entités participantes ayant l'intention de mener des activités réglementées sont évaluées en fonction des critères d'agrément applicables, selon le cas.

La Banque Centrale peut également interdire la distribution de produit, de service ou de la solution sur le marché suivant la fin de l'essai pour les raisons suivantes:

- 1° en cas d'échec du test basé sur des mesures d'essai convenues;
- 2° le produit, le service ou la solution a des conséquences négatives imprévues sur la stabilité publique et/ou financière.

Article 29: Révocation de l'agrément

La Banque Centrale peut révoquer l'autorisation de participer au sandbox à tout moment avant la fin de la période d'essai si le participant:

- 1° soumet des informations fausses, trompeuses ou inexacts, ou a dissimulé ou omis de divulguer des faits importants dans la demande;

Official Gazette n° 51 of 17/12/2018

- | | | |
|---|--|--|
| 2° kinyuranyije n'itegeko iryo ariryo ryose rikurikizwa Banki Nkuru igenderaho cyangwa irindi tegeko iryo ariryo ryose ryubahirizwa mu gihugu cyangwa mu mahanga ku buryo byabangamira ubunyangamugayo bw'ikigo gitanga iyo serivisi ndetse n'imikorere gisanzwe kizwiho mu Rwanda; | 2° contravenes any applicable law administered by the Central Bank or any applicable law in the country or abroad which may affect the provider's integrity and reputation in Rwanda; | 2° enfreint toute loi applicable administrée par la Banque Centrale ou toute loi applicable dans le pays ou à l'étranger pouvant affecter l'intégrité et la réputation du prestataires au Rwanda; |
| 3° kiri cyangwa cyamaze kwinjira mu nzira yo guseswa; | 3° is undergoing or has gone into liquidation; | 3° est en train de subir ou est entré en liquidation; |
| 4° kinyuranyije n'ibisabwa byerekeye umutekano w'amakuru no kugira ibanga; | 4° breaches data security and confidential requirements; | 4° viole la sécurité des données et les exigences confidentielles; |
| 5° gikora imirimo mu buryo bubangamiye abakiriya cyangwa rubanda muri rusange; | 5° carries on business in a manner detrimental to customers or the public at large; | 5° exerce ses activités d'une manière préjudiciable aux clients ou au grand public; |
| 6° kinaniwe gukosora neza inenge izo arizo zose za tekini, ibyaho cyangwa ibyabangamira izo serivisi cyangwa igisubizo bigatuma habaho kirogoya zikunda kugaragara muri serivisi cyangwa ibibazo by'uburiganya bugenda bugaragara; cyangwa; | 6° fails to effectively address any technical defects, flaws or vulnerabilities in the product, service or solution which gives rise to recurring service disruptions or fraud incidents; or | 6° ne parvient pas à résoudre efficacement les défauts techniques, les imperfections ou les vulnérabilités du produit, deservice ou de la solution qui entraînent des interruptions de service ou des incidents de fraude récurrents; ou |
| 7° kinaniwe kwita ku bibazo by'abakiriya no kubikemura neza. | 7° fails to effectively address and resolve customer complaints. | 7° ne parvient pas à traiter et à résoudre efficacement les plaintes des clients. |

UMUTWE WA VI: KUGENZURA IBIGO BYA NDFI

Ingingo ya 30: Amabwiriza yo kudateshuka ku nshingano z'ubushishozi

Banki Nkuru ishyiraho amabwiriza n'imirongo ngenderwaho mu kudateshuka ku nshingano z'ubushishozi mu igenzura ry'imikorere y'ibigo bya NDFI kugira ngo bikurikize ibipimo ngenderwaho bisabwa.

Amabwiriza yo kudateshuka ku nshingano z'ubushishozi agomba gutegurwa hitawe ku bikorwa bya NDFI.

Ingingo ya 31: Isuzuma rikorerwa ku nyandiko n'irikorera ahakorera

Banki Nkuru igenzura imirimo ikorwa na NDFI mu isuzuma rikorerwa ku nyandiko n'irikorera ahakorera.

Isuzuma ry'aho NDFI zikorera imirimo yazo rikorwa na Banki Nkuru cyangwa intumwa igennye igihe icyo aricyo cyose, iyo ibonye ko iryo suzuma rikenewe, mu kumenya imirimo ikigo gikora.

Ikigo (NDFI) gifata ingamba zikwiriye Banki Nkuru ibona ko ari ngombwa kugira ngo gikosore igikorwa icyo aricyo cyose kitabonye cyangwa kitemewe n'amategeko

CHAPTER VI: SUPERVISION OF NDFIS

Article 30: Non-prudential rules

The Central Bank shall prescribe non-prudential rules and guidelines in regulating the operations of NDFI for maintaining required standards.

The non -prudential rules shall be designed taking into account the business of the NDFI.

Article 31: Off site and on-site examination

The Central Bank shall monitor the affairs of the NDFIs through both off-site and on-site examination.

An on-site examination of the affairs of the NDFIs shall be made by the Central Bank or its appointee whenever, in its sole judgement, such an examination is necessary in determining the affairs of the institution.

A NDFI shall take appropriate measures deemed necessary by the Central Bank to rectify any unsound or unlawful affair established as a result of an examination authorized by the Central Bank.

CHAPITRE VI: SUPERVISION DE NDFIS

Article 30: Règles non -prudentielles

La Banque Centrale prescrit des règles et des lignes directrices non-prudentielles pour réglementer les opérations des NDFI en vue de maintenir les normes requises.

Les règles non-prudentielles doivent être conçues en tenant compte des activités de la NDFI.

Article 31: Examen sur pièce et sur place

La Banque Centrale surveille les affaires des NDFIs en procédant à des examens sur pièce et sur place.

Un examen sur place des activités commerciales des NDFIs doit être effectué par la Banque Centrale ou son représentant chaque fois que, à sa seule appréciation, un tel examen est nécessaire pour déterminer les affaires de l'institution.

Une NDFI prend les mesures appropriées jugées nécessaires par la Banque Centrale pour rectifier toute affaire non fondée ou illicite établie à la suite d'un examen autorisé par la Banque Centrale.

cyagaragaye nyuma y'isuzuma ryatangiwe uruhushya na Banki Nkuru.

Icyemezo cyahawe NDFI gishobora guhagarikwa cyangwa kumanwaho na Banki Nkuru iyo igikorwa icyo aricyo cyose kitaboneye cyangwa kitemewe n'amategeko kitakosowe bihagije nyuma y'irangira ry'igihe ntarengwa NDFI yahawe na Banki Nkuru kugira ngo ibe yikosoye.

Isuzuma riba rikubiyemo ariko ntrigarukira gusa ku bugenzuzi, isuzuma n'igenzura ry'imari, kugenzura ibitabo, nyandiko n'amadosiye bya NDFI bifitanye isano n'ubucuruzi ikora cyangwa imirimo yerekeye imari yayo. Rikubiyemo kandi gufotora ibitabo, inyandiko n'amadosiye cyangwa ibice byabyo hamwe no kubifatira ndetse no kubibika gufatira aho birindirwa na Banki Nkuru cyangwa intumwa yishyiriyeho nyuma yo gutanga gihamba ko yabyakiriye. Isuzuma rikubiyemo kandi guhata ibibazo abagize inama y'ubutegetsi n'abakozi bakuru b'ikigo.

Ingingo ya 32: Raporo y'Ubugenzuzi

Ibivuye mu bugenzuzi bwakozwe na Banki Nkuru bigomba kumenyeshwa Inama y'Ubutegetsi ya NDFI. Ivyavuye muri ubwo bugenzuzi bishobora kandi kohererezwa abagenzuzi baturutse hanze y'ikigo.

The licence of the NDFI may be suspended or revoked by the Central Bank if, in its judgement, the unsound or the unlawful affair is not fully rectified after the expiration of the period allowed to the NDFI by the Central Bank to do so.

An examination includes but not limited to verification, review, and audit, inspection of the books, files and records of a NDFI in connection with its business or financial affairs. It also includes reproduction of the books, files and records or parts thereof as well as taking possession and keeping them under the custody of the Central Bank or its appointee after issuing proper receipt thereon. In addition, it includes interviewing the Directors and senior officials of the institution.

Article 32: Report of inspection

The results of inspections conducted by the Central Bank shall be reported to the Board of Directors of the NDFIs. Such results may also be forwarded to external auditors.

L'agrément de la NDFI peut être suspendue ou révoquée par la Banque Centrale si, à son avis, l'affaire non fondée ou illicite n'est pas complètement rectifiée après l'expiration du délai imparti à la NDFI par la Banque Centrale.

Un examen comprend, sans toutefois s'y limiter, la vérification, l'examen et l'audit, l'inspection des livres, des fichiers et des dossiers d'une NDFI dans le cadre de ses activités commerciales ou financières. Il inclut également la reproduction des livres, des fichiers et des dossiers ou des parties de ceux-ci, ainsi que leur prise de possession et leur conservation sous la garde de la Banque Centrale ou de son mandataire après en avoir accusé réception approprié. En outre, il comprend des entretiens avec les administrateurs et les cadres dirigeants de l'institution.

Article 32: Rapport d'inspection

Les résultats des inspections effectuées par la Banque Centrale doivent être communiqués au Conseil d'administration de la NDFI. Ces résultats peuvent également être transmis à des auditeurs externes.

Ikigo (NDFI) cyakorewe ubwo bugenzuzi kigomba gushyikiriza Banki Nkuru gahunda y'ibikorwa yo gushyira mu bikorwa imyanzuro yose yumvikanyweho kandi yunguranweho ibitekerezo hagati y'intumwa zihagarariye Banki Nkuru na NDFI ikubiye muri icyo raporo. Gahunda y'ibikorwa igaragaraza igihe ntarengwa buri mwanzuro ugomba kuba washyizwe mu bikorwa.

Kudashyira mu bikorwa imyanzuro yatanze na Banki Nkuru bishobora gutuma Banki Nkuru ifata ibyemezo bigamije gukosora inenge zagagaraye cyangwa gufatira ibihano NDFI bireba hakurikijwe ibiteganyijwe muri aya mabwiriza.

UMUTWE WA VII: INGINGO ZINYURANYE N'IZISOZA

Ingingo ya 33: Raporo zishyikirizwa Banki Nkuru

Buri kigo (NDFI) gisabwa gushyikiriza Banki Nkuru, mu byiciro no mu miterere yagenwe, imenyekanisha, ibarurishamibare n'andi makuru Banki Nkuru ishobora kugena igihe icyo aricyo cyose.

Haseguriwe ibisabwa muri rusange byasobanuwe mu gika kibanziriza iki, ikigo (NDFI) kigomba gutanga raporo zikurikira mu minsi icumi (10) ibarwa uherye igihe igihembwe cyarangirye:

An inspected NDFI shall submit to the Central Bank an action plan for implementing all recommendations agreed and discussed between the representatives of the Central Bank and the NDFI set out in the report. The action plan shall indicate the deadline within which each recommendation shall be implemented.

Failure to implement the Central Bank recommendations may lead the Central Bank to take a remedial action or sanction against the concerned NDFI in accordance with the provisions of this regulation.

CHAPTER VII: MISCELLANEOUS AND FINAL PROVISIONS

Article 33: Reporting to the Central Bank

Every NDFI shall be required to submit to the Central Bank at such intervals and in such form, returns, documents, statistics and such other information as the Central Bank may specify from time to time.

Notwithstanding the general requirements stated in the preceding paragraph, a NDFI shall provide the following reports 10 days following the end of the quarter:

Une NDFI ainsi inspectée doit soumettre à la Banque Centrale un plan d'action pour la mise en œuvre de toutes les recommandations convenues et discutées entre les représentants de la Banque Centrale et la NDFI figurant dans le rapport. Le plan d'action indique le délai dans lequel chaque recommandation doit être mise en œuvre.

La non-exécution des recommandations de la Banque Centrale peut mener la Banque Centrale à prendre des mesures correctives ou à sanctionner la NDFI concernée conformément aux dispositions du présent règlement.

CHAPITRE VII: DISPOSITIONS DIVERSES ET FINALES

Article 33: Rapports soumis à la Banque Centrale

Chaque NDFI est tenue de soumettre à la Banque Centrale, à des intervalles et sous la forme que la Banque Centrale peut spécifier de temps à autre, des déclarations, des documents, des statistiques et toute autre information.

Nonobstant les exigences générales énoncées à l'alinéa précédent du présent article, une NDFI doit fournir les rapports suivants dans les dix (10) jours qui suivent la fin du trimestre:

Official Gazette n° 51 of 17/12/2018

1° inyandiko ya buri gihembwe igaragaza ibipimo by'inguzanyo ikigo cyatanze hakurikijwe Umugereka wa 5 (iyo nta bikorwa byo kuguriza byabayeho, imbonerahamwe yoherezwa ntacyujweho(zero);	1° a quarterly statement showing its lending rates according to Appendix 5 (in case of no lending activities the template shall be forwarded Null);	1° un relevé trimestriel indiquant ses taux de prêt conformément à l'Annexe 5 (en cas d'activités de non-prêt, le modèle doit être transmis à l'état vide) ;
2° inyandiko ya buri gihembwe y'inguzanyo na avansi ikigo cyatanze hakurikijwe Umugereka wa 6 (iyo nta nguzanyo cyangwa avansi byatanze, imbonerahamwe yoherezwa ntacyujweho (zero);	2° a quarterly statement of its loans and advances according to Appendix 6 (in case of no loan and advances activities the template shall be forwarded Null);	2° un relevé trimestriel de ses prêts et de ses avances conformément à l'Annexe 6 (en cas d'activités de non-prêt et d'avances, le modèle doit être transmis à l'état vide) ;
3° raporo ya buri gihembwe yerekeye uburiganya n'inyandiko mpimbano byagize ingaruka ku kigo n'irindi kosa ryose ryabaye mu gukurikiza inshingano z'abatanga inguzanyo cyangwa abashoramari; iyo nta buriganya/nta mpapuro mpimbano cyangwa amakosa byabayeho muri icyo gihembwe, imenyekanisha ryoherezwa imbonerahamwe ntacyujweho(zero);	3° a quarterly report on frauds and forgeries affecting the institution and any default in meeting any obligation to lenders or investors; where no frauds/forgeries and defaults occurred during the quarter, a Null return shall be forwarded;	3° un rapport trimestriel sur les fraudes et les falsifications affectant l'institution et tout manquement à une obligation quelconque envers les prêteurs ou les investisseurs; en cas d'absence de fraudes/falsifications et de défaillances au cours du trimestre, un nul rapportest transmis ;
4° raporo y'igihembwe ku giteranyo cy'ishoramari ryose.	4° quarterly report on the total portfolio.	4° rapport trimestriel sur le total de portefeuille.
Inyandiko ngarukamwaka y'ibaruramari igenzuwe igomba gutangwa mu mezi atatu akurikira umwaka uranguye.	A yearly audited financial statement shall be submitted 3 months following the end of year.	Une copie annuelle des états financiers audités doivent être fournie dans les trois (3) mois après la fin de l'année.
Ibivugwa muri iyi ngingo ntibibuzwa Banki Nkuru gusaba NDFI gushyira muri raporo	The provisions of this Article do not restrict the Central Bank to require a NDFI to reports	Les dispositions du présent article n'empêchent pas la Banque Centrale d'exiger

amakuru ya ngombwa ikoresheje uburyo bw'ikoranabuhanga bwashyizweho na Banki Nkuru hashingiwe ku mabwiriza yerekeye ibisabwa mu gutanga raporo.

Ingingo ya 34: Kubahiriza amabwiriza yerekeye kurengera abaguzi mu rwego rw'imari

ibigo (NDFIs) bigomba kubahiriza amabwiriza yerekeye kurengera abaguzi mu rwego rw'imari, harimo ibyerekeye imenyekanisha ry'amakuru y'ingenzi.

Ingingo ya 35: Kwiwandikisha mu biro bishinzwe amakuru ku nguzanyo

Ikigo (NDFI) kigomba kwiwandikisha mu kigo gishinzwe amakuru ku nguzanyo kugira ngo ibigo bibashe gusesengura igipimo cy'imyenda y'abakiriya bacyo.

Ingingo ya 36: Ibihano

Banki Nkuru ishobora, ikoresheje amabwiriza, kugena ibihano bihabwa NDFI yarenze ku biteganyijwe muri aya Mabwiriza, amabwiriza ayashyira mu bikorwa n'ibindi byemezo byerekeye aya mabwiriza rusange.

Bitabangamiye ingingo ya 37 y'aya mabwiriza, umuntu wese ukora serivisi z'imari zitakira amafaranga ya rubanda ziteganyijwe muri aya

relevant information via the electronic system established by Central Bank and in accordance with Regulation on reporting requirements.

Article 34: Compliance with regulations on financial consumer protection

NDFIs shall comply with Regulations on financial consumer protection, notably the disclosures of Key Facts.

Article 35: Subscription to credit bureau

NDFI shall subscribe to credit bureau to assess the level of indebtedness of their clients.

Article 36: Sanctions

The Central Bank, may by a Directive, determines administrative sanctions to a NDFI that violates the provisions of this Regulation, its implementing Directives and decisions thereon.

Without prejudice to Article 37 of this regulation, any person that is conducting the non –deposit taking financial services

le NDFI de transmettre des informations exigées via le système électronique mis en place par la Banque Centrale en vertu de règlement relatif aux exigences des rapports.

Article 34: Respect de la réglementation sur la protection financière des consommateurs

Les NDFIs doivent se conformer aux règlements sur la protection des consommateurs des services financiers, notamment la déclaration des informations clés.

Article 35: Souscription au Bureau de Crédit

Une NDFI doit souscrire au Bureau de Crédit pour évaluer le niveau d'endettement de ses clients.

Article 36: Sanctions

La Banque Centrale peut, par voie de Directive, fixer des sanctions administratives à une NDFI qui enfreint les dispositions du présent règlement, ses Directives d'application et les décisions y relatives.

Sans préjudice de l'article 37 du présent règlement, toute personne effectuant les services financiers ne recevant pas de dépôts

Official Gazette n° 51 of 17/12/2018

mabwiriza atarabihereye icyemezo na Banki Nkuru ahanishwa kwishyura FRW 5.000.000 nk'ibihano by'amafaranga. Igihano cy'amafaranga cyiyongera ku ifungwa ry'ikigo cy'ubucuruzi.

Ingingo ya 37: Igihe cy'inzibacyuho ku bigo (NDFIs) bisanzwe bikora nta cyemezo

Ikigo (NDFI) cyari kiriho mbere y'uko aya mabwiriza atangira gukurikizwa kigomba gusaba icyemezo mu gihe kitarenze amezi atandatu (6) uhereye itariki aya mabwiriza atangiriye gukurikizwa. Iyi ngingo kandi ireba ibigo (NDFIs) bidafite icyemezo cya Banki Nkuru kibyemerera gukora.

Ingingo ya 38: Ivanwaho ry'ingingo zinyuranyije n'aya mabwiriza

Ingingo zose z'amabwiriza abanziriza aya kandi zinyuranyije nayo zivanyweho.

Ingingo ya 39: Igihe aya mabwiriza rusange atangira gukurikizwa

Aya mabwiriza rusange atangira gukurikizwa ku munsu atangarijweho mu Igazeti ya Leta ya Repubulika y'u Rwanda.

Bikorewe i Kigali, ku wa 12/12/2018

(sé)
RWANGOMBWA John
Guverineri

provided for in this regulation without being licensed by the Central Bank shall be liable for the payment of FRW 5,000,000 as pecuniary sanctions. The pecuniary sanction is in addition to the closure of the business.

Article 37: Transition period for existing NDFIs without license

A NDFI that was in existence before this regulation came into force must apply for a license within six (6) months from the date this regulation comes into force. This article applies also to NDFIs that have non-objection from the Central Bank.

Article 38: Repealing provisions

All prior regulatory provisions inconsistent with this Regulation are hereby repealed.

Article 39: Commencement

This regulation shall come into force on the date of its publication in the Official Gazette of the Republic of Rwanda.

Done at Kigali, on 12/12/2018

(sé)
RWANGOMBWA John
Governor

prévus par le présent règlement sans avoir été agréé par la Banque Centrale est tenue de verser 5.000.000 FRW à titre de sanctions pécuniaires. La sanction pécuniaire s'ajoute à la fermeture de l'entreprise.

Article 37: Période de transition pour les NDFI existantes sans agrément

Une NDFI qui existait avant l'entrée en vigueur du présent règlement doit demander un agrément dans les six (6) mois suivant la date d'entrée en vigueur du présent règlement. Le présent article s'applique également aux NDFI qui bénéficient de la non-objection de la part de la Banque Centrale.

Article 38: Disposition abrogatoire

Toutes les dispositions réglementaires antérieures contraires au présent règlement sont abrogées.

Article 39: Entrée en vigueur

Le présent règlement entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.

Fait à Kigali, le 12/12/2018

(sé)
RWANGOMBWA John
Gouverneur

APPENDIX 1

Application for a NDFI License

To be filled out after company registration

(1) Name of Applicant:.....

(2) Address:.....

(3) Registration Certificate Number Date of Issue

(4) Purpose of Business:.....

(5) Location of Proposed NDFI:.....

(6) Names, addresses and occupations of main shareholders

(7) Capital :.....

(8) Sources of funds: (please use a X to indicate your main sources of funds)

☐ Private funds

☐ Bank funds

☐ Public institution

☐ Foundations or International Organisations

☐ Other (please provide details)

(9) Signature & stamp:.....

(10) Name:.....

(11) Designation:.....

(12) Date:.....

(13) Attach (one) certified copies of Registration/Incorporation Certificate and the registered Memorandum and Articles of Association.

(14) Attach (one) copy of the NDFI's business plan and financial projections for the next 3/5 years.

I know and understand the contents and consequences thereon of this declaration and that I am making it under oath.

Sworn at, thisday of

Signature of deponent

The Deponent understands the contents of this affidavit.

Before me,

THE NOTARY

APPENDIX 2: INFORMATION SHEET

QUESTIONNAIRE (FOR APPLICANT AND HOLDER OF 5% OF SHARES IF CORPORATE)

1. Name:

.....
.....

2. Former name(s)(if any) by which the applicant has been known:

.....
.....

3. Any name the applicant proposes to use for purposes of or in connection with any business carried on by it, including any name the applicant is or will be obliged to disclose in connection with any business carried on by it by virtue of the company law

.....
.....

4. Principal NDFIs Activities.

.....
.....

5. Head/main office:

.....
.....

(a) Address:

.....
.....

(b) Telephone No:

.....
.....

(c) Telefax No:

.....
.....

6. Branches:

Address:

Date approved and date opened

.....

Subsidiaries & Affiliates:

Name and type of Business	Amount of shares	% of shares held held to total
.....		
.....		

7. Management:

(1) Board of Directors;

Name:	Designation	Present term	No. of years as board member
.....			

Board Committees

Name and purpose of committee(s):	Name of members:
.....	
.....	

(2) Senior managers:

Name:	Position:	No. of years as officer
.....		
.....		

8. Ownership Profile:

Name	Country of citizenship	Residence	Paid up capital	%
1.				
2.				
3.				

other shareholders owing less than 5% (Number.....)

TOTAL

9. Organisation Profile:

(1) Organisation chart— attach one indicating major departments or divisions with names, positions and titles of senior managers heading each department or division.

(2) Functions— attach a list of functions or responsibilities for each Department or division listed in the organisation chart indicating the number of personnel or staff for each.

(3) Qualifications of significant shareholders, directors and senior managers.

(4) Powers and purposes—attach the latest copies of the Memorandum and Articles of Association if not previously submitted to the Central Bank.

10. Shareholding in any other Financial Institution:

Name of financial Institution	shares owned amount number	% of capital
.....		
.....		
.....		

11. Name(s) and address(es) of the applicant's bankers within the last ten years. (Please also indicate the applicant's principal bankers).....

12. Name and address of the applicant's external auditors. Please give particulars of any body you may have given authority to carry on any business activity in Rwanda or elsewhere. If any, give particulars. If any such authority has been revoked, give particulars, including the name and professional qualification of the partner's who will be responsible for the assignment

13. Does the applicant hold, or has it ever held, any authority from a supervisory body to carry on any business activity in Rwanda or elsewhere? If so, give particulars. If any such authority has been revoked, give particulars.....

14. Has the applicant ever applied for any licence from a supervisory body to carry on any business in Rwanda or elsewhere other than the authority mentioned in answer to Question 13 ? If so, give particulars. If any such application was for any reason refused or withdrawn after it was made, give particulars.....

15. Has the applicant or any company in the same group within the last ten years failed to satisfy a judgement debt under a court in Rwanda or elsewhere within a year of the making of the Order? If so, give particulars.....

16. Has the applicant or any company in the same group made any compromise or arrangement with its creditors within the last ten years or otherwise failed to satisfy its creditors in full? If so, give particulars

17. Has a receiver or an administrative receiver of any property of the applicant or any company in the same group been appointed in Rwanda, or has a substantial equivalent of any such person been appointed in any other jurisdiction, in the last ten years? If so, give particulars, including whether the receiver is still acting under the appointment.....

18. Has a petition been served in Rwanda for an administrative order in relation to the applicant or company in the same group, or has the substantial equivalent of such a petition been served in any other jurisdiction, in the last ten years? If so, give particulars.....

19. Has a notice of resolution for the voluntary liquidation of the applicant or any company in the same group been given in Rwanda, or has the substantial equivalent of such a petition been served in any other jurisdiction, in the last ten years? If so, give particulars.....

20. Has a petition been served in Rwanda for the compulsory liquidation of the applicant institution or any company in the same group, or has the substantial equivalent of such a petition been served in any other jurisdiction, in the last ten years? If so, give Particulars.....

21. State whether the applicant company has ever been under any criminal investigation, prosecution disciplinary action(s), public criticism or trade sanctions in connection with banking and financial services in Rwanda or elsewhere.....

22. Are there any material matters in dispute between the applicant institution and the Rwanda Revenue Authority or any equivalent taxation authority in any other jurisdiction? If so, give particulars.....

23. Is the applicant or any company in the same group engaged, or does it expect to be engaged, in Rwanda or elsewhere in any litigation which may have a material effect on the resources of the institution? If so, give particulars.....

24. Is the applicant company engaged, or does it expect to be engaged, in any business relationship with any of its (prospective) directors, officers or managers? If so, give particulars.....

25. Is the business of the applicant's directors, officers or managers or of companies in the same group guaranteed or otherwise underwritten or secured, or expected to be guaranteed or underwritten or secured, by the applicant company? If so, give particulars.....

26. Please provide any other information which may assist the Central Bank in reaching a decision on the application.....

DECLARATION

We, certify that all the information contained in and accompanying this form is complete and accurate to the best of our knowledge, information and belief and that there are no other facts relevant to this application of which the Central Bank should be aware.

We undertake to inform the Central Bank of any material changes to the application which arises while the Central Bank is considering the application. We recognise the institution's obligation to provide the Central Bank with any information in its possession relevant to the exercise by the Central Bank of its functions under the law governing banking activity, in relation to the institution. Consistent with this obligation, we undertake that, in the event that the institution is granted a licence under the law governing banking activity, we will notify the Central Bank of any material changes to, or affecting the completeness or accuracy of, the answers to the questions above as soon as possible, but in any event no later than twenty one days from the day that the changes come to our attention.

Sworn at Kigali thisday of

1.

Name Position held

Signed Date

2.

Name Position held

.....
Signed Date

The Deponent understands the contents of this affidavit.

Before me.....

THE NOTARY

N:B:

1. All sections of this form must be filled.
2. If any space provided is inadequate, the required information or data needed may be supplied as an attachment.
3. All attachments should be labelled using the relevant section requiring the attachment

APPENDIX 3: PERSONAL DECLARATION FORM

[For individuals who are, or are proposing to become directors, senior managers, significant shareholders of a NDFI and indirect owners of at least 10% of the NDFI]

Name and capacity of person making this declaration:

1. Name of institution in connection with which this form is being filled (—the institution!)

.....
.....

2. Full names:.....

3. Former surname(s) and /or forenames by which you may have been known:

.....
.....

4. Please state the capacity under which you are completing this form, i.e. as a current or prospective direct or indirect significant shareholder, director, senior manager or any combination of these.

Please state your full title and describe the particular duties and responsibilities attaching to the position(s) which you hold or will hold. If you are completing this form in the capacity of director, indicate whether, in your position as director, you have or will have executive responsibility for the management of the institution's business.

.....
.....
.....

5. Your date and place of birth:

.....
.....

6. (1) Citizen of:..... (2) Resident of:.....

(Country) (Country)

since: since:.....

(Year) (Year)

7. Addresses:

(1) Present business address

(Rwanda since.....)

(Outside Rwanda since.....)

.....
.....

(2) Present residential address:

(Rwanda since.....)

(Outside Rwanda since.....)

(3) Last two addresses in Rwanda, if any, during the past ten (10) years:

(since.....) (since.....)

.....
.....

8. Professional & academic qualifications:

Particulars Year obtained

.....
.....
.....

(1) Highest academic qualification

.....
.....
.....

(2) Special awards or honours(if any)

.....
.....

(3) Training courses and seminars

.....
.....

(4) Membership in professional organizations

.....
.....

9. Occupation or employment (present or most recent and for the past ten years)

Inclusive date

(month & year)

Name & business of employer Positions held From Year

.....
.....

10. Names and address(es) of your bankers within the last 10 years

.....
.....
.....

11. Bodies corporate (other than the institution) where you are now a director, officer, shareholder, or manager? Give relevant dates.....

.....
.....

12. Bodies corporate other than the institution and those listed above where you have been a director, shareholder, controller or manager at any time during the last ten years. Give relevant dates

.....
.....

13. Have you, in Rwanda or elsewhere, been dismissed from any office or employment, or subjected to disciplinary proceedings by your employer or barred from entry to any profession or occupation? If so, give particulars:.....

.....
.....

14. Past and present business affiliations (direct and indirect):

Nature of business Nature of affiliation i.e director, senior manager, shareholder with ..% holdings specified... Inclusive date (month and year to

15. Do any of the above business affiliations maintain a business relationship with the institution? If so, give particulars.....

.....

16. Do you hold or have you ever held or applied for a licence or equivalent authorisation to carry on any business activity in Rwanda or any other country? If any such application was refused or withdrawn after it was made or any authorisation was revoked, give particulars:

.....
.....
.....

17. State whether the institution with which you are, or have been, associated as a director, officer, shareholder or manager holds, or has ever held or applied for a licence or equivalent authorisation to carry on any business activity? If so, give particulars. If any such application was refused, or was withdrawn after it was made or any licence revoked, give particulars

.....
.....

18. State whether any of your past or current employer(s) or institution in which you were affiliated as shareholder, director, officer, etc has ever been under criminal investigation, placed under receivership or insolvent liquidation by any regulatory body or court of law

.....
.....

19. Family group:

Name:

(1) Spouse:

.....

(If you have any business relationship, please indicate (company, partnership,.....)

(2) Children:

.....
.....

If you have any business relationship, please indicate (company, partnership...)

(3) Parents:

If you have any business relationship, please indicate (company, partnership...)

(4) Brothers and sisters:

.....
.....
.....

If you have any business relationship, please indicate (company, partnership...)

20. Have you failed to satisfy any debt adjudged due and payable by you as a judgment debtor under an order of a court in Rwanda or elsewhere, or made any compromise arrangement with your creditors within the last ten years? If so, give particulars

.....
.....
.....

21. Have you been adjudicated bankrupt by a court in Rwanda or elsewhere, or has a bankruptcy petition ever been served on you? If so, give particulars.....

.....
.....

22. Have you, in connection with the formation or management of any body corporate, partnership or unincorporated institution, been adjudged by a court in Rwanda or elsewhere, civilly liable for any fraud, misfeasance or other misconduct by you towards such body or company or towards members thereof? If so, give particulars

.....
.....
.....

23. Has any body corporate, partnership or unincorporated institution with which you are associated as a director, shareholder, controller or manager, in Rwanda or elsewhere, been wound up, made subject to an administrative order, otherwise made any compromise or arrangement with its creditors or ceased trading either while you were associated with it or within one year after you ceased to be associated with it or has anything analogous to any of these events occurred under the laws of any other jurisdiction? If so, give particulars.....

.....

24. Have you been concerned with the management or conduct of affairs of any institution which, by reason of any matter relating to a time when you were so concerned, has been censured, warned as to future conduct, disciplined or publicly criticized by, or made the subject of a court order at the instigation of any regulatory authority in Rwanda or elsewhere?

If so, give Particulars

.....
.....

25. In carrying out your duties will you be acting on the directions or instructions of any individual or institution? If so, give particulars.....

.....
.....

26. Do you, in your private capacity, or does any related party, undertake business with the institution? If so, give particulars.....

.....
.....
.....

27. How many shares in the institution are registered in your names or the names of a related party? If applicable, give name(s) in which registered and class of shares.....

.....
.....

28. In how many shares in the institution (not being registered in your names or that of a related party) are you or any party beneficially interested?

.....
.....
.....

29. Do you or does any related party, hold any shares in the institution as trustee or nominee? If so, give particulars

.....

30. Are any shares in the institution mentioned in answer to questions 27,28, and 29 above equitably or legally charged or pledged to any party? If so, give particulars.....

.....
.....

31. What proportion of the voting power, at any general meeting of the institution (or another body corporate of which it is a subsidiary) are you or any related party entitled to exercise or control the exercise of?

.....
.....

32. Personal record of court cases or any investigation by governmental, professional or any regulatory body (including pending and prospective cases or on-going investigations): Name of court or Full particulars Status investigative body

.....
.....
.....

33. Documentary requirements (to be attached to this individual information sheet)

- 1) a certified statement of assets and liabilities;
- 2) latest tax compliance certificate or certified true copy of income tax returns;
- 3) two letters of character references from individuals other than relatives who have personally known the undersigned for at least ten years; and
- 4) letters, duly certified from financial institutions with whom the undersigned has had dealings for the last five years on the performance of past and present accounts;
- 5) Detailed CV;
- 6) Certified true copies of degree certificates;
- 7) Recent Credit report from a licensed credit bureau;
- 8) Copy of ID/passport;
- 9) A recent police clearance/criminal certificate.

34. If this questionnaire is submitted in connection with an application for licensing, please provide any other information which may assist the Central Bank in reaching a decision on the application. In any other case, please provide any other information, which may assist the Central Bank in deciding whether the director, shareholder, controller or manager fulfils fit and proper criteria.

I know and understand the contents and consequences thereon of this declaration and that I am making it under oath.

Sworn at, thisday of

Signature of deponent

The Deponent understands the contents of this affidavit.

Before me,

THE NOTARY

APPENDIX 4:

Declaration of Significant Individual and institutional shareholder of the source of funds

I (*Individual significant shareholder or a representative of the institutional significant shareholder*),.....declare that capital invested in the proposed NDFI is not derived from illegal , criminal and suspicious activities.

I know and understand the contents and consequences thereon of this declaration and that I am making it under oath.

Sworn at, thisday of

Signature of deponent

The Deponent understands the contents of this affidavit.

Before me,

THE NOTARY

APPENDIX 5: LOANS AND ADVANCES

N/C	Client Name	ID/Company code	Address	Credit Number	Approval date	Approved Amount(in 000)	Interest rate	Maturity	Classification	
									Below 90 days	Above 90days

APPENDIX 6

Report on frauds and forgeries for NDFIs

To be filled out quarterly

- (1) NDFI's name:.....
 (2) Address:.....
 (3) License Number:
 (4) Frauds and forgeries affecting the institution

Type of Fraud	Victim/Name and ID	Perpetrator/Name and ID	Explanation
Computer fraud			
Theft of cash			
Suppression of entries			
Opening and operating fraudulent accounts and loans			
Robberies			
Fictitious NDFI's branches			
Management fraud (Top management provides misrepresentation, usually in financial information)			
Others			

- (5) Signature & stamp:.....
 (6) Name:.....
 (7) Designation:.....
 (8) Date:.....